

Planning Committee

Date: **4 March 2020**

Time: **2.00pm**

Venue **Council Chamber, Hove Town Hall**

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

Conservation Advisory Group Representative

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AGENDA

90 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.

91 MINUTES OF THE PREVIOUS MEETING

1 - 18

Minutes of the meeting held on 5 February 2020.

92 CHAIR'S COMMUNICATIONS

93 PUBLIC QUESTIONS

Written Questions: to receive any questions submitted by the due date of 12 noon on 27 February 2020.

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

95 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.

Call Over arrangements are in place and the Democratic Services Officer will refer to each application in turn. All Major applications and any minor applications on which there are speakers are automatically reserved for discussion.

MAJOR APPLICATIONS

- | | | |
|---|---|-----------------|
| A | BH2019/02948 - Sussex County Cricket Ground, Eaton Road, Hove BN3 3AN - Full Planning | 19 - 98 |
| B | BH2019/03548 - Sackville Trading Estate and Hove Goods Yard, Sackville Road, Hove BN3 7AN - Full Planning | 99 - 256 |

MINOR APPLICATIONS

- | | | |
|---|---|------------------|
| C | BH2019/02289 - 218 Dyke Road, Brighton BN1 5AA - Full Planning | 257 - 280 |
| D | BH2019/03339 - Land to Rear of 62-64 Preston Road, Brighton BN1 4QF - Full Planning | 281 - 298 |
| E | BH2019/02677 - Land to Rear of 19 & 21 Isfield Road, Brighton BN1 7FE - Full Planning | 299 - 316 |
| F | BH2019/03066 - Rear of 60 Wilbury Road, Hove BN3 3PA - Full Planning & Demolition in CA | 317 - 332 |
| G | BH2019/01214 - Garages at 2A Lowther Road Brighton BN1 6LF - Full Planning | 333 - 348 |
| H | BH2019/02864 - Nile House, Nile Street, Brighton BN1 1HW - Full Planning | 349 - 366 |

I	BH2019/02865 - Nile House, Nile Street, Brighton BN1 1HW - Listed Building Consent	367 - 380
J	BH2019/02380 - 69 New Church Road, Hove BN3 4BA - Full Planning	381 - 392
K	BH2019/03209 - 55 Centurion Road Brighton BN1 3LN - Full Planning	393 - 406
L	BH2019/03433 - 95 Heath Hill Avenue, Brighton BN2 4FH - Full Planning	407 - 422
M	BH2019/03529 - 77 Rushlake Road, Brighton BN1 9AG - Full Planning	423 - 434

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

INFORMATION ITEMS

**97 LIST OF NEW APPEALS LODGED WITH THE PLANNING
INSPECTORATE** **435 - 440**

(copy attached).

98 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

No new information to report.

99 APPEAL DECISIONS **441 - 444**

(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>

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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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BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 5 FEBRUARY 2020

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

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

Officers in attendance: Paul Vidler (Planning Manager), Liz Arnold (Principal Planning Officer), Russell Brown (Senior Planning Officer), Wayne Nee (Principal Planning Officer), Emily Stanbridge (Senior Planning Officer), David Farnham (Development and Transport Assessment Manager), Hilary Woodward (Senior Solicitor) and Shaun Hughes (Democratic Services).

PART ONE

80 PROCEDURAL BUSINESS

(a) Declarations of substitutes

80.1 There were none.

(b) Declarations of interests

80.2 Councillor Tracey Hill declared an interest in item A as they had been on the Housing & New Homes Committee when the site and the proposals were considered. Councillor Hill stated they were of an open mind and would remain in the meeting when the item was discussed. An interest in item H was declared as the Councillor had a view on the item and therefore could not claim to be of an open mind and would withdraw from the discussions and decision making if this item was called for the committee to decide.

Councillor Leo Littman declared an interest in item E as they had talked to the applicant. Councillor Littman stated they were of an open mind and would remain in the meeting when the item was discussed.

Councillor Bridget Fishleigh declared an interest in items E and F as they were a Ward Councillor, but that they retained an open mind.

Councillor Phelim Mac Cafferty declared an interest in item A as they had received a communication from the YMCA. Councillor Mac Cafferty stated they were of an open mind and would remain in the meeting when the item was discussed.

Councillor Sue Shanks declared an interest in item B as they had been in conversations with Hyde Housing which included the proposals. Councillor Shanks stated they were of an open mind and would remain at the meeting when the item was discussed.

Councillor Joe Miller stated that he had visited the YMCA site in Mitcham but had an open mind.

It was noted that all Members of the Planning Committee had received communications from YMCA regarding item A.

(C) Exclusion of the press and public

80.3 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.

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

(d) Use of Mobile Phones & Tablets

80.5 The Chair requested Members ensure that their mobile phones were switched off, and where Members were using tablets to access agenda papers electronically ensure that these were switched to 'silent mode'.

81 MINUTES OF THE PREVIOUS MEETING

81.1 **RESOLVED:** That the Chair be authorised to sign the minutes of the meeting held on 8 January 2020 as a correct record.

82 CHAIR'S COMMUNICATIONS

82.1 The Chair thanked the Planning Officers for the hard work involved in the viability assessment feasibility study consultations. The Members were reminded of the Committee Member training for the Community Infrastructure Levy (CIL).

83 PUBLIC QUESTIONS

83.1 There were none.

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

84.1 There were none.

85 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

1. The Democratic Services Officer read out Items 85 A to I. It was noted that all Major applications and any Minor applications on which there were speakers were automatically reserved for discussion.
2. It was noted that the following item(s) were not called for discussion and it was therefore deemed that the officer recommendation(s) were agreed including the proposed Conditions and Informatives and any additions / amendments set out in the Additional / Late Representations List:
 - **Item D: BH2019/01602** Kingsmere (Blocks E & F), London Road, Brighton - Removal or Variation of Condition
 - **Item H: BH2019/03232** 34 Park Road, Brighton - Full Planning
 - **Item I: BH2019/02771** Hove Central Library, 182-186 Church Road, Hove – Listed Building Consent

A BH2019/02143, Former Garage Site Eastergate Road, Brighton - Full Planning

1. It was noted that this application had formed the subject of a site visit prior to the meeting.
2. Wayne Nee (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 the loss of the existing use, the principle of a proposed residential use, the impact on the character and appearance of the existing building and the wider street scene, its impact on future occupiers and neighbouring amenity, sustainability and transport issues.

Speakers

3. James Deans spoke as a neighbour who objects to the application. It was noted that the speaker had worked in the United States with homeless people and had been homeless in the past. The need for accommodation was understood. Permanent accommodation would be better for the young people who are proposed to live on the site, not temporary. 30 under 25 year olds will not mix with the existing community. This application is not the best option for the site. Smaller groups would be better. These plans cram too many into too smaller space. It is felt that the community will blame any local issues, such as anti-social behaviour, on the young residents. 10/12 houses would have been a better use of the site.

Questions for Speaker

4. Councillor Nick Childs was informed that there were concerns about both concentration of numbers and amount of space per unit. The speaker did not consider the scheme to be cost effective. It was also noted that the young residents, some of whom may be traumatised will have no overnight support. A better start in life needs to be offered.
5. Charles Walker (Young Men's Christian Association (YMCA) Chief Executive) spoke in favour of the application. It was noted that YMCA has been a presence in Brighton since 1919 and this application was not about money. The YMCA are proud of the long shared history with Brighton and Hove City Council (BHCC). It was noted that the site is difficult and would mean an investment of £3m. Working with young people has worked well in the city and this proposal has been designed with the young people in mind. The site will be staffed 7 days a week and at night. Priority will be given to local people. The proposals are to be sustainable with a low impact on the environment.

Questions for Speaker

6. Councillor Daniel Yates was informed that staff will be on site day and night. Mobile staff are also available.
7. Councillor Joe Miller was informed that even though the units were small, they were bigger than those viewed in a successful scheme already running in Mitcham, South London.
8. Councillor Carol Theobald was informed that the units were for single people not couples.
9. Councillor Leo Littman was informed that the scheme would be open to both men and women.
10. Councillor Phelim Mac Cafferty was informed that the location was cost effective, outside the expensive city centre, with good transport links. The communal space, although not large, was the best that could be achieved.
11. Councillor Bridget Fishleigh was informed that the proposals would be a benefit to young people across the city. The private sector rental market is expensive and not willing to take young people on benefits. The YMCA has expertise in this area across the country.
12. Councillor Nick Childs was informed that the units were designed as single persons dwellings with own front door. It was noted that supported living arrangements often have less space. Young people consulted felt the proposed space was better than what they already had.
13. Councillor Sue Shanks was informed that those in supported accommodation would be first to be offered a space. Some residents would be care leavers with the scheme acting as a move on option.

Officer Clarification

14. It was noted that the report contained a future occupiers' typo, and this has been clarified in late list. The proposals were not just for men.

Questions for Officers

15. Councillor Joe Miller had visited the Mitcham site and was of an open mind regarding this application. It was noted that the accommodation was transitional and for 2 years only.
16. Councillor Daniel Yates was informed that a support worker would use the communal room for meetings with residents during office hours. It was noted that office space had not been a material consideration of the application by the case officer. The proposal was for transitional housing with support and not for mixed use. Employment standards were not considered.
17. Charles Walker also advised that the communal room would include an office space. Support officers could use this space during the day, along with night staff after office hours.
18. Councillor Tracey Hill was informed that the communal room was 42 square metres and considered appropriate.
19. Councillor Carol Theobald was informed that the scheme was 100% affordable housing and that the external cladding material will be agreed by condition. It was noted that the set-back top floor of the proposal would be the same height as the closest existing block of flats, which has higher ground levels than the application scheme.
20. Councillor Leo Littman was informed that the development included front doors for each unit, unlike a house in multiple occupancy (HMO). It was noted that the communal space is additional to the space in each flat and would be used by residents and staff.

Debate

21. Councillor Carol Theobald felt a lift would have been good for residents, along with car spaces for staff. The development was considered a good use of the site and was supported.
22. Councillor Joe Miller considered that the scheme would help to stop homelessness and should be supported.
23. Councillor Sue Shanks felt the standard of accommodation was better than for students and private rented and supported the scheme.

24. Councillor Daniel Yates considered the lack of amenities was a concern. The development would fully utilise the site and agreed the individual front doors were a good idea, as was the whole scheme. Councillor Yates felt that a management plan should be required by condition.
25. Councillor Phelim Mac Cafferty supported the application.
26. Councillor Nick Childs supported the scheme and noted the dire state of the homelessness in the city and supported the scheme. Councillor Childs supported the idea of a lift to assist residents and parking for staff. It was felt that YMCA should consider Health & Safety standards for staff working at the site.
27. Councillor Leo Littman expressed concerns relating to the use of the communal space and isolation issues for occupiers. Councillor Littman supported the scheme which he felt was much needed.

RESOLVED: The Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to be **MINDED TO GRANT** planning permission subject to a s106 agreement and the Conditions and Informatives as set out in the report, **SAVE THAT** should the s106 Planning Obligation not be completed on or before the 12 May 2020 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 11 of the report. The following were included in the planning permission:

Condition 13 - amend to read:

Notwithstanding the plans submitted, the development hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The details shall include:

- (a) How stores and other facilities will be accessed;
- (b) The types of stands to be provided;
- (c) How the stands and facilities will be laid out;
- (d) Doors to stores and security arrangements

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 SPD14: Parking Standards.

Additional Condition 21:

The use of the development hereby approved shall be for transitional housing only and each resident shall only reside at the property for a maximum of 2 years.

Reason: To ensure the development is not occupied as permanent residential accommodation, to safeguard the amenities of the residents of the development and to comply with policy QD27 of the Brighton & Hove Local Plan.

Additional Condition 22:

Prior to the first occupation of the development hereby approved a management plan for the provision of on-site staffing, including a night manager, shall be submitted to and approved in writing by the Local Planning Authority. The provisions of the management plan shall be implemented and retained thereafter.

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

B BH2018/02483, Land Adjacent 6 Falmer Avenue, Brighton - Removal or Variation of Condition

1. It was noted that this application had formed the subject of a site visit prior to the meeting.
2. Liz Arnold (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 proposals the subject of the variation of condition 2. These include the impact of the proposed amendments on the appearance and character of the development, the surrounding area and landscape, including the South Downs National Park, the standard of accommodation, the amenities of neighbouring occupiers, as well as matters relating to Transport and site gradients.

Speakers

3. Linda Whitby spoke in opposition to the application. It was considered that there was no justification to grant planning permission and a new application should be submitted. It was felt that the new positions of the proposed dwellings would be closer to neighbours and higher, in some cases resulting in overlooking. The scheme would benefit it is felt from wider footpaths. The proposed screening on the southern boundary was considered to be inadequate. The original development was refused on design grounds by the Planning Committee and allowed on appeal. If this application is allowed, the scheme will not be the same scheme determined at appeal. Any changes should not materially alter the plans.

Questions for Speaker

4. Councillor Bridget Fishleigh was informed that the applicant had now supplied amended drawings showing property no. 12 Falmer Avenue.
5. Councillor Joe Miller was informed that Permitted Development (PD) rights will be removed from the proposed dwellings by condition and residents in the properties will need to apply for Planning Permission for any alterations. The positions of the

dwellings will maintain the gaps between the dwellings, preserving the views between.

6. Ward Councillor Mary Mears noted that they had been interested in the site and its history and noted that there had been many issues around the development of the site. It was felt that given the issues the variation of conditions should require a new planning application. This application appears to go against the conditions imposed by Planning Inspector. It was noted that the access from Falmer Avenue would be steep. The entrance and exits to the site need to be addressed as currently there is not enough room for vehicles to turn. In conclusion a new application should be submitted.

Questions for Speaker – None.

7. Heather Butler of Rottingdean Parish Council spoke in objection to the variation of condition. The Parish Council are very concerned that the development will be visible from the South Downs, Saltdean and Rottingdean. There were concerns regarding wheelchair / non-stepped access and electric car points as it is considered that the pavements are not wide enough. As the road will be private it is a concern as to whom will manage the road. A management company would be preferred. Light pollution onto the National Park is also a concern.

Questions for speaker

8. Councillor Daniel Yates was informed that the number of conditions included the original conditions relating to the development allowed at appeal.
9. Paul Burgess for Hyde Housing spoke on the application and noted that the original proposals were refused on design grounds by the Planning Committee and granted on appeal. It was noted that in August 2018 there were changes to allow wheelchair access. The permission expires on 21 February 2020. The Committee were asked to look at the changes in the current application to be considered at this committee, not the whole scheme. The development will be a boost to housing supply, with affordable housing and private rented. Should the scheme not be commenced any financial contributions will be lost. The committee were asked to support the application.

Questions for Speaker

10. Councillor Sue Shanks was informed that the access to the National Park was via a path to the north side of the site and there was a bridleway to the west of the site.
11. Councillor Joe Miller was informed that the retaining walls originally proposed for the rear gardens to the south will now be replaced with banking.

Officer Clarification

12. The Committee were informed that the application was for minor material amendments on the approved scheme only. A number of conditions attached to

the original permission were appropriate for the new permission if the application was approved.

Questions for Officers

13. Councillor Phelim Mac Cafferty was informed that a new application for the changes proposed was not necessary and the application to vary conditions was acceptable.
14. Councillor Joe Miller was informed that the changes were considered minor and could be considered. If the changes had been major, a new application would have been needed.
15. Councillor Bridget Fishleigh was informed that the proposed dwellings would be 11.5 metres from the site boundary at the closest. It was noted that the conditions related to the original development and the application before the committee.
16. Councillor Joe Miller was informed that the decision made by the inspector cannot be changed and the committee should consider the application before them. The principle remains unchanged. The embankment heights were shown to the councillor on the drawings.
17. Councillor Tony Janio was informed that the heights of the proposed dwellings are to be reduced and would be lower than those allowed at appeal. It was noted that the demolition of the original house on the site was the subject of enforcement investigation. This was not considered to affect the application. If the developer did not comply with the conditions attached to the permission, then enforcement action could be taken if necessary.
18. Councillor Daniel Yates was informed that the slight increase of plots 16 and 17 was considered acceptable by the Planning officers.

Debate

19. Councillor Leo Littman noted the previous application had been turned down by committee on design and scale grounds, and this was overturned at appeal. Councillor Littman did not consider this application to be worse than that approved by the inspector and supported the application.
20. Councillor Carol Theobald felt the development should not be in the South Downs. The design was not good and was of a cramped appearance. Councillor Theobald felt the variation of condition made the issues worse.
21. Councillor Joe Miller did not feel the amendments were good and considered the application to have a negative effect on the South Downs and amenities of the existing neighbouring properties. Councillor Miller felt the application should be refused.

22. Councillor Bridget Fishleigh felt the variations applied for were not minor and were therefore major. The application should be refused, and the committee should await the Secretary of State's comments.
23. Councillor Daniel Yates felt it was difficult to let go of arguments from the original application and agreed that the principle of development had been established. Councillor Yates felt the changes were minor and supported the scheme.
24. Councillor Sue Shanks felt the development was a good use of the site, the variations were small and supported the scheme.
25. Councillor Tony Janio felt the committee should not refuse the application.
26. Councillor Phelim Mac Cafferty felt that the housing was badly needed and supported the scheme.

RESOLVED: The Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to be **Minded to GRANT** planning permission subject to the Secretary of State not calling in the application for their own determination and subject to the Conditions and Informatives set out in the report.

C BH2019/02639, 8-9 King's Road, Brighton - Full Planning

1. Russell Brown (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 planning considerations material to this application are the principle of development, the design of the alterations, the impact on heritage assets, the amenity of neighbouring properties and on highways as well as the standard of accommodation to be provided.

Speakers

2. Ward Councillor Tom Druitt spoke in support of the application. It was noted that many people don't have a place to call home. Homelessness needs to be solved. It was felt that there is no good place to locate the facility and there are no reasons not to have the assessment hub. It was considered that the sea front would be acceptable as it ticks all the boxes. It has taken 18 months to find a suitable property for the centre. There is a responsibility to manage the centre and to not have an impact on the local residents. The Committee are urged to agree the application.

Questions for the Speaker

3. There were none.
4. Emily Ashmore – Rough Sleeper Co-ordinator for Brighton and Hove City Council attended the meeting as the applicant.

Questions for the Applicant

5. Councillor Phelim Mac Cafferty was informed that the property had been chosen after 10 others had been considered. Others had not been followed through for a variety of reasons including too expensive, heavily residential, near schools, prohibitive conversation costs and partners completing quicker. The property is located in the city centre close to services. It was considered that the crash beds, which will be packed away during the day, could be increased in number. No provider has been identified yet. The procurement process for the provider will require management plans. It was noted that no anti-social behaviour had been recorded in this area.
6. Councillor Carol Theobald was informed that the crash beds would be put out at night and put away during the day. Users would be able to stay in the building during the day when staff would give support. It was noted that the service will be open to all, especially those newly on the streets, not just local people. The item had taken time to come to committee as funding needed to be identified first.
7. Councillor Tony Janio was informed that users would be given support to move away from drugs and alcohol. It was noted that alcohol could be accessed locally, this was true across the city.

Questions for Officer

8. Councillor Daniel Yates was informed that the 12 persons stated under condition no.3 did not include staff. Councillor Yates felt that a management plan should include a revised total of 15 with staff.
9. Councillor Leo Littman was informed that the pre-app advice supported the principle and contained little detail. It was noted that the Planning Policy SR4 did not apply as the unit was a secondary frontage, with no loss of A1 use.
10. Councillor Phelim Mac Cafferty was informed that the silencing of doors could be added as an informative if agreed by the Committee.

Debate

11. Councillor Sue Shanks supported the scheme and the increase of total persons.
12. Councillor Joe Miller felt the centre was much needed to reduce rough sleeping in the city.
13. Councillor Carol Theobald felt the centre should prioritise locals, understood that this was not to be the case and supported the scheme as a good idea.
14. Councillor Daniel Yates agreed that finding the best location was a challenge and felt that the centre should support as many people as possible. Councillor Yates supported the application and looked forward to the next one.
15. Councillor Nick Childs supported the application in a good location, supporting the massive issue of rough sleepers should be supported.

16. Councillor Tony Janio agreed with the initiative. Councillor Janio felt that the location was not the best and did not support the application.
17. Councillor Phelim Mac Cafferty felt a tight management plan would be needed and supported the proposal.
18. Councillor Leo Littman supported the application.
19. Vote: Following the debate a vote was held on the motion proposed by Councillor Shanks and seconded by Councillor Yates to amend the number of persons onsite by condition to 15 from 12. By a majority vote the motion was agreed.
20. Following the debate, a vote was held on the motion proposed by Councillor Mac Cafferty and seconded by Councillor Littman regarding noise emitting from slamming doors. The motion was agreed by a unanimous vote.

RESOLVED: 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 Conditions and Informatives in the report and the additional condition regarding the maximum number of occupiers and an informative to reduce disturbance created by noise of slamming doors. The wording to be finalised by the Planning Manager.

D BH2019/01602, Kingsmere (Blocks E & F), London Road, Brighton - Removal or Variation of Condition

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

E BH2019/03339, Land to Rear of 62-64 Preston Road, Brighton - Full Planning

1. Emily Stanbridge (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 planning considerations for this application relate to the effect on the street scene as well as the impact on the host building, the residential amenity of the neighbouring residents, the residents within the proposed development and the well-being of the residents in the host building's upper levels.

Speakers

2. Richard Little spoke as the applicant. The scheme approved was unviable. This application to change the basement into a studio flat was therefore submitted. The proposal will increase number of units created by the development. Parking is not considered to be an issue and the mix of properties remains unchanged. The proposals include a secure outside space. It was noted that similar applications nearby have been approved. The principle of residential accommodation was already approved in the previous planning permission. Discussions have been held with YMCA and BHCC Housing.

Questions for Speaker

3. Councillor Daniel Yates was informed that the existing dwellings are two large maisonettes and the proposed new units will result in 6 units.
4. Councillor Nick Childs was informed that the proposal will extend 5 of the existing rooms.
5. Councillor Tony Janio was informed that the site included a dry river bed, and this would need to be accommodated into the structural plans, which would incur more expense by the developer.

Questions for Officers

6. Councillor Sue Shanks was informed that the proposals would not be assessed in relation to other nearby builds.
7. Councillor Daniel Yates was informed that the basement would not be part of the ground floor family unit.
8. Councillor Leo Littman was informed that the lack of housing standards was the reason for refusal.
9. Councillor Tony Janio was informed that the proposed basement would not be a family unit and that engineering issues have not formed part of the submission.
10. Councillor Daniel Yates was informed that engineering issues may be submitted as supporting information by the applicant. The applicant had not submitted engineering information to the Planning team until the day of the committee meeting. It was noted that Planning Officers are not able to take into account engineering issues.

Debate

11. Councillor Joe Miller found the changes acceptable and noted that housing is much needed. Councillor Miller supported approving the application.
12. Councillor Daniel Yates felt the lower ground floor accommodation was poor and there was a need to balance quality over need. Councillor Yates agreed with the officer's recommendation to refuse the application.
13. Councillor Carol Theobald felt the accommodation in the basement was poor and this raised concerns.
14. Councillor Leo Littman felt the changes were small but not acceptable and did not support the scheme.
15. Councillor Janio supported the scheme.

RESOLVED: The Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **REFUSE** planning permission for the reasons set out in the report.

F BH2019/02871, 21 Tumulus Road, Saltdean, Brighton - Full Planning

1. It was noted that this application had formed the subject of a site visit prior to the meeting.
2. Wayne Nee (Principal Planning Officer) introduced the application and gave a detailed presentation by reference to site location plans, elevational drawings and photographs.

Speakers

3. Professor Billingham spoke in objection to the application. Until last year only sheds and greenhouses were found in the rear gardens of the area. The neighbours have been informed that the building is a summerhouse. The building is huge with a toilet and washing facilities. It is believed that the applicant will live in the building. Neighbours are concerned that sunlight will be reduced by the building and as the land slopes the building dominates other properties that it faces. It is considered that the landscaped garden now has an overbearing impact on neighbouring gardens. Numerous complaints have been submitted by the neighbours relating to overshadowing and overbearing impact, and yet work continues. The neighbours wish the committee to refuse this anti-social building.

Questions for Speaker

4. Councillor Carol Theobald was informed that the structure is level with the neighbouring property's bedroom windows.
5. Councillor Sue Shanks was informed that the neighbours had not been approached by the applicant before commencing the structure.
6. Councillor Mary Mears spoke as Ward Councillor in objection to the building. It was considered that this structure was not a summerhouse and is more like a bungalow. The structure has brought much unhappiness for neighbours and raised many concerns. It is considered that the structure has a visually harmful effect on neighbours and surrounding area. The building raises concerns regarding impact. As the structure is partially built it can be seen that the roof pitch is very high. If permission were to be granted, please condition that no dormer windows be allowed without planning permission. The Councillor concluded by stating that they have many concerns with the building.

Questions for Speaker – None.

7. Tom Hall spoke as the applicant. The Summerhouse is to be used as a tranquil space for study and to share with the children in the summer. The garden is not well planned, and he wanted to create some space to bring everything together. The outbuilding is within permitted development size. The summerhouse will offer

some privacy from the neighbours and will also be used for storage whilst renovations to the house are taking place. In order to placate the neighbours, the roofing material has been altered to reduce the visual impact. It is noted that the neighbours at No.17 are fine with the building.

Questions for Speaker

8. Councillor Nick Childs was informed that the rear garden was accessed via a side door from the kitchen.
9. Councillor Joe Miller was informed that the applicant had talked to neighbours and visited the garden to the north once the roof was erected. It was noted that the roof was the same level as the garden hedge and did not block out any views. A slight impact was recognised on the property to the north.
10. Councillor Bridget Fishleigh was informed that the pitch of roof reflected the need to store items from the house whilst renovations took place.
11. Councillor Leo Littman was informed that the position of the building close to the neighbour's boundaries was an error by the applicant.
12. Councillor Nick Childs was informed that the building would be used for study purposes.

Officers Clarification

13. The building does not fall under permitted development (PD). To be considered under PD the structure should be more than 2 metres from the site boundaries.

Questions for Officer

14. Councillor Daniel Yates was informed that the PD rights would be removed from the summerhouse, if planning permission was granted, and any dormer windows or further storeys would therefore require the benefit of planning permission. It was noted that incidental use could include a person sleeping in the summerhouse. No shower or bathroom facilities are shown in the application.
15. Councillor Bridget Fishleigh was informed that overshadowing, overlooking, noise and disturbance, loss of trees, loss of outlook, layout and density of buildings have all been taken into consideration. The loss of view is not a material consideration, the loss of outlook is recognised, and the structure is not considered, at the bottom of the garden, to be prominent. The impact of the structure is considered acceptable.
16. Councillor Carol Theobald was informed that photographs had been taken on the site visit and these were shown to the committee via the projector.

Debate

17. Councillor Joe Miller was empathetic to the applicant and the neighbours. It was considered that a flat roof would have had less impact on the neighbours as the loss of outlook was not good. Councillor Miller did not support the application.
18. Councillor Tony Janio felt that the applicant had made an error and approval should be granted and the committee should move on with other business.
19. Councillor Carol Theobald felt the building makes a difference to the neighbour's amenities and was ugly. Councillor Theobald did not support the application.
20. Following requests by the Chair to not talk over other Members of the Committee and the Chair, the Chair requested that Councillor Tony Janio leave the meeting under Brighton and Hove City Council Constitution Rule25.1:

Misbehaviour by a Member. If the person presiding at any meeting of the Council is of the opinion that a Member has misconducted or is misconducting by persistently disregarding the ruling of the Chair, or by behaving irregularly, improperly or offensively, or by wilfully obstructing the business of the Council, he/she may notify the meeting of that opinion, and may take any of the following courses, either separately or in sequence:

- a) He/she may direct the Member to refrain from speaking during all, or part of the remainder of the meeting;
 - b) He/she may direct the Member to withdraw from all, or part of the remainder of the meeting;
 - c) He/she may order the Member to be removed from the meeting;
 - d) He/she may adjourn the meeting for 15 minutes or such period as shall seem expedient to him/her.
21. Councillor Bridget Fishleigh felt that a flat roof should be required under condition. It was noted that this was not possible.
 22. Councillor Leo Littman felt the structure was too close to the site boundaries and would not support the application.
 23. Councillor Daniel Yates felt sorry for the applicant and noted that the structure was too close to the boundary and therefore required the benefit of planning permission. The concerns of the neighbours are noted. A condition should be added to stop sleeping in the structure overnight. A flat roof may be better. The application should be refused, and a lesser building brought back to committee.
 24. Councillor Sue Shanks agreed with Councillor Yates and felt the impact was too great. Councillor Shanks did not support the application.
 25. Councillor Phelim Mac Cafferty noted the officer recommendation to grant planning permission and the reasons given in the report.
 26. Councillor Nick Childs noted that the application was far from ideal, the material loss of privacy a concern. Councillor Childs supported the application.

27. Councillor Tracey Hill supported the officer recommendation to grant planning permission.
28. Vote: The Committee voted on the motion proposed by Councillor Yates and seconded by Councillor Theobald to add a condition, should the application be granted planning permission, to enforce no sleeping in the structure overnight. The Committee agreed by a majority.
29. Vote: The Committee voted by a majority against the officer recommendation to grant planning permission.
30. Vote: Councillor Fishleigh proposed that the application be refused on the grounds of loss of outlook and overbearing impact on the neighbour at 20 Wivelsfield Road, and loss of privacy and loss of privacy to no.19 Wivelsfield Road.
31. A Recorded vote was held. The Councillors voted as follows: Hill = Against, Littman = For, Theobald = For, Childs = Against, Fishleigh = For, Mac Cafferty = Against, Miller = For, Shanks = For, Yates = For. (Councillor Janio had left the meeting).

RESOLVED: The Committee has taken into consideration and does not agree with the reasons for the recommendation set out below and resolves to **REFUSE** planning permission for the reasons proposed by Councillor Fishleigh.

G BH2019/01983, Flat 6, Princes Court, 11 First Avenue, Hove - Full Planning

1. Emily Stanbridge (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 planning considerations for this application relate to the impact of the proposed development on the appearance and character of the building, the wider streetscene and on the amenities of adjacent occupiers.

Questions for Officer

2. Councillor Phelim Mac Cafferty was concerned regarding the impact on neighbours. The Councillor was informed that the proposed roofscape allows light into a bedroom window and the rooflights would not be seen from the street. It was noted that the proposal affords a better proportioned roof with screening to the side elevation and no objection has been raised by the Heritage team.

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.

H BH2019/03232, 34 Park Road, Brighton - Full Planning

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

I BH2019/02771, Hove Central Library, 182-186 Church Road, Hove – Listed Building Consent

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

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

RESOLVED: That the following site visits be undertaken by the Committee prior to determination of the application: None.

87 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

1. The Committee noted the new appeals that had been lodged as set out in the planning agenda.

88 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

1. The Committee noted the information regarding informal hearings and public inquiries as set out in the planning agenda.

89 APPEAL DECISIONS

1. The Committee noted the content of the letters received from the Planning Inspectorate advising of the results of planning appeals which had been lodged as set out in the agenda.

The meeting concluded at 7.06pm

Signed

Chair

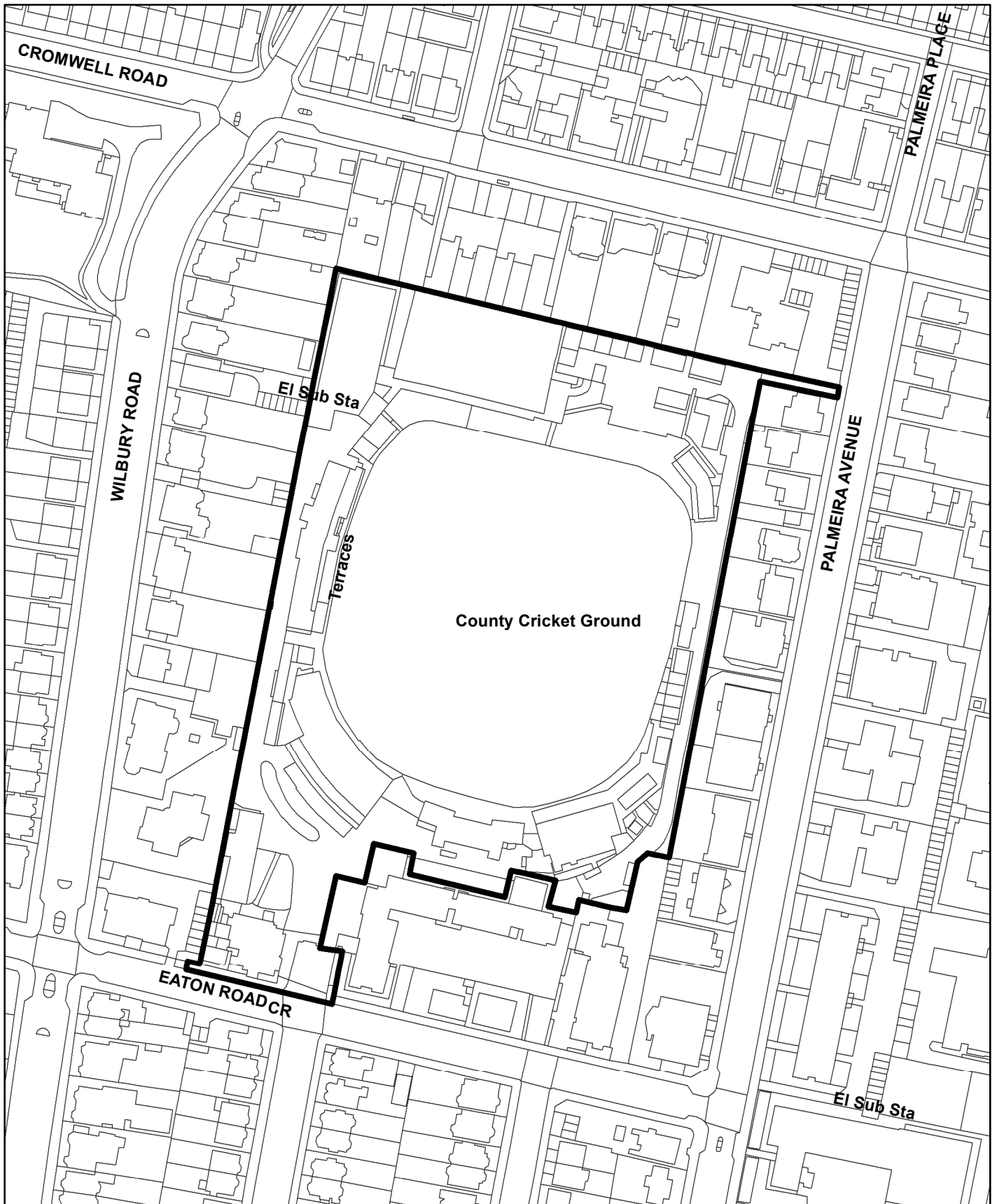
Dated this day of

ITEM A

**Sussex County Cricket Ground, Eaton Road
BH2019/02948
Full Planning**

DATE OF COMMITTEE: 4th March 2020

BH2019 02948 - Sussex County Cricket Ground, Eaton Road



N



Scale: 1:2,000

<u>No:</u>	BH2019/02948	<u>Ward:</u>	Goldsmid Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Sussex County Cricket Ground Eaton Road Hove BN3 3AN		
<u>Proposal:</u>	Hybrid Planning Application comprising: (Phase 1) Full Planning application for the demolition of existing public house, single dwellinghouse & single storey commercial building and the construction of a 9-storey (over basement) mixed use building comprising re-provision of public house/restaurant (A3/A4), 37no. residential apartments (C3) and approximately 1,200sqm flexible commercial space (B1/ D1) together with ground & basement parking; (Phase 2) Full Planning application for demolition of Club offices and partial demolition of southwest stand and the construction of new build extension and adaptation of southwest stand to include club shop, reception area; bar and café, hospitality area together with enhancements to the public realm; (Phase 3) Outline Planning application for provision of two stands of permanent seating to replace informal seating areas, together with improvements to spectator hospitality facilities including works to existing single storey buildings; (Phase 4) Outline Planning application for demolition of existing hospitality area and construction of new stand to replace displaced seating.		
<u>Officer:</u>	Matthew Colley-Banks, tel: 293334	<u>Valid Date:</u>	02.10.2019
<u>Con Area:</u>		<u>Expiry Date:</u>	01.01.2020
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	ECE Planning Limited Worthing BN12 4AP	Brooklyn Chambers	11 Goring Road
<u>Applicant:</u>	Sussex Cricket Ltd	C/o ECE Planning Limited	Brooklyn Chambers 11 Goring Road Worthing BN12 4AP

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 satisfactory amended plans, 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 **20th May 2020** the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section **10.1** of this report:

Section 106 Head of Terms:

Affordable housing:

16% affordable housing provided by an offsite payment with a further 16% facilitating investment into phases 2, 3 and 4.

A viability review mechanism:

- Include provision for Review mechanism to review costs/sales
- to confirm, either on completion of the Phase 1 building works (when all costs save outstanding marketing and conveyancing costs will be known) or on completion of sales (when both costs and returns will be known) that Roffey Homes profit share in the Review of Phase 1 does not exceed 17.5% of GDV.
- Best endeavours to secure maximum Grant Funding from England and Wales Cricket Board, other suitable funding sources and direct fund raising activities for the delivery of Phases 2-4.
- If Sussex County Cricket Club is successful in obtaining sufficient grant or other funding to meet the costs of Phase 2-4 in full or part, a mechanism will be incorporated to redistribute the affordable housing sum assessed in Phase 1 to the Council
- A requirement to pay a sum equivalent to the funding generated through Phase 1 (£892,983) to support the cost of Phases 2-4 if construction does not commence on Phase 2 before a set deadline (to be agreed)
- Upon completion of the building works of all of the Phases 2-4, to finally review the costs against the surplus funds from Phase 1, the S106 commuted sum to spend on delivery of Phases 2, 3 & 4 and any grant or other funding raised or secured from the England and Wales Cricket Board or others
- The council to covenant to apply any affordable housing payment to the provision of affordable housing.
- The S106 will hold regular monitoring meetings with Sussex County Cricket Club to receive updates from them on their progress with grant applications and other fund raising activities

Sustainable Transport and Highways:

An indicative Transport contribution based residential and commercial GIA is £94,089 assessed on the methodology formula in the approved Developer Contributions Technical Guidance (DCTG) to fund improvements to the local footway network, bus stops and the existing bike hub.

Education

A financial contribution of £48,954.60

Public art

This is arrived at after the internal gross area of the development (in this instance approximately 6,294 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.

It is suggested that the Artistic Component element for this application is to the value of £32,730.

Open space and recreation/sports:

Open space and recreation/sports: A contribution value of £111,514
 Play: St Anne’s Well Gardens and/or Hove Seafront/Kingsway, Hove Lagoon, Hove Park, Dyke Road Park
 Outdoor Sports: St Anne’s Well Gardens and/or Hove Seafront/Kingsway, Hove Lagoon, Hove Park, Hove Recreation Ground, Dyke Road Park, Withdean Sport Complex
 Parks: Gardens including Amenity, Natural/Semi Natural: St Anne’s Well Gardens and/or Hove Park, Dyke, Hove Seafront/Kingsway, Palmeira Square, Dyke Road Park
 Indoor Sports: King Alfred Leisure Centre and/or Prince Regent Swimming Complex, Withdean Sports Complex
 Allotments: Weald Avenue and/or Eridge Avenue

Employment:

Submission of an Employment & Training Strategy to secure the use of at least 20% local construction labour. A financial contribution of £67,200 the Local Employment Scheme

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
To be added to Additional Representations List			

2. The development hereby permitted in phases 1 and 2 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 must be begun not later than the expiration of five years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

4.
 - a) Details of the reserved matters set out below ("the reserved matters") shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:
 - (i) layout;
 - (ii) scale;
 - (iii) appearance; and
 - (iv) landscaping.
 - b) The reserved matters shall be carried out as approved.

- c) Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 (as amended) of the Town and Country Planning Act 1990.

5.

- (1) No works pursuant to this permission in respect of Phases 1 and 2 shall commence until there has been submitted to and approved in writing by the Local Planning Authority:

- (a) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS 10175:2011+A1:2013; And if notified in writing by the Local Planning Authority that the results of the site investigation are such that site remediation is required then,
- (b) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is 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.

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. If during construction on any part of the 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 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.

7. The Phase 1 development hereby permitted shall not commence (other than demolition works and works to trees) 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 in writing by the Local Planning Authority. The development shall be implemented in strict accordance with the approved 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 and Hove City Plan Part One.

8. The Phase 2 development hereby permitted shall not commence (other than demolition works and works to trees) 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 in writing by the Local Planning Authority. The development shall be implemented in strict accordance with the approved 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 and Hove City Plan Part One.

9. Five per cent of the dwellings hereby permitted 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.

10. Notwithstanding the approved plans, prior to occupation of Phase 1, a scheme for the refuse and recycling storage facilities shall be submitted to and approved in writing by the Local Planning Authority and implemented and made available for use in accordance with the approved details. 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 recycling and to comply with policy QD27 of the Brighton and Hove Local Plan.

11. Notwithstanding the approved plans, prior to occupation of Phase 2, a scheme for the refuse and recycling storage facilities shall be submitted to and approved in writing by the Local Planning Authority and implemented and made available for use in accordance with the approved details. 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 recycling and to comply with policy QD27 of the Brighton and Hove Local Plan.

12. None of the residential units hereby approved shall be occupied until each unit as 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 and Hove City Plan Part One.

13. None of the residential units hereby approved shall be occupied until each new build residential unit built has achieved a water efficiency standard using 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 and to comply with policy CP8 of the Brighton and Hove City Plan Part One.

14. Prior to their installation, details of the photovoltaic panels on the roof of Phase 1 shall be submitted to and approved in writing by the Local Planning Authority. The photovoltaic panels shall be installed in accordance with the agreed details and made available for use prior to occupation of Phase 1. The photovoltaic panels shall be maintained thereafter.

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

15. Within 4 months of first occupation of the non-residential development in the Phase 1 development hereby permitted a BREEAM Building Research Establishment has issued a Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM New Construction rating of Excellent and such certificate has been submitted to, and approved in writing by, the Local Planning Authority.

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. Within 4 months of first occupation of Phase 2 development hereby permitted a BREEAM Building Research Establishment has issued a Post Construction Review Certificate confirming that the non-residential development built has 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.
17. Details of any external lighting of the site within Phase 1 shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development hereby permitted. This information shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed prior to first occupation of Phase 1 and maintained and operated in accordance with the approved details thereafter.
Reason: To safeguard the amenities of the occupiers of adjoining properties and comply with policy QD27 of the Brighton and Hove Local Plan.
18. Details of any external lighting of the site within Phase 2 shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development hereby permitted. This information shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed prior to first occupation/use of Phase 2 and maintained and operated in accordance with the approved details thereafter.
Reason: To safeguard the amenities of the occupiers of adjoining properties and comply with policy QD27 of the Brighton and Hove Local Plan.
19. No development above ground floor slab level of any part of the development hereby permitted on Phase 1 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, mortar, grouting, 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 and door treatments
 - e) samples of balcony treatments
 - f) details of all other materials to be used externally
- The development shall be carried out in strict accordance with the approved details.
Reason: To ensure a satisfactory appearance to the development and to comply with policy CP12 of the Brighton and Hove City Plan Part One.

20. No development above ground floor slab level of any part of the development hereby permitted on Phase 2 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, mortar, grouting, 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 and door treatments
 - e) details of all other materials to be used externally
- The development shall be carried out in strict accordance with the approved details.
- Reason:** To ensure a satisfactory appearance to the development and to comply with policy CP12 of the Brighton and Hove City Plan Part One.
21. No development above ground floor slab for Phase 1 of the development, shall take place until an example bay study showing full details of window(s) and their reveals and cills for the Phase 1 development, including 1:20 scale elevational drawings and sections 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.
22. The development hereby permitted on Phase 1 shall not be commenced (other than demolition works and works to trees) until a detailed design and associated management and maintenance plan of surface water drainage for Phase 1 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.
23. The development hereby permitted on Phase 2 shall not be commenced (other than demolition works and works to trees) until a detailed design and associated management and maintenance plan of surface water drainage for Phase 2 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.

24. Phase 1 of the development hereby approved shall not be occupied until the public realm improvements have been completed.
Reason: To ensure the satisfactory appearance of the development and to mitigate the Heritage harm identified in Phase 1 and to comply with policies HE6 of the Brighton and Hove Local Plan and policies CP12 and CP15 of the Brighton and Hove City Plan Part One.
25. No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any external façade.
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.
26. The commercial premises hereby permitted in Phase 1 shall be used as flexible B1/D1 space only and for no other purpose (including any other purpose in Class B of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification), no change of use shall occur without planning permission obtained from the Local Planning Authority.
Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the supply of office floorspace in the city given the identified shortage and also to safeguard the amenities of the area and to comply with policies CP3 and QD27 of Brighton & Hove City Plan Part One.
27. The use of the offices/D1 space within Phase 1 hereby permitted shall not be carried out except between the hours of 06:30 and 23:00 on Mondays to Sundays, including Bank or Public Holidays.
Reason: To safeguard the amenities of the locality and the future occupiers of the development and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
28. No customers in the public house shall remain on the premises outside the hours of 09.00 to 23.30 on Mondays to Sundays, including Bank or Public Holidays.
Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton and Hove Local Plan.
29. The terrace attached to the public house shall not be in use between the hours of 22.30 and 09.30 on Mondays to Sundays, including Bank or Public Holidays. The doors onto the external terrace must be closed and locked during those hours when the terrace is not in use.
Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton and Hove Local Plan.

30. No music speakers are to be installed on the external terrace or amplified music played on the external terrace.
Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton and Hove Local Plan.
31. Music or other audio equipment after 10.30pm, measured on the terrace of the flat above against the glazing line, should be no more than an average of 50db over 30 minutes. During the day, music from speakers as recorded on the terrace of the flat above against the glazing line should be no more than an average of 55db over 30 minutes.
Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton and Hove Local Plan.
32. The sound insulation for glazing and ventilation throughout the development shall all be in accordance with the specification for Type B glazing set out in table 7.2 of the Noise Exposure Assessment produced by Ardent Consulting Engineers, Report Ref No. 173000-05, Project No. 173000 and dated May 2018. Details of the required mechanical ventilation shall be submitted to the Local Planning Authority and approved in writing prior to occupation.
Reason: To safeguard the amenities of the future occupiers to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
33. 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 greater than that required by Approved Document E of the building regulations performance standard for airborne sound insulation for purpose built dwelling-houses and flats. 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.
34. No development above ground floor slab level of Phase 1 of the development hereby permitted shall take place until a scheme for the suitable treatment of all plant and machinery in Phase 1 against the transmission of sound and/or vibration 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 future occupiers of the development and adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
35. No development above ground floor slab level of Phase 2 of the development hereby permitted shall take place until a scheme for the suitable treatment of all plant and machinery in Phase 2 against the transmission of sound and/or vibration 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 future occupiers of the development and adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

36. Notwithstanding the plans submitted, within 6 months of the commencement of development of Phase 1 hereby permitted, a scheme for landscaping and external cycle store details shall be submitted to and approved in writing by the Local Planning Authority for the Phase 1 development. The approved landscaping scheme 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:

- (i) hard and soft surfacing and external structures (including steps, seating area, cycle stores to include type, position, design, dimensions, materials, durability and maintenance strategy and any sustainable drainage system used;
- (ii) a schedule detailing sizes and numbers/densities of all proposed trees/plants including details of tree pit design, underground modular systems, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
- (iii) specifications for operations associated with plant establishment and maintenance that are compliant with best practice; and

Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.. Where it is intended to create semi-natural habitats, all species used in the planting proposals shall be locally native species of local provenance unless otherwise agreed in writing with the local planning authority.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD15 and QD27 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One.

37. Notwithstanding the plans submitted, within 6 months of the commencement of development of Phase 2 hereby permitted, a scheme for landscaping and external cycle store details shall be submitted to and approved in writing by the Local Planning Authority for the Phase 2 development. The approved landscaping scheme 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:

- (i) hard and soft surfacing and external structures (including steps, seating area, cycle stores to include type, position, design, dimensions, materials, durability and maintenance strategy and any sustainable drainage system used;

- (ii) a schedule detailing sizes and numbers/densities of all proposed trees/plants including details of tree pit design, underground modular systems, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
- (iii) specifications for operations associated with plant establishment and maintenance that are compliant with best practise; and

Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.. Where it is intended to create semi-natural habitats, all species used in the planting proposals shall be locally native species of local provenance unless otherwise agreed in writing with the local planning authority.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD15 and QD27 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One.

38. Prior to the occupation of Phase 1, details of the perimeter gates and fencing and any other boundary treatments at scale 1:20, including their height, design, materials and durability, including lockable gates and designed to inhibit climbing and graffiti where it adjoining a highway, shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be implemented and installed in accordance with the approved details prior to the occupation of Phase 1 of the development.

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

39. Prior to the occupation of Phase 2, details of the perimeter gates and fencing and any other boundary treatments (including Tate Gates) at scale 1:20, including their height, design, materials and durability, including lockable gates and designed to inhibit climbing and graffiti where it adjoining a highway, shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be implemented and installed in accordance with the approved details prior to the occupation of Phase 2 of the development.

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

40. No development, including demolition and excavation, shall commence until a Site Waste Management Plan for Phase 1, confirming how demolition and construction waste will be recovered and reused on site or at other sites has been submitted to and approved in writing by the Local Planning Authority. The development in Phase 1 shall be carried out in accordance with the approved plan.

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 and Hove Waste and Minerals Local Plan.

41. No development, including demolition and excavation, shall commence until a Site Waste Management Plan for Phase 2, confirming how demolition and construction waste will be recovered and reused on site or at other sites has been submitted to and approved in writing by the Local Planning Authority. The development in Phase 2 shall be carried out in accordance with the approved plan.

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 and Hove Waste and Minerals Local Plan.

42. Access to the flat roofs in Phases 1 and 2 other than those expressively approved as roof terraces/amenity space, shall be for maintenance or emergency purposes only and the flat roof shall not be used as an amenity area.

Reason: To protect neighbouring amenity and to comply with policy QD27 of the Brighton and Hove Local Plan

43. Notwithstanding the approved plans, prior to first occupation of the residential development hereby approved full details of privacy screens to the balconies serving flats 2, 9, 10, 16, 22 and 27 shall be submitted to and approved in writing by the Local Planning Authority. The approved screening shall prevent overlooking westwards and shall be carried out in full as approved prior to first occupation of the development and thereafter permanently retained as such.

Reason: To protect the privacy of neighbouring occupiers in accordance with policy QD27 of the Brighton and Hove Local Plan.

44. The Phase 1 development hereby permitted shall not be occupied until a scheme for the fitting of odour control equipment to the building 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 Phase 1 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 and Hove Local Plan.

45. The Phase 2 development hereby permitted shall not be first occupied until a scheme for the fitting of odour control equipment to the building 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 Phase 2 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.

46. The Phase 1 development hereby permitted shall not exceed ground floor slab level 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 flat within the development 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 shall ensure compliance with Building Regulations as well as suitable protection in terms of air quality and shall be implemented before 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.

47. Prior to the commencement of development hereby approved (other than demolition works and enabling 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:

- 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 allow connection;
- 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.
- 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 CP8 and DA4 of the Brighton & Hove City Plan Part One.

48. Notwithstanding the plans hereby permitted, no development shall take place until detailed drawings of the access road and pavements within the site have been submitted to and approved in writing by the Local Planning Authority. These shall include, but not be limited to, construction details covering the following:

- (i) Pavement design, including dropped kerbs and tactile paving
- (ii) Surface finishes
- (iii) Levels
- (iv) Drainage
- (v) Street lighting
- (vi) Street furniture

The works shall be designed to as near adoptable standards as is possible and be implemented in accordance with the details approved prior to the first occupation of the development and retained as such thereafter.

Reason: In the interests of highway safety and for the benefit of the public and to comply with policies CP9 of the Brighton & Hove City Plan Part One and TR7 of the Brighton & Hove Local Plan.

49. Within 6 months of the commencement of Phase 2, a Noise and Site Management Plan in respect of Phase 2 shall be submitted to and approved in writing by the Local Planning Authority, which shall include:
- restrictions on plant and equipment operation
 - restrictions on events and the use of amplified music or public address systems (within the buildings and the open space)
 - restrictions on the fire alarm and the life safety plant testing
 - the opening times of the café/restaurant
 - details of the management and monitoring of the open space when open and closed, and
 - How people will be managed and removed from the open space at closing times.

The aim of the plan should be to provide security and avoid noise nuisance within and around the site and should provide that during opening hours of the open space, security staff will patrol the public open space and take steps to minimise noise nuisance and anti-social behaviour. The approved Plan shall be implemented, maintained and the site operated in accordance with the agreed details.

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

50. Within 6 months of the commencement of development of Phase 1, a scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration in respect of the Phase 1 development shall be 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 Phase 1 and shall thereafter be retained as such.

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

51. Within 6 months of the commencement of development of Phase 2, a scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration in respect of the Phase 2 development shall be 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 Phase 2 and shall thereafter be retained as such.

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

52. Notwithstanding the approved plans, the windows in the western elevation at first and second floor level serving commercial space 03 and commercial space 05 shall be obscure glazed and non-opening, unless the parts of the

window(s) which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD27 of the Brighton and Hove Local Plan and CP12 of the Brighton and Hove City Plan Part One.

53. Notwithstanding the submitted details, prior to the commencement of Phase 1 a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved plan, which shall include:

- i) The control of noise and dust during the development process;
- ii) Traffic management and signage during construction;
- iii) Provision for all site operatives, visitors and construction vehicles loading, parking and turning within the site during the construction period;
- iv) Arrangements during the construction period to minimise the deposit of mud and other debris on to the adjacent highway;
- v) The safe means of access of construction traffic to the site;
- vi) Routing agreement for construction traffic; and
- vii) The hours in which deliveries and construction works would take place.

Reason: In the interests of amenity and road safety and to comply with policies QD27, SU10, SR18, SU9 and TR7 of the Brighton & Hove Local Plan and SA6, CP7, CP9, CP12, CP13 and CP15 of the City Plan Part One.

54. notwithstanding the submitted details, prior to the commencement of Phase 2 a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved plan, which shall include:

- i) The control of noise and dust during the development process;
- ii) Traffic management and signage during construction;
- iii) Provision for all site operatives, visitors and construction vehicles loading, parking and turning within the site during the construction period;
- iv) Arrangements during the construction period to minimise the deposit of mud and other debris on to the adjacent highway;
- v) The safe means of access of construction traffic to the site;
- vi) Routing agreement for construction traffic; and
- vii) The hours in which deliveries and construction works would take place.

Reason: In the interests of amenity and road safety and to comply with policies QD27, SU10, SR18, SU9 and TR7 of the Brighton & Hove Local Plan and SA6, CP7, CP9, CP12, CP13 and CP15 of the City Plan Part One.

55. At least 12 car parking spaces shall be fitted with Electric Vehicle Charging points from the outset and these shall be retained for the lifetime of the development. In addition, the remaining car parking spaces should have the infrastructure arrangements provided to enable points to be installed retrospectively.

Reason: In the interest of promoting sustainable modes of transport, to comply with policies TR7, TR12, TR14 and TR18 of the Brighton & Hove Local Plan and CP9 of the Brighton and Hove City Plan Part One.

56. Notwithstanding the approved plan, within six months of the commencement of Phase 1, the provision and layout of the disabled car parking spaces shall be agreed in writing with the Local Planning Authority. The spaces shall be implemented on site in accordance with the approved details prior to occupation of the development and shall be retained for the lifetime of the development.

Reason: To ensure the availability and appropriate layout of the disabled car parking spaces and to minimise any impact on the operation of the local highway network and to comply with policies TR7 of the Brighton and Hove Local Plan and CP9 of the Brighton and Hove City Plan Part One.

57. No development above ground floor slab level of Phase 1 shall commence on site until a scheme of management of the vehicle parking in respect of Phase 1 has been submitted to and approved in writing by the Local Planning Authority. The scheme must include the following measures:

- Details of how each car parking space will be allocated;
- Details of how each car parking space will be managed to ensure there is maximum flexibility of the use of spaces within the parking layout;
- Details of measures to ensure that there is no overspill parking onto the local highway.

The above works must be implemented prior to the occupation of the building and 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 and Hove Local Plan and CP9 of the Brighton and Hove City Plan Part One.

58. No development above ground floor slab level of Phase 2 shall commence on site until a scheme of management of the vehicle parking in respect of Phase 2 has been submitted to and approved in writing by the Local Planning Authority. The scheme must include the following measures:

- Details of how each car parking space will be allocated;
- Details of how each car parking space will be managed to ensure there is maximum flexibility of the use of spaces within the parking layout;
- Details of measures to ensure that there is no overspill parking onto the local highway.

The above works must be implemented prior to the occupation of the building and 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 and Hove Local Plan and CP9 of the Brighton and Hove City Plan Part One.

59. Notwithstanding the plans hereby permitted, prior to first occupation of Phase 1 the development details of secure and safe cycle parking facilities and access 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 Phase 1 and shall thereafter be retained for use at all times.

Reason: To ensure that satisfactory facilities and safe access to 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.

60. Notwithstanding the plans hereby permitted, prior to first occupation of Phase 2 the development details of secure and safe cycle parking facilities and access 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 Phase 2 and shall thereafter be retained for use at all times.

Reason: To ensure that satisfactory facilities and safe access to 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.

61. Prior to the occupation of Phase 1, a Travel Plan, to encourage sustainable modes of transport, shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be in accordance with appropriate best practice guidance. The Travel Plan shall be implemented fully in accordance with the details approved pursuant to this condition prior to occupation of the development and shall thereafter continue to be implemented in full in accordance with the details approved pursuant to this condition for the life of the Travel Plan and any replacement to it.

Reason: To encourage sustainable modes of transport and reduce reliance on the car amongst all occupants, residents and visitors and to comply with policy CP9 of the Brighton and Hove City Plan Part One

62. Prior to the occupation of Phase 2, a Travel Plan, to encourage sustainable modes of transport, shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be in accordance with appropriate best practice guidance. The Travel Plan shall be implemented fully in accordance with the details approved pursuant to this condition prior to occupation of the development and shall thereafter continue to be implemented in full in accordance with the details approved pursuant to this condition for the life of the Travel Plan and any replacement to it.

Reason: To encourage sustainable modes of transport and reduce reliance on the car amongst all occupants, residents and visitors and to comply with policy CP9 of the Brighton and Hove City Plan Part One

63. No part of Phase 1 the development shall be first occupied until such time as a Delivery and Servicing Management Plan has been submitted and approved in writing by the Local Planning Authority. This shall set out the arrangements for the loading and unloading of deliveries, in terms of location and frequency, provision of management measures to ensure all loading and

unloading can take place safely on-site and all vehicles can manoeuvre such that they arrive / depart in a forward gear, and shall set out arrangements for the collection of refuse. Once occupied the use shall be carried out only in accordance with the approved Plan.

Reason: In order to ensure that the safe operation of the development and the protection of the amenities of nearby residents, in accordance with policies SU10, QD27 and TR7 of the Brighton & Hove Local Plan.

64. The B1(a) office element of Phase 1 shall not be occupied until the changing room/shower and locker facilities have been provided for employees at the development

Reason: To encourage sustainable modes of transport and reduce reliance on the car amongst all occupants, residents and visitors and to comply with policy CP9 of the Brighton and Hove City Plan Part One

65. Within 6 months of commencement of the development hereby permitted or prior to occupation, whichever is the sooner, a scheme shall be submitted to the Local Planning Authority for approval to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit. The approved scheme shall be implemented before occupation.

Reason: This condition is imposed in order to allow the Traffic Regulation Order to be amended in a timely manner prior to first occupation to ensure that the development does not result in overspill parking and to comply with policies TR7 & QD27 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One and SPD14: Parking Standards.

66. Notwithstanding the approved plans, the vehicle parking areas in the basement of Phase 1 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/commercial floorspace in Phases 1 hereby approved. No parking, waiting or loading shall take place in the external areas of the street except for the purposes of delivering and servicing the development.

Reason: To ensure that adequate parking provision is retained, to ensure the safety of people accessing the site and to comply with policy CP9 of the City Plan Part One and retained policy TR7 of the Brighton & Hove Local Plan.

67. No part of Phase 2 the development shall be first occupied until such time as a Delivery and Servicing Management Plan has been submitted and approved in writing by the Local Planning Authority. This shall set out the arrangements for the loading and unloading of deliveries, in terms of location and frequency, provision of management measures to ensure all loading and unloading can take place safely on-site and all vehicles can manoeuvre such that they arrive / depart in a forward gear, and shall set out arrangements for the collection of refuse. The Phase 2 Delivery and Servicing Management Plan shall consider the Phase 1 Delivery and Servicing Management Plan. Once occupied the use shall be carried out only in accordance with the approved Plan.

Reason: In order to ensure that the safe operation of the development and the protection of the amenities of nearby residents, in accordance with policies SU10, QD27 and TR7 of the Brighton & Hove Local Plan.

68. All approved hard surfaces 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.

69. All ecological measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment, Lizard Landscape Design and Ecology dated 11/09/19 as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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 Policy CP10 of Brighton & Hove City Council's City Plan Part One.

70. No development on Phase 1 hereby permitted shall take place until details showing the type, number, location and timescale for implementation of the compensatory bird/bee/bat boxes or bricks have been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be carried out in strict accordance with the approved details and thereafter retained.

Reason: To safeguard these protected species from the impact of the development and ensure appropriate integration of new nature conservation and enhancement features in accordance with policies QD18 of the Brighton and Hove Local Plan and CP10 of the Brighton and Hove City Plan Part One.

71. No development on Phase 2 hereby permitted shall take place until details showing the type, number, location and timescale for implementation of the compensatory bird/bee/bat boxes or bricks have been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be carried out in strict accordance with the approved details and thereafter retained.

Reason: To safeguard these protected species from the impact of the development and ensure appropriate integration of new nature conservation and enhancement features in accordance with policies QD18 of the Brighton and Hove Local Plan and CP10 of the Brighton and Hove City Plan Part One.

72. 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.

73. No development above ground floor slab level of any part of the development hereby permitted shall take place 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 details.

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

74. Prior to the commencement of the development of Phases 1 and 2 (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an Arboricultural Method Statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details. Specific issues to be dealt with in the TPP and AMS include:

- Details of all tree protection monitoring and site supervision by a suitably qualified tree specialist (where arboricultural expertise is required) for the duration of the development within Phase 1 and Phase 2.
- Location and installation of services/ utilities/ drainage.
- Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
- Details of construction or demolition within the RPA or that may impact on the retained trees.
- A full specification for the installation of boundary treatment works.
- A full specification for the construction parking areas including details of the no-dig specification and extent of the areas of the parking areas to be constructed using a no-dig specification where possible. Details shall include relevant sections through them. Methodology and detailed assessment of root pruning should also be submitted, if required.
- A specification and plan for protective fencing to safeguard trees during both demolition and construction

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

75. The stands in Phase 3 and 4 of the development shall not exceed the following heights in each of the following positions within the site:
- a) The terrace in Phase 3 shall not exceed 5 metres in height
 - b) The terrace in Phase 4 shall not exceed 5.5 metres in height

Reason: To ensure the development integrates effectively with its surroundings and to comply with policy CP12 of the Brighton and Hove City Plan Part One and QD27 of the Brighton and Hove Local Plan.

76. Prior to the commencement of the development of Phases 3 and 4 (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an Arboricultural Method Statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details. Specific issues to be dealt with in the TPP and AMS include:

- Details of all tree protection monitoring and site supervision by a suitably qualified tree specialist (where arboricultural expertise is required) for the duration of the development within Phase 1 and Phase 2.
- Location and installation of services/ utilities/ drainage.
- Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
- Details of construction or demolition within the RPA or that may impact on the retained trees.
- A full specification for the installation of boundary treatment works.
- A full specification for the construction parking areas including details of the no-dig specification and extent of the areas of the parking areas to be constructed using a no-dig specification where
- possible. Details shall include relevant sections through them. Methodology and detailed assessment of root pruning should also be submitted, if required.
- A specification and plan for protective fencing to safeguard trees during both demolition and construction

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

77. No development to Phase 3 and Phase 4 (including demolition and excavation), shall commence until a Site Waste Management Plan for each respective Phase, confirming how demolition and construction waste will be recovered and reused on site or at other sites, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Plan

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 and Hove Waste and Minerals Local Plan.

78.

- (1) No works pursuant to this permission in respect of Phases 3 and 4 shall commence until there has been submitted to and approved in writing by the Local Planning Authority:
 - (a) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS 10175:2011+A1:2013; And if notified in writing by the Local Planning Authority that the results of the site investigation are such that site remediation is required then,
 - (b) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is 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.

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.

79. The development hereby permitted on Phase 3 and Phase 4 shall not be commenced (other than demolition works and works to trees) until a detailed design and associated management and maintenance plan of surface water drainage for the relevant Phase using sustainable drainage methods as per the recommendations of the Sustainable Drainage and Flood Risk Assessment has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented and maintained in accordance with the approved detailed design and management and maintenance plan.

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

80. Prior to the occupation of Phase 3 and Phase 4, a Noise and Site Management Plan for each respective Phase shall be submitted to and approved in writing by the Local Planning Authority, which shall include:
- restrictions on plant and equipment operation
 - restrictions on events and the use of amplified music or public address systems (within the buildings and the open space)
 - restrictions on the fire alarm and the life safety plant testing
 - the opening times of the café/restaurant
 - details of the management and monitoring of the open space when open and closed, and
 - How people will be managed and removed from the open space at closing times.

The aim of the plan should be to provide security and avoid noise nuisance within and around the site and should provide that during opening hours of the open space, security staff will patrol the public open space and take steps to minimise noise nuisance and anti-social behaviour. The approved Plan shall be implemented, maintained and the site operated in accordance with the agreed details.

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

81. Prior to the commencement of Phase 3 and 4, a scheme in respect of the following matters will be submitted in respect to Phase 3 and 4:
- details for the secure cycle parking facilities for Phases 3 and 4 visitors have been submitted to and approved in writing by the Local Planning Authority.
 - details of electric vehicle charging points have been submitted to and approved in writing by the Local Planning Authority
 - the provision and layout of the disabled car parking spaces shall be agreed in writing with the Local Planning Authority
 - management plan for the surface car parking spaces (updated following implementation of Phases 1 and 2 and to take into account Phases 3 and 4.

These facilities shall be fully implemented and made available for use prior to the use of the stands hereby permitted and shall thereafter be retained for use at all times.

Reason: To encourage travel by more sustainable means and seek measures which reduce fuel use and greenhouse gas emissions and to ensure adequate parking provision is retained and to comply with policy CP9 of the Brighton & Hove City Plan Part One and SPD14: Parking Standards.

82. Phases 3 and 4 of the development shall not be occupied until a Delivery & Service Management Plan, which includes details of the types of vehicles, how deliveries servicing and refuse collection will take place and the frequency of those vehicle movements has been 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.

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 should be aware that whilst the requisite planning permission may be granted, should any complaints be received with regards to noise, dust, odour or smoke, this does not preclude this department from carrying out an investigation under the provisions of the Environmental Protection Act 1990.
3. The Highway Authority would look for the number of fully accessible disabled bays designed in full accordance with the Department for Transport Traffic Advisory Leaflet 5/95, Parking for Disabled People, which requires a 1.2m clear zone either side of a bay, to be maximised.
4. 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)
5. The water efficiency standard required 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.
6. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
7. The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting birds, their nests and eggs is a criminal offence. The nesting season is normally taken as being from 1st March - 30th September. The developer should take appropriate steps to ensure nesting birds, their nests and eggs are not disturbed and are protected until such time as they have left the nest.

8. The applicant is reminded that all species of bats are fully protected under the Wildlife and Countryside Act 1981, as amended, and the Conservation of Habitats and Species Regulations 2010, making them European Protected Species. Ivy on trees offers a potential bat roost feature, and as such, any ivy clad trees should be assessed for their bat roost potential prior to felling. If they are assessed as having moderate to high potential for bats, further surveys will be required to inform appropriate mitigation, which may include the need for a European Protected Species licence.
9. 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).
10. The applicant is advised that the scheme required to be submitted in respect of restricting car parking permits should include the registered address of the completed development; an invitation to the Council as Highway Authority (copied to the Council's Parking Team) to amend the Traffic Regulation Order; and details of arrangements to notify potential purchasers, purchasers and occupiers of the restrictions upon the issuing of resident parking permits.

2. SITE LOCATION

- 2.1. The site is located on the north side of Eaton Road, Hove and includes the Sussex County Cricket Ground, the Cricketers Public House, No.1 Eaton Road, and a chalet-type commercial building to the south of the site. The site covers an area of approximately 3.8 hectares and although generally flat, there is a clear and notable difference in ground levels on various locations as evidenced by the levels of adjacent properties and roads. The main access for pedestrians and vehicles is to the east side of the Cricketers Public House, part of the approach being shared with access to 'Ashdown' an L-shaped flatted block. A secondary access, referred to as 'Gate 2', is located to the north east of the site, adjacent to the access to Cromwell Court and north of the detached dwelling at No.66 Palmeira Avenue. It is understood this also services business uses located in the north eastern section of the site.
- 2.2. The internal perimeter of the site is largely contained by a high wall to the west and east sides. It is probable that the wall extended to the north and part of the southern boundaries. This wall is understood to have its origins in the mid 19th century when the County Cricket Ground appears to have been walled containing the grounds, a pavilion and a skating rink. A former hotel stood in the position of the current Public House. The eastern boundary wall is constructed of brick with part with render. To the west the boundary wall is surmounted by various fence panels. The southern boundary is defined in part by the rear elevation of the existing flatted development of 'Ashdown'.

- 2.3. There are a number of buildings within the site including spectator stands and facilities that have been constructed at differing times/periods. There are also a number of 'temporary' buildings that are indicated as approaching 'end of life'. These are predominantly 'tented' pavilion type 'structures which have a tendency to deteriorate but at the same time are relatively low-key, assisted by the perception that they lack permanency.
- 2.4. The site is surrounded on all sides by predominantly residential development including detached dwellings, a number of which have been converted to flats and purpose-built flatted blocks ranging in storey heights. As stated above, there is a notable change in levels between the buildings to the north along Cromwell Road and those to Eaton Road. A number of properties are afforded clear views into the grounds and in reverse.
- 2.5. There are a number of designated Conservation Areas in the vicinity of the site containing designated (listed buildings) and non-designated (locally listed buildings) heritage assets. There are also some locally listed buildings that are not within a designated Conservation Area but are within the vicinity of the site. The closest Conservation Areas are as follows:
- The Drive Conservation Area
 - The Willett Estate Conservation Area
 - Brunswick Town Centre Conservation Area
- 2.6. The western wall to the site forms the boundary to the Willet Estate Conservation Area. The closest listed building is at 44 Wilbury Road, to the west. There are a number of listed buildings along Eaton Road including All Saints Church on the corner of The Drive and the Vicarage on the corner of Wilbury Road, buildings within the Drive, to the north west along Cromwell Road and south of Lansdowne Road that is to the south east. The building to the east on the corner of Eaton Road / Palmeira Avenue is the closest locally listed building. As such it is considered that the area has a high sensitivity to change particularly as the site falls within the setting/s of heritage assets.
- 2.7. The Sussex Cricketers Public House which sits to the west side of the main' entrance, fronting Eaton Road has been identified as a non-designated heritage asset. It is generally of two storeys with a partial third storey with the remainder being attic space. It has been extended over time and sees additions to the ground floor including a partial raised terrace. It has also been extended to the rear. No. 1 Eaton Road that is to the west of Public House is of two storeys. A row of garages associated with the flatted block to the west abuts part of the boundary with the site to the west. The rear gardens and parking areas of properties fronting Wilbury Road continue northwards along the western boundary. It is noted that some views can be achieved between the properties along Palmeira Road, Cromwell Road and Wilbury Road.
- 2.8. The site is considered to be in a sustainable location and well placed in terms of access to local shopping facilities and services, public transport networks with bus stops and Hove Railway Station within walking distance. The area

also offers schools, places of worship, gymnasiums and public open space including access to the seafront.

3. APPLICATION DESCRIPTION

3.1. This application is a hybrid application (full application for Phases 1 and 2 and outline application for Phases 3 and 4).

Phase 1 (full):

3.2. Mixed use new build 8/9 storey block with public house on the ground floor and underground car parking fronting Eaton road. This will include the provision of an enhanced pedestrian area and improved access to the ground from the south-west entrance.

Phase 2 (full):

3.3. Redevelopment of the south-west stand to include hospitality facilities, a new reception area and further corporate facilities.

Phase 3 (outline):

3.4. Redevelopment of the north end stands including upgrades to spectator facilities

Phase 4 (outline):

3.5. New seating upgrades to the south east corner of the site.

3.6. In terms of phases 3 and 4 only access is to be agreed at outline stage, all other matters are reserved for subsequent approval.

Vehicle and Cycle Parking Provision

- Vehicular access to all phases of the development on the western side of the ground will be via a new access at the south-western corner of the site. This will require the removal of approximately 18 metres of on street parking on Eaton Road, which will result in the loss of 3-4 on street parking spaces.
- A separate, new pedestrian entrance is proposed from Eaton Road, which will also continue to provide vehicular access to the rest of the ground.
- Phase 1 & 2 of the scheme provides a total of up to 60 parking spaces at basement and ground floor levels, which will be actively managed to ensure that the utilisation of spaces is maximised. 12 of the spaces will have EV charging facilities installed and a policy compliant number of dedicated disabled bays will be provided..
- The overall development will provide up to 84 cycle parking spaces in various forms at ground and basement level
- No additional car or cycle parking provision is being proposed in connection with the upgraded spectator, administration and hospitality facilities that form Phase 3 & 4 of the application, for which outline approval is being sought.

- The central Hove location of the cricket ground provides good links with existing bus services, the rail network and an established Brighton Bike Share Hub is adjacent to the site.
- The cricket ground sits within an existing Controlled Parking Zone. The applicant has offered to enter into a S106 agreement to exclude residents of Phase 1 of the development being eligible to apply for an on street parking permit.

4. RELEVANT HISTORY

4.1. **BH2018/00055** Change of use of hospitality suites to south of main scoreboard to allow for hospitality use on match days and office use outside of match days.

3.5. This application was approved 10 May 2018.

4.2. **BH2014/03701** Erection of single storey buildings and conversion of existing kiosk to create 6no office units (B1) in North- East corner of ground.

4.3. **BH2010/02011** Erection of new South West stand incorporating approximately 1700 seats, a club reception and shop, bar and food facilities, public WCs, plant and store rooms.

4.4. **BH2009/02276** Redevelopment of the County Cricket Ground consisting of demolition of Gilligan Stand and replacement with new South Stand and demolition of Wilbury and South West Stands and replacement with new South West Stand. Provision of new hospitality buildings, extension to indoor cricket school and refurbishment of the Members' Pavilion.

4.5. **BH2007/00215** Construction of two storey hospitality building and stand on site of existing Gilligan Building. Construction of 6 storey mixed use development on site existing southwest stand, comprising of new partially covered 12296 seat stand, offices, food outlets, toilets, storage and plant room at ground level. Two floors of office accommodation with 3 floors of residential accommodation above, comprising of 9 dual aspect flats. Demolition of part of bat factory building and re-landscaping of main entrance area.

Pre-Application Discussions:

4.6. The Applicant has engaged with the Council through an initial Pre-Application enquiry in February 2019 and then extended this engagement through a formal Planning Performance Agreement which has involved a number of meetings with Officer's and the applicant also presented to Planning Committee Members. In addition to this engagement with the Council, the Applicant has also presented the proposed scheme to 2 Design South East Review Panel meetings. These meetings were particularly insightful and offered the Applicant guidance on opportunities for improvement.

4.7. The February pre app suggested the proposal could be supported in principle. The Local Planning Authority acknowledged the need to support

the Cricket Club and advised that any development would need to be of high quality and a sustainable design. Concerns were raised relating the loss of the Cricketers pub and the nature of the tall building. The potential for ongoing transport issues was discussed and advised that mitigation would need to be considered.

- 4.8. In terms of the Member pre-application presentation, Member's welcomed the redevelopment of the site in principle. Concerns were raised with the lack of affordable housing, the height and massing of the scheme, issues relating to parking and the footprint of the new pub/restaurant. Members also had mixed views of the materials proposed and the impact of the residential units from the new public house at ground floor level.
- 4.9. The summary feedback from the Design Review Panel included:
'This was a clear and well-presented second review. The team have evidently directly responded to our comments from the first review and in particular, made significant improvements to the housing which is one of the higher quality proposals we have seen. However, there is still a significant amount of work to do to convince the panel of the overall vision, identity and arrival experience, which will mean design development of the public realm and commercial building, as well as an overhaul of the approach to landscape, providing a balance of permanent, temporary, 'hard' and 'soft' features. A review of the parking strategy and sustainable transport provisions is essential. Parking should not exceed policy, and discreet places should be found for essential vehicles at ground level.'
- 4.10. Overall it is considered that the applicant has responded positively to the feedback from the initial pre app, members meeting and Design Review Panel to produce a scheme with a more suitable overall design and masterplan. The massing, sense of arrival and public realm were greatly improved through the pre-application process.

Applicants' Public Consultation Exercise

- 4.11. Pre-application engagement was carried out with the local community including a public consultation. The first public consultation took place on 25 February 2019, in which exhibition boards representing the Masterplan were displayed. A full detailed second exhibition also took place in September 2019. Further information on the public consultations undertaken is set out in the Statement of Community Involvement submitted with this Planning Application.
- 4.12. The Applicant's Statement of Community Involvement indicates that comments included the following:
- Visitors were positive about the proposition for Sussex County Cricket Ground to remain in its current location.
 - The majority of people liked the ground improvements and front entrance and wanted open space, greenery and to keep a traditional environment.

- Regular cricket viewers specifically asked to keep lawn space for deck chair viewing at the northern end of the pitch
- Neighbours raised concerns that the proposed north stand may block views to the cricket pitch and overshadow flats
- Concerns were raised about the early proposal's height and massing
- Environmental considerations should be incorporated into the designs
- Concerns were raised about The Sussex Cricketer pub and/or its garden no longer being there
- Concerns were raised about managing traffic, car parking and pedestrian safety
- Concerns about construction disruption
- A few people wanted to be sure about the viability of the project
- A few neighbours raised concerns about the effect on them during construction of Phase 1
- A few neighbours were concerned about the north stands affecting their light or view of the cricket pitch

5. REPRESENTATIONS

5.1. **One hundred and eight (108)** representations have been received supporting the scheme for the following reasons:

- High quality design
- Economic development created by the scheme
- Social benefit to the surrounding area created by the scheme
- The design of the phase 1 building will mark the entrance
- Improves the facilities
- Accords with NPPF
- Enhances a community asset

5.2. **Forty four (44)** representations have been received objecting to the proposed development for the following reasons:

- Detrimental effect on property values
- Excessive noise created from development
- Overshadowing
- Restriction of view
- Creation of additional traffic
- Noise from additional sporting events and concerts.
- Inappropriate height
- Overdevelopment of site
- Development too close to boundary
- Poor design
- Adversely affecting the conservation area and nearby listed buildings
- Relationship between the new public house and the flats above would lead to additional noise
- Loss of privacy
- Impede right to light
- Detrimental impact on air quality
- Impact on trees

- Loss of public house
- 5.3. **Two (2)** representations have been received commenting on the application:
- Whilst support for the scheme in principle, the loss of flexible space at the north end of the pitch is regrettable
- 5.4. **Hove Civic Society:**
Support the scheme overall but disappointed the scheme does not provide any affordable housing. The height and massing of the block has been well handled and the lightness of the material reduces the impact on views from Selborne Road. Phase 2 and the landscaping measures to the entrance area are acceptable.
- 5.5. **Regency Society:**
Support the scheme but disappointed at the lack of affordable housing. The lack of resident parking permits and the provision of cycle spaces is welcomed. The design of the building is welcomed. The stepping back from the 4th floor enhances its appearance. The use of white bricks gives an appropriate appearance. The new building will be just outside the boundary of the Willett Estate Conservation Area. The view of the new building looking north along Selborne Road is probably the most significant in terms of impact on the conservation area, but not one that should merit refusal of the scheme.

6. EXTERNAL CONSULTATIONS

6.1. **Daylight/Sunlight:** Comments

This report has analysed the daylight and sunlight reports by Anstey Horne 'Daylight and sunlight report for proposed development at Sussex County Cricket Ground Redevelopment Phases 1&2' and 'Report on daylight and sunlight within the proposed dwellings at Sussex County Cricket Ground Redevelopment Phase 1'. The assessment has been carried out against the guidelines in the BRE Report 'Site layout planning for daylight and sunlight: a guide to good practice'.

- 6.2. There would be losses of daylight outside the BRE guidelines to 32 rooms in Ashdown and 12 in Wilbury Lodge (for three of the rooms in Wilbury Lodge the daylight distribution would be impacted but the amount of light reaching the window would meet the guidelines). Overall, these would be classified as moderate adverse impacts. Though there would be some sizeable losses of light, the large windows and retained daylight access indicate that the buildings would retain some daylight character with the new development in place. Also, as large buildings close to the site boundary, Ashdown and Wilbury Lodge could be considered as taking more than their fair share of light over the proposal site.
- 6.3. There would also be a moderate adverse loss of daylight to Saffron Gate, with 11 rooms impacted. In relative terms there are some big losses of light, but these are made worse by the balconies above the windows.

- 6.4. In Saffron Gate, loss of sunlight to three living rooms would be outside the BRE guidelines. This would count as a minor adverse impact, because of the effect of the balconies and because for two of the three rooms the loss of sun is only just outside the guidelines. Loss of sun to Wilbury Lodge would be within the guidelines. Loss of sun to Ashdown would not be an issue because the relevant windows face north of due west.
- 6.5. Loss of daylight and sunlight to 44-46 Wilbury Road would be within the guidelines. Another house nearby at 51 Selborne Road has not been assessed; it has side windows facing the site of the new development, though they may not light habitable rooms.
- 6.6. Daylight provision in the new development would be mixed. Many of the rooms would be well daylight. However there are a significant number of rooms (ten living rooms and five bedrooms) for which daylight levels would be below the minimum recommendations. It may be possible to improve these by changing the layout of rooms and balconies.
- 6.7. Such changes could also benefit sunlight provision. Currently this is reasonable; 24 out of 37 living rooms would meet both the summer and winter sunlight guidelines. A further one would meet the summer recommendation but not the winter one, and seven (with large balconies above them) would meet the winter recommendation but not the summer one. Five would not meet either guideline.
- 6.8. Loss of sunlight to the gardens of Saffron Gate and 44 and 46 Wilbury Road would be within the BRE guidelines. It is unlikely that the proposed development could cast a shadow on the cricket ground playing surface during the season. However the proposed grass lawn seating area abutting Phase 2 of the development is likely to be overshadowed by the Phase 1 buildings to the south for some of the day, at least.
- 6.9. CAG: Support**
The unanimous recommendation was to APPROVE, though the case files for this major application were absent for the meeting.
- The Group recognised that there are to be different phases to the scheme
 - Changes to the main entrance will be an improvement
Concern over the 9 storey block of flats to the west of the main entrance, and their likely dominance over the CA to the south. The further stepping back of the higher floors might help in this instance
 - The colour of the facing brick seemed acceptable
 - A contribution to replacement and further Elm tree planting in Eaton Road was suggested
- 6.10. **County Archaeology: Comment**
Based on the information supplied, it is not believed that any significant archaeological remains are likely to be affected by these proposals.

6.11. **County Ecologist:** Comment

Provided the recommended mitigation and enhancement measures are implemented, the proposed development will provide a net gain for biodiversity and can be supported from an ecology perspective.

6.12. **Environment Agency:**

No response

6.13. **Southern Water:** Comment

Southern Water can provide a water supply to the site. Southern Water requires a formal application for connection and on-site mains to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent: A formal application for connection to the water supply is required in order to service this development

6.14. **Sports England:** Comment

Sport England has considered the application in light of the National Planning Policy Framework (in particular Para. 97), and against its own playing fields policy, which states:

'Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- *all or any part of a playing field, or*
- *land which has been used as a playing field and remains undeveloped, or*
- *land allocated for use as a playing field unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.'*

6.15. Sport England's Playing Fields Policy and Guidance document can be viewed via the below link: www.sportengland.org/playingfieldspolicy

6.16. Having assessed the application, Sport England is satisfied that elements of the proposed development meets Exception 2 while other elements meets Exception 3 of our playing fields policy, in that: 'The proposed development is for ancillary facilities supporting the principal use of the site as a playing field, and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.' and 'The proposed development affects only land incapable of forming part of a playing pitch and does not:

- reduce the size of any playing pitch
- result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas);
- reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality;
- result in the loss of other sporting provision or ancillary facilities on the site; or
- prejudice the use of any remaining areas of playing field on the site.'

- 6.17. This being the case, Sport England does not wish to raise an objection to this application.
- 6.18. The absence of an objection to this application, in the context of the Town and Country Planning Act, cannot be taken as formal support or consent from Sport England or any National Governing Body of Sport to any related funding application, or as may be required by virtue of any pre-existing funding agreement. If you would like any further information or advice please contact the undersigned at the address below.
- 6.19. **Sussex Police: Comment**
Given the complexity and large scale of the application, I have no detailed comment to make at this stage. At the reserved matters stage for each phase, I would encourage the applicant to update the Design and Access Statement to include appropriate measures for crime prevention and community safety using the principles of Secured by Design and the attributes of safe, sustainable places.

7. INTERNAL CONSULTATIONS

7.1. Air Quality:

- The proposal's traffic productions will need to be agreed with the Highways authority.
- 7.2. Until there is consensus on traffic productions you should not carry out a detailed air quality assessment. In this case it is possible that weekday traffic additions to the AQMA can be screened out and a detailed air quality assessment is not required.
- 7.3. There are no sensitive receptors for NO₂ in the vicinity of the site which has air quality slightly above urban background. The nearest monitor-receptors offsite are located adjacent with:
- Western Road
 - Sackville Road North
 - Seven Dials and Terminus Road
 - New England Road and the far east of Old Shoreham Road
 - Wellington Road, Portslade
- 7.4. This is where we are interested in potential NO₂ contribution due to the development & cumulative. It will be unnecessary to assess additional receptors.
- 7.5. Based on these assumptions the submitted AQ assessment asserts negligible traffic emissions due to this proposal beyond 1km, for example the AQMA: New England Road and Wellington Road, Portslade.
- 7.6. The development proposes a large surface area of photovoltaic and pledges no Combined Heat and Power plant or biomass burner on site.

- 7.7. It does not say the development will be fully electric, so some form of gas boilers with emissions to air is likely.
- 7.8. The assessment is not likely to adversely impact on the AQMA, but we cannot be certain without independently approved 24-hour traffic productions.
- 7.9. It is recommended that any gas boilers are ultralow emission standard: <30 mg NO_x per kWh.
- 7.10. Arboriculture:**
A number of arboricultural documents have been submitted with the application, and this provides a generous level of information on the project itself, and on the methodologies proposed to enable long-term tree retention and protection throughout the demolition and construction process.
- 7.11. The two prominent elm trees (T1 and T2) located along the site frontage from Eaton Road, which form part of a wider arboricultural feature of mature street trees along Eaton Road itself, are likely to be the most significantly affected. However, the careful demolition of existing structures and surfaces combined with the construction methodologies set out within the submitted details should successfully mitigate any potential for permanent or irreversible damage to the rooting environments of these trees; particularly that of T1.
- 7.12. A number of arboricultural documents have been submitted with the application, and this provides a generous level of information on the project itself, and on the methodologies proposed to enable long-term tree retention and protection throughout the demolition and construction process.
- 7.13. The arboricultural details of Phases 3 and 4 are limited to a site wide tree survey, and so additional information will be required by way of a planning condition for these aspects of this hybrid application.
- 7.14. It is encouraging to see that the proposals incorporate a significant amount of manual excavations prior to major site clearance, to ascertain the numbers, sizes, and significance of any roots present within the construction footprint. This will allow for ongoing and pro-active management of the tree stock whilst meeting the demands of the project, and this meets the general recommendation principles set out in British Standard BS5837:2012 'Trees in relation to design, demolition and construction – Recommendations'.
- 7.15. In terms of the impact on existing trees, the belt of specimens along the western flank of Phase 1 will be safeguarded through the erection of protective fencing and the placement of temporary ground protection. The combination of these should allow for successful retention if the recommendations made within the submitted arboricultural impact assessment and method statements are followed in full.
- 7.16. The two prominent elm trees (T1 and T2) located along the site frontage from Eaton Road, which form part of a wider arboricultural feature of mature street

trees along Eaton Road itself, are likely to be the most significantly affected. However, the careful demolition of existing structures and surfaces combined with the construction methodologies set out within the submitted details should successfully mitigate any potential for permanent or irreversible damage to the rooting environments of these trees; particularly that of T1.

7.17. Conditions are recommended to be attached to the report.

7.18. Artistic Component:

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.

Type of contribution

7.19. 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.

7.20. Commissioning and installation of an Artistic Component based on GIA 7,420 sqm overall to the value of £38,600 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.

7.21. **City Clean:** No comment received

7.22. Economic Development:

Submission of an Employment & Training Strategy to secure the use of at least 20% local construction labour.

7.23. A financial contribution of £67,200 the Local Employment Scheme

7.24. Education:

Contribution sought of £48,954.60.

7.25. The Education department are not seeking a contribution in respect of primary education places as there are sufficient primary places in this part of the city and the city overall. With regard to the secondary provision, the development is in the current catchment for Blatchington Mill and Hove Park Schools. At the present time there is no surplus capacity in this catchment area. Secondary pupil numbers in the city are currently rising and it is anticipated that all secondary schools will be full in a few years' time. The contribution sought will be spent at Hove Park and/or Blatchington Mill schools.

7.26. Environmental Health:

Land Contamination:

Although there are no major potentially contaminated land issues, a discovery strategy would be applied as a minimum and asbestos containing materials survey and remediation report would be requested to address land contamination issues.

Noise:

- 7.27. The Acoustic Report submitted with the application covered the potential noise concerns. A number of conditions have been recommended covering noise, deliveries and servicing.

- 7.28. **Heritage:**

Initial comments:

This application concerns developments around the periphery of the cricket ground which are to be carried out in 4 phases. Phases 1 and 2 concern the south west part of the site and are the only phases with detailed proposals. Phases 3 and 4 are currently in outline form only. Phase 1 includes the demolition of the Sussex Cricketer and redevelopment with a mixed use building rising to 9 storeys above ground. The Heritage Impact Assessment identifies the potential for heritage impacts is likely to be most apparent to the front (south and south/west) of the site as a result of the impact of the Phase 1 building with the commercial elements, public realm works and changes to the south-west likely to result in a lesser impact on the setting of the Willet Estate Conservation Area. Due to the position and relatively low-key nature of the proposals in phases 3 and 4, and the lack of intervisibility with heritage receptors, it is considered in this document that these elements of the application would have no perceptible heritage impact. The Heritage Team is in agreement with this.

- 7.29. The 9 storey mixed use building falls into the category of a tall building within the definitions provided in SPG BH15. This document identifies locations classified as either 'nodes' or 'corridors where taller developments may be appropriate, this site is not within one of these locations. It states that 'In general new tall buildings in Brighton and Hove should not be within conservation areas, nor should they visually impinge on the setting of/or important views of listed buildings or conservation areas. Tall building proposals within conservation areas or affecting the setting of listed buildings or conservation areas or registered historic parks and gardens will only be approved if applicants can demonstrate, through a conservation impact assessment, that the surrounding area's character or appearance or the setting of any listed building or historic park or garden will be preserved or enhanced.'
- 7.30. Although the proposed building is significantly taller than the mean height of surrounding development, it sits within the context of mid-rise buildings (Ashdown and Wilbury Lodge), and the applicant has been advised from an early stage that subject to the detailed analysis of a worked up scheme, the principle of a tall building on this part of the site is likely to be acceptable.

- 7.31. Due to the broad surrounding streets and the position of the site at the end of a long vista northwards, the upper floors of the building will be readily visible. The application includes illustrations of the impact of the scheme on previously agreed sensitive views affecting the setting of listed buildings and the adjacent conservation area.
- 7.32. The Heritage Impact Assessment addresses the effect on the identified assets as follows: 'All Saints Church is experienced in views west along Eaton Road fronting the site and therefore contextual views of the residential block will impact on setting. Additionally, views of the proposed block in the context of the Vicarage will be available from the south'. There is also intervisibility between the front and rear of 40 Wilbury Road, and the ground, with implications in terms of the phase 1 and 2 proposals. In more detail:
- 7.33. Church of All Saints The subject site makes little contribution directly in visual terms to the setting of the heritage asset, however, views along Eaton Road to and from the heritage asset in the context of the proposed Phase 1 building would be impacted upon as a result of the development. the existing intervening townscape (with the 7 storey Wilbury Road already experienced in the setting of the heritage asset), that the proposed 9 storey building (which generally accords with the prevailing building line) rising slightly above Wilbury Lodge in views along Eaton Road.
- 7.34. Vicarage and Walls/Gate piers The subject site makes a limited contribution to the setting of the heritage assets, However, views along Eaton Road to and from the heritage asset in the context of the proposed Phase 1 building would be impacted upon as a result of the development. It is considered that given the intervening townscape, with the 7 storey Wilbury Road already experienced in the setting of the heritage asset, the proposed 9 storey building (which generally accords with the prevailing building line) rising slightly above Wilbury Lodge in views along Eaton Road will result in relatively low visual impact. The rear of the Phase 1 building and possibly some elements of the Phase 2 proposal will be seen directly from the principle frontage of the heritage asset on Wilbury Road.
- 7.35. The Heritage Team generally agrees with the view that the proposal would give rise to a minimal/low additional visual impact on these assets, however reserves further judgement until additional information is received.
- 7.36. '44 Wilbury Road The subject site makes some contribution to the setting of the heritage asset, being directly visible from the rear of the heritage asset and attributing a degree of openness, with views across the Cricket Ground. Views along Wilbury Road within the setting of the heritage asset in the context of the proposed Phase 1 and 2 proposal would be impacted upon as a result of the development. The setting to the rear will also be affected. (This) will result in a visual impact that will result in less than substantial harm. The phase 1 building will result in the most apparent impact on setting being physically closest to the heritage assets, bringing a building of some scale massing within its setting to the rear, which is currently relatively open.'

- 7.37. 'Substantial harm' is a high bar, therefore the Heritage Team would agree that the impact on this asset would be considered to be less than substantial.
- 7.38. 'With regard to the impact on the conservation areas the HIA states The Drive CA and Brunswick Town are some distance away from the subject site and their setting would not be impacted upon to any degree beyond possible glimpsed views of top of the proposed phase 1 building.
- 7.39. Given the height of the proposed Phase 1 building, there will be implications for the setting of the Willettt Estate Conservation Area. In this regard, the proposed development is a comparatively tall building, relative to the prevailing urban form, however, two 7/8 storey buildings lie within the immediate backdrop.'
- 7.40. The HIA states that 'arguably, the existing view (from Selborne Road) within the Willett Estate Conservation Area looking north towards the site from the south does not make a positive contribution to the setting of the Conservation Area, by virtue of the poorly designed existing gateway to the Cricket Ground and the dominance of the south-east stand.' It goes on to consider that the landmark Clocktower and improvements to the entrance and public realm, would have an enhancing effect, and that improving and 'greening' the public realm and the experience of the entrance to the ground will allow the negative visual impact of the south-west stand to appear more muted. This will result in an element of heritage benefit, to the setting of the Conservation Area.
- 7.41. The Heritage Team considers that the dominant horizontal proportions of the SW stand that currently forms the end of the vista along Selborne Road, create an abrupt interruption to the view and contrast strongly with the forms of the historic properties framing it. The proposed Phase 2 cricket ground entrance concourse buildings and the public realm works, particularly the clock tower, will break this with forms and materials that draw the eye inwards and will allow the composition to sit more comfortably as a focal point within the historic setting. In addition reinstating the Tate Gates at the threshold of the ground will complement this as well as incorporating an element of history into the new fabric.
- 7.42. The HIA states that: 'The Phase 1 Building will impact on the setting and therefore significance of the Willet Estate (and to a much lesser degree The Drive Conservation Area). Views of a new urban form of some scale and massing in comparison to standing buildings on the site will result in change to the heritage context, particularly in views along Eaton Road and from the south from Selborne Road and Wilbury Road. 'The introduction of a building of world-class contemporary architecture will create an active frontage, add townscape value and provide an opportunity to make a positive contribution to local character and distinctiveness,' It is however, recognised that the scale, height and massing of the proposed Phase 1 building (although of a high caliber of design) is such that it would alter the setting of the

conservation areas, resulting in a degree of harm. On balance, it is considered that this would amount to less than substantial harm.'

- 7.43. The Heritage Team has previously requested contextual plans extending to buildings that lie immediately beyond the development site (Ashdown and Wilbury Lodge) in order to clarify the degree to which the upper floors align or project beyond the established frontage of the upper floors of these existing tall buildings. It is understood that the alignment of the ground floor of the proposal does not reflect the floors above and it is considered that this will affect the potential for the proposed building to have an increased dominance within the townscape. This information does not appear to have been included (it is assumed that the frontage lines shown in 2.12 of the D & A statement Urban design analysis represent ground floor footprints).
- 7.44. It is not considered that the balance between the harm to the conservation area from the scale, height and massing of the tall building with the enhancements from the Phase 2 development and public realm works can be assessed until this information is available.
- 7.45. Concern has also previously been raised over the detailing of the West elevation of the Phase 1 building due to its visibility from Eaton Road along the side access, and therefore further information on the materials and surface treatments is requested, specifically regarding the Reglit panels that will be prominent elements at ground level.

Further comments following receipt of drawing PL-Z1-30 dated 7 November 2019:

- 7.46. This new drawing now properly allows consideration of the relationship of the proposed building with the established frontage lines of the upper parts of Wilbury Lodge and Ashdown.
- 7.47. It is noted that the balconies of the proposal will be set back slightly in comparison with those of Wilbury Lodge and will protrude slightly (by a similar amount) in comparison with Ashdown. It is therefore considered that the phase 1 building would have a minimal/low additional visual impact on the listed Church of All Saints and the Vicarage and boundary walls.
- 7.48. The scale, height and massing of the proposed Phase 1 building would have an impact on the setting of the Willett Estate and The Drive Conservation Areas, however this would be less than substantial harm and would be adequately balanced by the phase 2 works and enhancements to the public realm therefore the Heritage Team does not wish to object to this proposal.
- 7.49. The scale, height and massing of the proposed Phase 1 building would have an impact on the setting of the Willett Estate and The Drive Conservation Areas, however this would be less than substantial harm and would be adequately balanced by the phase 2 works and enhancements to the public realm therefore the Heritage Team does not wish to object to this proposal.

- 7.50. **Housing Strategy:**
The city-wide Housing Strategy adopted by Council in March 2015 has as **Priority 1: Improving Housing Supply**, with a commitment to prioritise support for new housing development that delivers a housing mix the city needs with a particular emphasis on family homes for affordable rent. The council has an Affordable Housing Brief based on evidenced housing needs in the city. Housing will work positively with developers to answer housing need.
- 7.51. Brighton and Hove is a growing city with 290,395 people with the population due to increase to 311,500 by 2030. Our affordable housing brief reflects the very pressing need for affordable homes in the city. With half of all households in the city earning less than £29,100 per annum, the city's private sector housing is unaffordable for many local residents.
- 7.52. CP20 requires 40% of properties to be developed as affordable housing on site in schemes of more than 15 dwellings. Developers are required to prove where it is not viable for them to meet this policy provision. Offsite provision via a commuted sum payment is considered in schemes with exceptional circumstances.
- 7.53. In terms of need for affordable rented accommodation in the city: We have 9,100 people listed on the joint housing register - 75% of whom are in demonstrable need - Bands A to C [as of December 2019]. We also had 1,772 households in Temporary Accommodation [as of Dec 2019].
- 7.54. Viability of a scheme is an agreed reason for reviewing the affordable housing provision when confirmed by an independent assessment commissioned by the council. The viability at this scheme over the four phases has assessed it was unable to provide any affordable housing. An independent assessment completed by the council, however, concluded that an affordable housing contribution (32%) could be provided by looking at phase 1 in isolation.
- 7.55. After negotiation between the applicant and Planning it was agreed that 50% of this amount is provided through a commuted sum payment of £893,000 towards the provision of affordable housing off site and the remaining 50% being used to facilitate the later phases of development.
- 7.56. This is a 16% affordable housing provision. Whilst this could be seen as disappointing in the context of the council's 40% policy requirement, this also needs to be considered in the light of the outcome of the independent viability assessment conducted by the council, and the council successfully agreeing an affordable housing contribution through looking at phase 1 in isolation.
- 7.57. Whilst onsite provision is always preferred, a commuted sum is a policy compliant alternative in exceptional circumstances which include non-viability and the absence of a Registered Provider purchaser. The rationale for a commuted sum at this scheme is it would prove difficult to attract Registered

Providers to take on the low level of units within a single mixed block and it would present viability and management issues for them.

7.58. The Affordable Housing Brief includes the requirement for a review mechanism to reassess the viability of schemes near completion, where any reduction from policy (i.e. less than a 40% provision) can be reassessed and any increase in the viability position is reflected in an uplift of the contribution, to be paid as a commuted sum.

7.59. Open Space:

Contributions towards open space:

Recreation Open Space calculation as needed, that contribution being £111,514.11. The spend of those for s106 as below:-

- Play: St Anne's Well Gardens and/or Hove Seafront/Kingsway, Hove Lagoon, Hove Park, Dyke Road Park
- Outdoor Sports: St Anne's Well Gardens and/or Hove Seafront/Kingsway, Hove Lagoon, Hove Park, Hove Recreation Ground, Dyke Road Park, Withdean Sport Complex
- Parks, Gardens including Amenity, Natural/Semi Natural: St Anne's Well Gardens and/or Hove Park, Dyke, Hove Seafront/Kingsway, Palmeira Square, Dyke Road Park
- Indoor Sports: King Alfred Leisure Centre and/or Prince Regent Swimming Complex, Withdean Sports Complex
- Allotments: Weald Avenue and/or Eridge Avenue

7.60. Planning Policy:

As originally submitted:

The provision of 37 residential units (representing a net gain of 36 units taking into account the demolition of 1 Eaton Road) would provide a useful contribution towards the city's housing target as set out in Policy CP1 of the City Plan Part One. The housing mix should be clarified in order to determine conformity with Policy CP19. No affordable housing provision or contribution is proposed, with the accompanying Viability Appraisal setting out the applicant's justification as to why this cannot be viably provided. This analysis should be independently verified before an exception to Policy CP20 can be considered.

7.61. The provision of new business floorspace is supported by Local Plan Policy EM4. Further information regarding how the existing B class floorspace is used and what is envisaged for the replacement, for example whether the whole space is intended for use by the Cricket Club or whether it will be marketed to third parties, and the intended balance between B1 and D1.

7.62. The demolition and replacement of the public house meets the criteria in Local Plan Policy HO20 and is acceptable in principle, careful consideration should be given to the design and layout of the replacement to ensure its attractiveness as a focus for the local community and viability as a standalone venue throughout the year, rather than focussing solely on serving large crowds during events at the cricket ground.

Improvements to Spectator Facilities at the Cricket Ground:

- 7.63. The County Cricket Ground is identified as a major sporting venue serving the city in Local Plan Policy SR22 and City Plan Policy CP17. Policy SR22 states that “planning permission will be granted for improvements to the existing playing and spectating facilities at these venues and other related uses which would improve the attractiveness of these major sporting venues, provided that they are not detrimental to the amenities of the local area.” The proposed improvements to the grandstands, club shop and hospitality facilities are all considered to enhance the ability of the venue to function as a sports facility and are welcomed.
- 7.64. City Plan Policy CP17 also seeks the enhancement and more effective use of existing sports facilities and the proposed development complies with the requirements of both policies.

Waste Management:

- 7.65. The proposed scheme would generate significant quantities of construction and demolition waste Policy WMP3d of the Waste and Minerals Plan (2013) requires it to be demonstrated how waste arising from construction, demolition and excavation activities has been minimised, and that which does arise is managed in a sustainable manner. Where space on site allows, development should be phased to encourage re-use of recycled material and also to minimise the transport of waste materials from the site and the import of new materials.
- 7.66. A Site Waste Management Plan should be required by condition, and where possible re-used and recycled components incorporated into the design of the new structures.
- 7.67. Policy WMP3e requires the location and provision of facilities and infrastructure intended to allow for the efficient management of waste in the completed, operational development to be identified. The convenient separation and collection of household and business waste, as appropriate, should be facilitated.

Additional comments – January 2020:

- 7.68. A revised affordable housing offer has been proposed by the applicant which has been subjected to an independent viability assessment. The proposed affordable housing offer is considered to be acceptable.

7.69. **Private Sector Housing:**

No comment

7.70. **Sustainable Transport: Comments**

The Local Planning Authority appointed an external expert transport consultancy (RGP) to support the assessment of the developer’s scheme, due to exceptional resource capacity issues within the Local Highway Authority during the summer 2019. The Local Highway Authority has

subsequently undertaken a series of peer reviews of the application and report provided by RGP's consultant.

- 7.71. Significant concerns were expressed about potential severe impacts:
- No plans to illustrate proposed future access arrangements and little information on proposed access and circulation arrangements
 - The Transport Assessment only considers the Phase 1 proposed development and the LHA has concerns about the impact of additional spectators attending matches using the new stands. There are also concerns about the data used in the trip assessment for Phase 1.
 - The impact on overspill parking in the neighbourhood once the final parking and cycle layouts have been agreed for the initial phases
 - The loss of existing parking spaces at the ground and the lack of an assessment of the impact on the surrounding streets
 - The physical space capacity that the proposed cycle store can be created to house sufficient cycle storage
 - The proposed works to the adopted/public highway need to be undertaken through an appropriate S278 agreement secured through an obligation in the S106 agreement
- 7.72. Concerns were also expressed about matters which individually would not cause severe impacts:
- The car parking area surveyed to the south of the site only extended out to 250m rather than 500m
 - Parking demand had not been assessed for the B1 or other uses included in Phase 1
 - Disabled driver parking provision is significantly below the minimum standards required in policy
 - No showers or lockers were identified for provision in connection with the B1 or other uses included in Phase 1
 - Most visitor cycle parking stands were not covered, sheltered or secure
 - The proposed western service road does not make provision for a turning area for large vehicles and vehicles may not be able to pass each other
 - The proposed improvements to the public highway on Eaton Road include the creation of a "shared surface" which will require very detailed design discussions and equalities considerations
- 7.73. Other concerns raised included:
- A lack of information on the existing access to the cricket ground
 - No car parking survey has been undertaken for the northern area of the site
 - No electric vehicle charging points were identified as being provided for Phase 1 & 2
 - The need for cycle parking has not been considered for Phases 3 & 4 of the application
 - The design of two tier cycle racks proposed was very cramped and potentially inaccessible

- The proposed Sheffield stands in the basement car park are obstructed by car parking
- Casualty data showing a serious injury collision near to the site access has not been highlighted or investigated
- There is no information about existing travel behaviour/patterns of the site, which makes the accurate assessment of potential impacts of the phased proposals impossible to assess
- Any increase in additional trips generated through the replacement hospitality and meeting facilities in later phases have not been assessed.
- The Transport Assessment does not include estimates of daily/24 hour person trips to enable the sustainable transport S106 contribution to be assessed.
- The proposed Phase 1 building line may encroach into the adopted/public highway, which will require the LHA to undertake an appropriate “stopping up” procedure
- There are inconsistencies between the drawings in the transport assessment and the application which need to be confirmed or clarified

7.74. The vast majority of these concerns have either been addressed through further work, discussions or negotiations with the applicant and their consultants as outlined and can be addressed through the recommended conditions and/or the draft Section 106 agreement proposed.

Sustainable Urban Drainage:

7.75. Basement parking proposed in phase 1 – located in surface water accumulation zone (refer to LG18 of SPD document). Although basements for parking purposes are permitted, the applicant is required to demonstrate what resilience measures will be in place to mitigate flooding in the basement. Applicant should assess groundwater level at this location.

7.76. Our GIS indicate a number of flooding incidents that occurred in proximity to site in 2014 as a result of heavy rainfall in Brighton and Hove.

7.77. Micro-Drainage calculations submitted are acceptable – BRE D365 infiltration tests are required at next stage of design to confirm infiltration rates used.

7.78. Maintenance schedule is acceptable.

8. MATERIAL CONSIDERATIONS

8.1. 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

8.2. 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.
- Shoreham Harbour Joint Area Action Plan (adopted Oct 2019)

8.3. 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.

9. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
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
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
TR12	Helping the independent movement of children
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

QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO8	Retaining Housing
HO13	Accessible housing and lifetime homes
HO19	New community facilities
HO20	Retention of community facilities
EM4	New business and industrial uses on unidentified sites
SR12	Large Use Class A3 (food and drink) venues and Use Class A4 pubs and clubs)
HE3	Development affecting the setting of a listed building
HE6	Development within or affective the setting of conservation areas
HE10	Buildings of local interest
SU3	Water resources and their quality
SU5	Surface water and foul sewerage disposal infrastructure

Supplementary Planning Guidance

SPGBH9	A Guide for Residential Developers on the Provision of Outdoor Recreation Space
SPGBH15	Tall Buildings

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD11	Nature Conservation & Development
SPD14	Parking Standards

Further Guidance:

Affordable Housing Brief (December 2016)

Developer Contributions Technical Guidance (March 2017).

10. CONSIDERATIONS

10.1. The main considerations in the determination of this application relate to the principle of the development, the scale and design of the proposal and the impact of the proposed development on the visual amenities of the site and surrounding area, in particular, heritage assets. Further considerations include the access arrangements, sustainable transport impacts and air quality. The impact upon amenity of neighbouring and future occupiers, the standard of accommodation, housing mix, the level of affordable housing and density, ecology, arboriculture and sustainability impacts must also be assessed.

Development Proposal:

10.2. The proposal is a Hybrid application seeking full planning permission on Phases 1 and 2, with outline planning permission being sought for Phases 3 and 4 with all matters reserved for future approval except access.

Phase 1:

- 10.3. The detailed proposal as part of Phase 1 include the demolition of the existing public house, single dwellinghouse and single storey commercial building, and the construction of a new block, up to 9-storeys (over basement) mixed use building comprising re-provision of public house/restaurant (A3/A4 Use Class), 37no. residential apartments (C3 Use Class) and approximately 1,200sqm flexible commercial space (B1/ D1 Use Class) together with ground and basement parking.
- 10.4. The proposal involves the demolition of the existing Sussex Cricketers Pub, the dwelling at 1 Eaton Road and the small commercial facilities with a mixed use building, which will be located within the south west corner of the site. The proposal seeks to allow for a new gateway development to enhance the visual quality of the cricket ground entrance from Eaton Road approach.
- 10.5. The proposed building consists of a 9 storey building at the highest point with basement car parking. The internal layout of the building has been arranged to provide both commercial and restaurant/pub facilities on the ground floor. The building contains a basement area for vehicle and cycle parking, which is accessed by vehicle via a ramp from the west boundary of the site off Eaton Road. From the basement floor, pedestrian access to the residential and commercial units is provided to the upper floors via public stairwells and lifts. The proposals are to provide a total of 60 parking spaces on the site, including 35 residential parking spaces, 8 commercial spaces, 4 visitor spaces within the basement and 13 external visitor spaces at ground floor level.
- 10.6. The ground floor will consist of a replacement to the Sussex Cricketers Pub comprising approximately 533.2sqm to the south of the site, together with new flexible commercial facilities to the north of the building. A new ticket office will be located within the ground floor of the building. On the first floor, there will also be additional commercial office facilities located to the north of the building with residential units to the south of the building. The upper floors of the building will consist of a mix of residential units with external balcony provision. In total the flexible commercial areas will provide 1209.2 sq metres of flexible B1/D1 space. Of the 37 residential units the scheme would provide 12 one bedroom units, 16 two bedroom units, 8 three bedroom units and a 1 four bedroom unit.
- 10.7. The proposed building will be accessed by separate pedestrian entrances to the residential, commercial and Public House. The ground floor south elevation is dictated by the placement of two pedestrian entrances, the residential entrance in the south west corner of the building, and the restaurant/pub entrance in the south east corner of the building. A second pedestrian access to the pub is also provided from the new shared space to the east of the building. The proposed commercial units and new ticket office will be accessed separately from the east elevation of the building. There is internal access for the residential and commercial units from the basement car park.

- 10.8. A new vehicle access is proposed as part of Phase 1 running along the western boundary. The new vehicle access leads to the basement parking for both commercial and residential occupiers for up to 47 car parking spaces, 35 of which will be for residential use. There is commercial surface car parking located externally to the north of the building. There is cycle parking for up to 74 spaces proposed for the residential and commercial units, 58 spaces will be for residential use.
- 10.9. Existing trees along the boundaries of the site will be retained to provide biodiversity enhancements for the site with significant new planting proposed as part of the scheme.
- 10.10. New public realm access improvements also include the reinstatement of historic features such as the Tate Gates.
- 10.11. There is a shared surface area involving heavy duty exposed aggregate paving for vehicular use and concourse/plaza areas. Paving elements will be laid in three colour blocks (silver grey, mid grey and graphite) bands graduating in tone as the visitor moves towards the main entrance.

Phase 2:

- 10.12. The second phase of the development proposes the demolition of Club offices and partial demolition of southwest stand, and the construction of new build extension and adaptation of the southwest stand to include club shop, reception area; bar and café, hospitality area together with enhancements to the public realm.
- 10.13. The proposal involves the demolition of the lowest capacity section of the existing south west stand to allow for the construction of 5 purpose built hospitality suites with external outdoor terraces facing onto the cricket green.
- 10.14. There will also be new reception/arrival area on the ground floor, a new shop, new café and a new kitchen over 2 floors to serve all the hospitality suites. The proposal also seeks to provide a clock tower.
- 10.15. The internal layout of Phase 2 comprises of an additional 1765.1 sq metres of additional floorspace across the ground (1,278.7 sq m), first (447.7 sq m) and second floor (38.7 sq m) areas.
- 10.16. The building will be accessed from the south elevation via a large entrance lobby. This leads onto a glazed corridor providing access to the internal match day facilities. A public stairwell and lift is located internally to the west of building, which leads up to the first and second floors. The first floor will provide access to match day seating, additional hospitality facilities and kitchen. The second floor will contain a spectators terrace for up to 60 people and a plant room.
- 10.17. The proposed south west stand height consists of two storeys. The proposed materials will consist of white and coloured brick and cladding.

- 10.18. The stand extension will be clad in the same white brick used on Phase 1. An alternative red/brown brick is proposed for the reinstated Tate Gates and Clock Tower.
- 10.19. This will provide a contrast to the white brick and link these elements of the design. A new white metal canopy is proposed to the existing stand, this simple design is then extended over the roof plant area.

Phase 3:

- 10.20. The third phase of the development seeks outline planning permission for the provision of two stands of permanent seating to replace informal seating areas, together with improvements to spectator hospitality facilities including works to existing single storey buildings.
- 10.21. Only access is proposed to be agreed at outline stage. The third phase is located to the north end of the ground and the indicative plans show that the development will be 5 metres in height.

Phase 4:

- 10.22. The fourth phase seeks outline planning permission for the demolition of existing hospitality area and construction of a new stand to replace displaced seating. Only access is proposed to be agreed at outline stage.
- 10.23. Phase 4 will remove existing hospitality facilities within the south eastern corner of the site and replace them with a newly designed stand. Whilst layout and scale is reserved for future approval, the indicative plans show that the proposed phase 4 development would sit within the footprint of the existing hospitality facilities. The proposed stand will be approximately 5.5 metres in height and will be located approximately 13 metres away from Ashdown to the south west of the site.

The Principle of Development:

- 10.24. There are a number of policies relevant to the application, which will be outlined throughout the report.
- 10.25. The Draft City Plan Part 2 (CPP2) was published for consultation under Regulation 18 of the T&CPA for 8 weeks over the summer of 2018. Consultation under Regulation 19 is currently anticipated to take place May/June 2020. Although CPP2 carries limited weight at this stage of the planning process it does indicate the Council's aspirations and the direction of policy for the future development of the site for comprehensive residential-led mixed use development.

Sports Facilities:

- 10.26. The County Cricket Ground is identified as a major sporting venue serving the city in Local Plan Policy SR22 and City Plan Policy CP17.

- 10.27. Policy SR22 states that “planning permission will be granted for improvements to the existing playing and spectating facilities at these venues and other related uses which would improve the attractiveness of these major sporting venues, provided that they are not detrimental to the amenities of the local area.”
- 10.28. The proposed improvements to the grandstands, club shop and hospitality facilities are all considered to enhance the ability of the venue to function as a sports facility and are welcomed. City Plan Policy CP17 also seeks the enhancement and more effective use of existing sports facilities and the proposed development complies with the requirements of both policies.

Design & Appearance:

- 10.29. National and local policies seek to secure good quality design that respects the characteristics of the site and its surroundings. City Plan Part 1, Policy CP12 sets out the design objectives for development, including raising the standard of architecture and design in the City and establishing a strong sense of place by respecting the diverse character and urban grain of the City’s identified neighbourhoods (which is set out in the Urban Characterisation Study 2009).
- 10.30. Saved Policy QD15; City Plan Part One Policies CP12, CP14, and CP16 and emerging City Plan Part Two Policy DM18 and DM22 seek to deliver quality developments, raise the standard of architecture and design in the City and establishing a strong sense of place by respecting the diverse character and urban grain where landscape is an integral part of the design.
- 10.31. Policy CP12 on Urban Design in particular 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;

- 10.32. The design detail of each phase will be considered below.

Heritage:

- 10.33. The application site is surrounded on 3 sides by the Willett Estate Conservation Area with The Drive and Brunswick Town Conservation Areas close by. The Grade I listed Church of All Saints and Grade II listed 44 Wilbury Road and All Saints Vicarage and boundary walls (also Wilbury

Road) are the closest listed buildings with others in The Drive also close by. The site is enclosed within a residential area and with the exception of its recessed southern entrance the presence of the Cricket Ground within this suburban area is largely unmarked other than by floodlighting visible above the rooflines of the surrounding streets. The site fronts Eaton Road with the Cricketer Public House at its edge.

- 10.34. The special significance of the County Ground itself lies in its establishment of the club on this site in 1872. Some built heritage lies within the site in terms of the remnants of early stands and other structures (which are to be retained) and the opportunity to reinstate the historic Tate Memorial Gates is identified.
- 10.35. The trees at the entrance to the site are considered valuable elements of the street scene and serve to mark the entrance to the ground.
- 10.36. Currently the Sussex Cricketer Public House stands at the main entrance to the ground. It first appears on historic maps as The County Ground Hotel in the 1870s built at the same time as the cricket ground. Its heritage significance has been assessed in the submitted Heritage Impact Assessment (HIA) which identifies 'a clear historical (and visual) association with the cricket ground it has heritage values attached to it' as such it is identified as a non-designated heritage asset.
- 10.37. The building's historic interest derives from its association with location of the cricket ground to the Eaton Road site in 1870s. Its architectural interest is considered limited 'Whilst it retains overall form and some detailing, architectural merit has been diluted and has some later alterations.' 'The architect (Woodman) is of some local note only.' Communal value is identified due to long term association of the building with the cricket ground.
- 10.38. The phases of the development will be discussed in detail below in respect of Heritage.

Phase 1 – Consideration of the Detailed Proposals:

Design & Appearance:

- 10.39. The Phase 1 development proposes the demolition of the existing public house and dwelling on the site and proposes a building that would rise from 3 storeys at the north end of the structure to 9 storeys on the frontage with Eaton Road.
- 10.40. SPG15 Tall Buildings classifies buildings over 18 metres (6 storey) as a tall building. The SPG does encourage tall buildings in either corridors or nodes. The application site is not located in either a tall building corridor or node, however, the immediate context in which the application site is located is also a consideration. Guidance contained in SPG15 does require 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. The council will expect very tall

developments in particular to be, at least in part, accessible to the public. 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. It states that 'In general new tall buildings in Brighton and Hove should not be within conservation areas, nor should they visually impinge on the setting of/ or important views of listed buildings or conservation areas. Tall building proposals within conservation areas or affecting the setting of listed buildings or conservation areas or registered historic parks and gardens will only be approved if applicants can demonstrate, through a conservation impact assessment, that the surrounding area's character or appearance or the setting of any listed building or historic park or garden will be preserved or enhanced.'

- 10.41. The 9 storey mixed use building falls into the category of a tall building and is significantly taller than the mean height of surrounding development. It will, however, sit in the immediate context of mid rise buildings with Ashdown (7 storeys increasing to 8 at the rear) and Wilbury Lodge (7 storeys) to the east and west of the application site.
- 10.42. Whilst it is acknowledged that the proposed development will be higher than the immediate buildings adjacent to the site, the building does step along the western side from 6 storeys to the highest point. Wilbury Lodge is 7 storeys, however, given the difference in floor to ceiling heights, particularly the commercial element at ground floor level in the proposed building the buildings will appear a similar height before a gradual stepped increase to the 9 storeys. The overall mass of the proposed building has been broken down through the introduction of varying building heights, which vary both north to south and east to west, in order to respond to existing surrounding building heights around the site and to equally address comments offered by the Design Review Panel.
- 10.43. Whilst the increased height over the neighbouring buildings is a concern. It is important to recognise the width of the site and a lower building which replicated the height of both adjacent buildings would potentially appear out of proportion. The height of the building is commensurate to the site frontage and its presence provides a vertical emphasis to the building which is a key characteristic of the area. This is particularly important, given the horizontal banding proposed in the design detail of the building. The height of the structure creates the verticality needed. The staggered front building line and the balcony features adds further relief in the elevation frontage as well as the stepped scale of the development providing relief.
- 10.44. The proposed white and coloured brick and cladding are considered to be acceptable reflecting the heritage of the historic cricket club. The material approach reflects the style of the existing Eaton Road street scene but with a contemporary and sustainable context.

Impact on Heritage Assets & Conservation Areas:

- 10.45. The development will be viewed at the end of a long vista northwards along Selborne Road, from within the Willett Estate Conservation Area as well as in the context of a number of Heritage Assets that were assessed as part of the Heritage Impact Assessment that was submitted with the application. In this regard, the proposed development is a comparatively tall building, relative to the prevailing urban form, however, two 7/8 storey buildings lie within the immediate backdrop. Notwithstanding this, it is considered that the height of the development would alter the setting of the conservation area, would result in an element of harm and is considered less than substantial harm.
- 10.46. The Heritage Team generally agrees with the view that the proposal would give rise to a minimal/low additional visual impact on the Church of All Saints, Vicarage and walls/gate piers. However, the views from and to 44 Wilbury Road are likely to be impacted. The Heritage officer has advised that the application site makes some contribution to the setting of the heritage asset, being directly visible from the rear of the heritage asset and attributing a degree of openness, with views across the Cricket Ground. Views along Wilbury Road within the setting of the heritage asset in the context of the proposed Phase 1 and 2 would be impacted upon as a result of the development. The setting to the rear will also be affected. This will result in a visual impact that will result in less than substantial harm. The phase 1 building will result in the most apparent impact on setting being physically closest to the heritage assets, bringing a building of some scale massing within its setting to the rear, which is currently relatively open.
- 10.47. Paragraph 193 of the NPPF states that ‘when considering the impact of a proposed development on the significant of a designated heritage asset, great weight should be given to the asset’s conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 10.48. The Heritage officer has identified that the impact will be less than substantial.
- 10.49. Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significant of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 10.50. The Heritage officer has advised that the less than substantial harm would be adequately balanced by the phase 2 works and enhancements to the public realm. The phase 2 part of the scheme is considered in detail below. Moreover, the development will result in investment to enhance the wider Cricket Club in addition to providing additional residential units.

Impact on neighbouring amenity:

- 10.51. 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.

- 10.52. The closest affected properties to Phase 1 involve Ashdown to the east of the site, Wilbury Lodge in addition to Saffron Gate to the west of the site and properties to the south of the site. The southern east section of the building rises to 9 storeys. The south west section of the phase 1 building is 7 storeys in height. Undoubtedly the proposed development would result in additional bulk compared to the existing building on the site. As existing, the separation distance between Ashdown and the existing public house would be 25.6 metres and this would be reduced to 24.4 metres as proposed. Turning to, Wilbury Lodge to the east would as proposed have a separation distance of 18.5 metres as proposed compared to 19.6 metres and Saffron Gate would be 15.2 metres compared to a current separation distance of 29.9 metres. A two storey house fronting Eaton Road separates the existing pub and Wilbury Lodge. As the building steps up in height the separation distance from the building to the neighbouring blocks does increase.
- 10.53. The Eaton Road properties to the south of the site are of a suitable distance away from the front of the development with the road separating the properties from the development site. It is not considered the scheme results in an excessively taller development than currently in existence along the immediate vicinity of this part of Eaton Road.
- 10.54. BRE were commissioned to undertake a review of Daylight and Sunlight report that was submitted in support of the application.
- 10.55. In terms of Ashdown, given the scale of the existing Cricketers pub, the west side of the existing block, overlooking the application site, currently experiences good levels of daylight. Loss of vertical sky component would be outside the BRE guidelines for 37 windows to the basement, ground, first, second and third floors. Five of these are secondary windows to living rooms with a main window facing onto Eaton Road. Thirty two windows would have a loss of VSC below BRE guidelines. The existing high VSCs of between 32 – 39% would be reduced to 21 – 27%.
- 10.56. The BRE report does note that this difference would be classified as a moderate adverse impact. Though there would be some sizeable losses of light, the retained daylight access and large windows indicate that the buildings would retain some daylight character with the new development in place.
- 10.57. Wilbury Lodge is a block of flats to the west of the application site, the main elevation fronts onto Eaton Road but there are a number of windows that face onto the application site. Similar to Ashdown, the windows in the side elevation currently experience good levels of daylight due to the existing height of the building, which will be impacted as a result of the development. Loss of vertical sky component would be outside the BRE guidelines for 16 windows on the ground, first, second, third and fourth floors. Seven of these benefit from primary window sources either on the front elevation or north

facing elevation. Of the remaining 9 windows, the loss would be outside VSC levels, reducing from existing VSCs of 26 – 37% to 17 – 26%. The BRE report notes that this would be classified as a moderate adverse impact and whilst there are some sizeable losses of light, it only affects a small number of windows.

- 10.58. Saffron Gate is located to the west of the application site, to the rear of Wilbury Lodge. There would also be a moderate adverse loss of daylight to Saffron Gate, with 11 rooms impacted. According to the BRE report, there are some big relative losses of light, but these are made worse by the balconies above the windows.
- 10.59. In Saffron Gate, loss of sunlight to three living rooms would be outside the BRE guidelines. This would count as a minor adverse impact, because of the effect of the balconies and because for two of the three rooms the loss of sun is only just outside the guidelines.
- 10.60. Loss of daylight and sunlight to 44-46 Wilbury Road would be within the guidelines.
- 10.61. Whilst it is recognised that the proposed development would have some impact on neighbouring blocks, it is important to recognise that some loss of light will be inevitable given the current height of the existing building compared to the proposed. The BRE in their analysis of the proposal noted that the side elevations of the neighbouring blocks have benefited from side returns enjoying additional daylight. Moreover, weight is given to the need to ensure the development is appropriate in terms of scale and height in relation to neighbouring blocks as well as the overall benefit of the scheme in providing additional units of residential accommodation. It is considered on balance that the proposed development is acceptable in terms of daylight and sunlight.
- 10.62. A number of the residential units would benefit from terraces/balconies. At first floor level, there would be 2 on the west elevation and, three on the east elevation, as the building increases in height; the number on the west elevation does reduce with some additional terraces along the western elevation from the sixth floor. Given the separation distance between the block and the properties to the east, it is not considered that the balconies would result in a loss of privacy due to the intermediate space which provides the entrance to the Cricket Ground. This is already a busy thoroughfare when the ground is in use and the additional balconies are not likely to add to the sense of overlooking to the detriment of amenity. The balconies on the west elevation are, however, a concern. The western façade does overlook the east elevation of Wilbury Lodge and Saffron Gate to the rear. A condition is recommended ensuring the scheme does incorporate screening along some balconies (which serve flats 2, 9, 10, 16, 22 and 27) to avoid overlooking to the west. At sixth floor level and above larger terraced areas are proposed as the built form of the development steps away from the western boundary. In addition, a large communal terrace area is also proposed at sixth floor level at the rear. A condition is recommended to

screen the western elevation of the communal terrace to avoid overlooking to the west. Concerns have also been raised regarding the terraced areas facing west at the sixth, seventh and eighth floors, amended plans are expected at the time of writing the report to reduce the areas facing west. The commercial area at first and second floor in Phase 1 introduce a large expanse of glazing close to the boundary with the west and a condition requiring obscure glazing up to 1.7 metres within the internal spaces is recommended.

Housing Provision:

- 10.63. 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.
- 10.64. The Council's most recent housing land supply position is published in the SHLAA Update 2018 (February 2019). The figures presented in the SHLAA reflect the results of the Government's 2018 Housing Delivery Test which was published in February 2019. The Housing Delivery Test shows that housing delivery in Brighton & Hove over the past three years (2015-2018) has totalled only 77% of the City Plan annualised housing target. Since housing delivery has been below 85%, the NPPF requires that a 20% buffer is applied to the five year housing supply figures. This results in a five year housing shortfall of 576 net dwellings (4.5 years supply).
- 10.65. In this situation, when considering the planning balance in the determination of planning applications, 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).
- 10.66. The scheme proposes a net increase of 36 residential units and subject to the consideration of other Development Plan Policies and the NPPF taken as a whole, it is considered that the uplift would represent an efficient use of the site. The NPPF at paragraph 123 indicates that "where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of site." At the same time the NPPF advises that local planning authorities should refuse applications that fail to make efficient use of land and support a flexible approach in the application of policies or guidance where they would otherwise inhibit making efficient use of a site.

Affordable Housing:

- 10.67. Brighton & Hove City Plan policy CP20 requires the provision of affordable housing on all sites of 5 or more dwellings. The Council will seek to achieve 40% onsite affordable housing provision on sites of 15 or more (net) dwellings. The 40% target may be applied more flexibly where the council considers this to be justified, as set out in the policy. Of consideration in

particular is the financial viability of developing the site (as demonstrated through the use of an approved viability model).

- 10.68. As originally submitted no affordable housing provision or contribution was proposed, with the accompanying Affordable Housing Viability Statement and Appraisal setting out the applicant's justification as to why this could not be viably provided. The applicant presented the case that the hybrid application would involve a facilitating development derived from the proceeds of the sale of the private residential units in Phase 1 of the proposal to facilitate the implementation of the later phases. The statement concluded no affordable housing would be viable due to the subsequent costs involved in the later phases.
- 10.69. Policy CP20 allows flexibility for a lower proportion/different tenure mix of affordable housing where this is supported by viability evidence. The applicant's analysis was subsequently independently verified by Adam's Integra, the viability consultant representing the Local Planning Authority. The independent assessment concluded that the scheme was capable of providing affordable housing. This was because the proposal as a hybrid application involved a joint venture with a private company on phase 1 of the scheme. Adams Integra, concluded that Phase 1 of the scheme if treated in isolation could support a 32% affordable housing contribution, which was equivalent to 12 units. The applicant, however, in response, put forward the case that an element of facilitating development would be required from the proceeds of phase 1 for the remainder of the scheme to proceed. This was supported by further statements and appraisals from Turner Moran (the viability consultant representing the applicant). The Local Planning Authority support the enhancement to the facilities at the Cricket Ground, however, this could not be entirely at the expense of the provision of affordable housing. Both policies in the Brighton & Hove City Plan Part One, CP20 (affordable housing) and policy CP17 (Sports Provision) where the future of the Cricket Club is specifically mentioned are considerations in the determination of the application.
- 10.70. Through discussion, the club offered to split the 32% level of affordable housing (the figure concluded to be viable) (50:50) between providing affordable housing and allowing money to be used towards the later phases of the scheme. Given the exceptional circumstances in this particular case, the Local Planning Authority are, on balance, able to accept the reduced provision of affordable housing so that investment can be secured to bring forward the later stages of the development. This would result in the creation of 6 affordable units on site.
- 10.71. Policy CP20 also requires affordable housing for the scale of development proposed to be provided on site. However, in accepting the split of resources, the number of affordable housing units provided would be reduced to 6 units. The applicant has presented the case that given the number of affordable housing, it would not be possible to offer the units to a Registered Social Landlord due to the lack of interest, the block layout and

singular entrances for the residential would not be attractive for a Registered Social Landlord, this is endorsed by the City Council's Housing Strategy team. On this basis, it was proposed that the affordable housing would be provided as a contribution. This argument was accepted during discussions.

10.72. The affordable housing contribution would result in a 50:50 split with £892,983 being supplied as an offsite payment contribution to affordable housing and £892,983 being held back to contribute to the delivery of Phase 2, 3 and 4.

10.73. This approach is subject to agreement to a number of conditions, as follows:

- Include provision for Review to confirm costs/sales
- Best endeavours to secure maximum Grant Funding from England and Wales Cricket Board, other suitable funding sources and direct fund raising activities for the delivery of Phases 2-4.
- If Sussex County Cricket Club is successful in obtaining sufficient grant or other funding to meet the costs of Phase 2-4 in full or part, a mechanism will be incorporated to redistribute the affordable housing sum assessed in Phase 1 to the Council
- A requirement to pay a sum equivalent to the funding generated through Phase 1 (£892,983) to support the cost of Phases 2-4 if construction does not commence on Phase 2 before a set deadline (to be agreed)
- Upon completion of the building works of all of the Phases 2-4, to finally review the costs against the surplus funds from Phase 1, the S106 commuted sum to spend on delivery of Phases 2, 3 & 4 and any grant or other funding raised or secured from the England and Wales Cricket Board or others
- The council to covenant to apply any affordable housing payment to the provision of affordable housing.
- The S106 will hold regular monitoring meetings with Sussex County Cricket Club to receive updates from them on their progress with grant applications and other fund raising activities

Housing Mix:

10.74. Brighton & Hove City Plan Policy CP19 relates to housing mix and seeks to improve housing choice and ensure that an appropriate mix of housing (in terms of housing type, size and tenure) is achieved across the city. Schemes should demonstrate that proposals have had regard to housing mix considerations and have been informed by local assessments of housing demand and need.

10.75. The scheme would provide the following housing mix:

- 1 bed: 12 units (32%)
- 2 bed: 16 units (43%)
- 3 beds: 8 units (22%)
- 4 beds: 1 unit (3%)

- 10.76. Policy CP19 does not set specific requirements for housing mix, but expects 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.
- 10.77. Whilst the proposed housing mix, which is overly skewed towards smaller dwellings weighs against the scheme when the proposal is assessed in its totality, with the significant benefits of the housing units being provided and consideration of the viability of this specific scheme which would be compromised further with a higher percentage of larger units it is not considered to be so significant as to warrant refusal of the scheme on this basis.

Standard of Accommodation

- 10.78. 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 and can be used as a benchmark for an acceptable level of living space for future occupiers. The application drawings demonstrate the Gross Internal Space provision for each flat would be provided within the following ranges as set out in the National Described Technical Space Standards:

Unit Size	Min Space Standard	Met by development
1 bed 2 person flat	50 sq m	Yes
2 bed 3 person flat (2b4p)	70 sq m	Yes
3 bed 6 person (3b6p)	74 sq m	Yes

- 10.79. As part of the submission, a daylight assessment of the proposed accommodation was provided and the BRE were appointed to evaluate the findings. The BRE report advises that the daylight provision to the development would be mixed. 'Many of the rooms would have high average daylight factors and would be well daylit. However, there would be a significant number of rooms (10 living rooms, 5 bedrooms) for which daylight levels would be below the minimum recommendations. All of the rooms identified have large balconies over them, which is impacting on the levels of daylight. The BRE report recommends that it may be possible to improve the level of daylight through changes to internal room layouts and the extent of the balconies.
- 10.80. In response to the BRE report, the applicant's Sunlight/Daylight consultant Anstey Horne ran a further analysis for the balconies in Phase 1. This showed that 109 (99%) of the 110 rooms assessed would exceed the guideline Average Daylight Factor (ADF) values and suggests that the proposed habitable rooms would have high levels of daylight without the balconies in place. The applicant's agent has advised that the provision of

amenity space would not only enhance the quality of the accommodation but also satisfies other policy requirements within the development plan.

- 10.81. It is noted that a reduction in balcony size/alteration in the balcony areas to address the daylighting concern could have an impact on the architectural quality of the scheme as well as reducing the quality of external amenity space provision for each unit. All of the units exceed the National Space Standards and whilst it is regrettable that the daylighting to some of the rooms would be below the minimum recommendations, it is considered on balance that the standard of accommodation is acceptable.
- 10.82. In terms of sunlighting, the BRE report further advises that whilst the sunlighting standards are more preferable compared to the daylighting standards with 24 out of 37 living rooms meeting both the summer and winter sunlight guidelines. A further one would meet the summer recommendation but not the winter one, and seven (with large balconies above them) would meet the winter recommendation but not the summer one. Five would not meet either guideline. This element of the scheme is considered acceptable.
- 10.83. The applicant has submitted a Noise Exposure Assessment which assesses potential noise impacts for future occupiers. Environmental Health have reviewed the assessment and have recommended a number of conditions, which are incorporated.
- 10.84. Policy HO5 requires private useable amenity space in new residential development. Of the 36 residential units, 16 would benefit from private balconies. Whilst it is disappointing that less than half of the units would benefit from private amenity space, additional balconies may result in additional overlooking to neighbouring residents. Furthermore, given the mixed commercial and residential uses in the building, opportunities for additional private amenity space are limited. Whilst, the lack of private amenity space weighs against the scheme, it is considered that given the uplift in residential units, together with the improvements to the sport and community facilities enhanced through the scheme, the submission is considered acceptable in this instance.
- 10.85. Policy HO13 of the Brighton & Hove Local Plan requires 10% of the affordable housing to be provided as wheelchair accessible, M4(2) of the Building Regulations which would be suitable for occupation by those in Mobility Groups 2 and 3. The policy also requires 10% of all affordable units (5% overall) to be fully wheelchair user compliant and specially adapted, meeting building regulation M4(3), these are required for Mobility Group 1. As the affordable housing will be secured through a contribution, the scheme is required to only provide 5% overall of all residential units to be wheelchair accessible only. This requirement is secured through a recommended condition.

Open Space:

- 10.86. Policy CP16 on Open Space sets out a number of key criteria in respect of open space. Developments should 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 contribution towards off-site provision will be required.
- 10.87. The development would generate demand for all the open space typologies which cannot be accommodated on site and as such a full contribution has been sought in this instance.

Commercial Space:

- 10.88. Policies in City Plan Part One seek to retain employment floorspace.
- 10.89. Policy EM4 of the Brighton & Hove Local Plan states that planning permission will be granted for new business and industrial uses on unidentified sites.
- 10.90. Policy HO19 new community facilities and states that planning permission will be granted for community facilities subject to a number of criteria set out in the policy.
- 10.91. The supporting information accompanying the application states that 325 sq metres of B1 and 40 sq metres of B8 employment floor space will be lost. The existing commercial facilities to be lost appear to be predominantly contained in an aging single storey building to the north of the current public house. The existing B1 and B8 floorspace is in a poor state of repair and not considered fit for purpose.
- 10.92. The proposed scheme proposes the creation of 1209.2 sq metres of B1/D1 space and the provision of new business floorspace is supported by Local Plan Policies EM4 and HO19. The space proposed is intended to be flexible B1/D1 and this is conditioned.

Loss of the Public House:

- 10.93. The proposed scheme requires the demolition of the well-established Sussex Cricketer public house. A public house is a form of community facility and is therefore protected by Local Plan Policy HO20. This policy states that planning permission will not be granted for development proposals, including changes of use, that involve the loss of community facilities unless one of more exception criteria apply.
- 10.94. Policy DM10 of the Draft City Plan Part Two relates specifically to public houses. This policy is in draft form and only has limited weight; however it indicates the direction of travel in this policy area. The supporting text to the policy notes in paragraph 2.87 that "The council will seek to retain public house uses in their original buildings, as many of the intangible elements of

pubs which are valued by their customers, for example a sense of authenticity, character, history and nostalgia, are extremely difficult to replicate in new premises.”

- 10.95. Planning policy have advised that the wider benefits of the proposed scheme are adequate justification for the inclusion of a replacement pub in the new development, given the limited weight of the policy. However in order to adequately replace the existing public house, careful consideration should be given to the design and layout of the replacement to ensure its attractiveness as a focus for the local community and viability as a standalone venue throughout the year, rather than focussing solely on serving large crowds during events at the cricket ground.
- 10.96. The current footprint of the Cricketer’s public house is 355 sq m and the new proposed ground floor A3/A4 would be 533.2 sq m. As the public house is proposed to be replaced within the new development, criterion (a) applies in respect of policy HO20 of the Local Plan and the proposed scheme is considered to comply with the requirements of this policy.
- 10.97. Policy SR12 of the Brighton & Hove Local Plan relates to large A3/A4 uses and stipulates that new cafés, restaurants, bars or public houses or extensions to such facilities with a total resultant public floorspace in excess of 150sq m will be permitted where they do not abut a premises containing residential accommodation. Exceptions to this policy may be permitted provided that any customer floorspace in excess of 150sq.m is for service to seated customers only in the manner of a restaurant or café.
- 10.98. The applicant’s agent has however, advised that such a condition would be overly restrictive for the envisaged use of the public house, which is to be similar to the existing offer provided by the Cricketer’s Pub. Whilst it is acknowledged that the existing pub of a slightly smaller floorspace to the proposed venue does not have a similar restriction in place currently, policy SR12 is part of the current development plan. In addition and different to the existing public house, is the siting of new residential units above the public house.
- 10.99. The applicant’s agent to address the policy has submitted additional information in support of the application. They have advised that the nearest A4 facility (Hove Place) is approximately 375 sq metres. Whilst part a) of the policy does seek to avoid other large public houses in close proximity of another, given the limited number and separation distances it is not considered like to have a cumulative impact that would have a detrimental impact on amenity. In terms of the close proximity to residential, whilst it is acknowledged that there is currently residential either side of the application site, there would be greater impact to those residential units above. The applicant’s agent has advised that the scheme will incorporate a thick 400mm concrete transfer slab between the premises and the residential accommodation with an acoustic layer. Further details of this and its implementation are secured by condition. The outdoor amenity space, does

reduce in the proposed scheme from 364 sq metres to 48 sq metres. The applicant has also advised of a number of conditions that the lease/management will impose, conditions such as restricting the time the terrace can be used; use of amplified music are also recommended as conditions to the planning permission.

10.100. A Noise Exposure Assessment accompanied the application, Environmental Health have reviewed the document and are satisfied with the findings of the report. In addition, Sussex Police have not raised concerns to the application. It is considered that the proposed meet the above criteria and conditions will need to be put in place.

10.101. Whilst it is acknowledged that an unrestricted large A4 use would not accord with policy SR12, for the reasons outlined above, it is not considered necessary to apply a condition, subject to compliance with conditions restricting the use of the space and ensuring no amplified music/speakers are audible/used on the terrace area.

Phase 2 – Consideration of the Detailed Proposals:

Design & Appearance:

10.102. Phase 2 of the proposal involves a full planning application for the demolition of the Club offices and partial demolition of south west stand, and the construction of a new build extension and adaptation of the southwest stand to include a new club shop, reception area; bar and café, hospitality area together with enhancements to the public realm.

10.103. The proposal seeks to redevelop the south west stand by providing a purpose built two storey facility for match day hospitality and all year lettings.

10.104. The proposal involves the demolition of the lowest capacity section of the existing stand to allow for the construction of 5 purpose built hospitality suites with external outdoor terraces facing onto the cricket green. There will also be new reception/arrival area on the ground floor, a new shop, new café and a new kitchen over 2 floors to serve all the hospitality suites. The proposal also seeks to provide a clock tower feature.

10.105. The building will be accessed from the south elevation leading onto a corridor providing access to the internal match day facilities. The first floor will provide access to match day seating, additional hospitality facilities and kitchen. The second floor will contain the new high quality spectators terrace for up to 60 people and a plant room.

10.106. The proposed south west stand height consists of two storeys, which is similar in height to the existing sharks stand and surrounding built environment. The proposed materials will consist of white and coloured brick and cladding. This reflects the existing cricket ground style. It is considered the proposed development will utilise materials that are appropriate to the local area and respond to the surrounding street scene.

10.107. It is considered the proposed adaptations to the south west stand will not significantly increase the height or capacity of the stand that was approved in planning application BH2009/02276. Phase 2 proposes to adapt the existing Sharks Stand. It is considered the building will be commensurate to the surrounding built development of the Cricket Ground.

Impact on Heritage Assets & Conservation Areas:

10.108. As previously stated, the application site is surrounded on 3 sides by the Willett Estate Conservation Area with The Drive and Brunswick Town Conservation Areas close by. The Grade I listed Church of All Saints and Grade II listed 44 Wilbury Road and All Saints Vicarage and boundary walls (also Wilbury Road) are the closest listed buildings with others in The Drive also close by. The site is enclosed within a residential area and with the exception of its recessed southern entrance the presence of the Cricket Ground within this suburban area is largely unmarked other than by floodlighting visible above the rooflines of the surrounding streets. The site fronts Eaton Road with the Cricketer Public House at its edge.

10.109. The special significance of the County Ground itself lies in its establishment of the club on this site in 1872. Some built heritage lies within the site in terms of the remnants of early stands and other structures (which are to be retained) and the opportunity to reinstate the historic Tate Memorial Gates is identified.

10.110. The Heritage Impact Assessment states that arguably, the existing view (from Selborne Road) within the Willett Estate Conservation Area looking north towards the site from the south does not make a positive contribution to the setting of the Conservation Area, by virtue of the poorly designed existing gateway to the Cricket Ground and the dominance of the south-east stand. It goes on to consider that the landmark Clocktower and improvements to the entrance and public realm, would have an enhancing effect, and that improving and 'greening' the public realm and the experience of the entrance to the ground will allow the negative visual impact of the south-west stand to appear more muted. This will result in an element of heritage benefit, to the setting of the Conservation Area. The Heritage team concur with this view and have advised that the dominant horizontal proportions of the SW stand that currently forms the end of the vista along Selborne Road, creates an abrupt interruption to the view and contrast strongly with the forms of the historic properties along Selborne Road framing it. The Heritage team have further advised that the proposed Phase 2 cricket ground entrance concourse buildings and the public realm works, particularly the clock tower, will break this with forms and materials that draw the eye inwards and will allow the composition to sit more comfortably as a focal point within the historic setting. In addition reinstating the Tate Gates at the threshold of the ground will complement this as well as incorporating an element of history into the new fabric.

10.111. The proposed extensions and alterations included in the phase 2 are not considered to have a detrimental impact on the adjoining Conservation Area and will enhance the area as a result of the public realm works. In addition,

the implementation of phase 2 does outweigh the less than substantial harm identified by phase 1 in terms of impact on Heritage Assets.

Impact on neighbouring amenity:

- 10.112. 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.
- 10.113. The existing site plan shows that there is a separation distance of 40.6 metres between the current building that is part of Phase 2 and the rear wall of 44 Wilbury Road. Whilst the proposed Phase 2 block would bring the development closer, reducing the separation distance to 32.4 metres, it is similar in scale to the 2009 planning application. The BRE report that has assessed the application for the Local Planning Authority advises that the “loss of sunlight to the gardens of Saffron Gate and 44 and 46 Wilbury Road would be within the BRE guidelines. It is unlikely that the proposed development could cast a shadow on the cricket ground playing surface during the season. However the proposed grass lawn seating area abutting Phase 2 of the development is likely to be overshadowed by the Phase 1 buildings to the south for some of the day, at least.”
- 10.114. The proposal retains a sufficient separation and the existing tree planting will be retained on the west boundary of the site to provide appropriate screening so that the scheme does not result in an unacceptable loss of amenity that would warrant refusal of the application.

Phase 3 & 4 – Consideration of the Outline Proposals:

- 10.115. The third phase of the development involves an Outline Planning application for the provision of two stands of permanent seating to replace informal seating areas, together with improvements to spectator hospitality facilities including works to existing single storey buildings.
- 10.116. Phase 4 involves an Outline Planning application for the demolition of existing hospitality area and construction of a new stand. The new stand is proposed to replace the existing seating lost in the Phase 2 south west stand adaptations.
- 10.117. The proposal will not significantly increase the capacity of the cricket ground. The total match safety certificate number of patrons will remain at 7,000 people. However the proposal will include an uplift in match day seating capacity from 6,000 to 6,800.
- 10.118. Only access is to be secured at outline stage with all other matters reserved for approval at a later date.

Design and Appearance

- 10.119. Phase 3 relates to the north end of the ground. The proposal seeks to improve circulation around the spectator stands whilst providing improved

grass areas to the remaining viewing areas for informal spectator viewing. Phase 3 will also comprise the re-purposing of some of the ground maintenance buildings to provide new bar and refreshment facilities, and increase toilet provision.

- 10.120. Whilst appearance is reserved for a later date through a reserved matters application, indicative sections and elevations have been provided. The proposed stands are shown to be similar to the appearance of the existing stands located at the cricket ground and are shown to sit within the similar footprints of the existing stands where applicable. The design has a functional appearance, and is shown to utilise materials that are appropriate to the site and will not appear out of context with the site.
- 10.121. Phase 4 will remove existing hospitality facilities within the south eastern corner of the site and replace them with a newly designed stand. This is shown to be within the footprint of the existing hospitality facilities.
- 10.122. As in phase 3, the phase 4 part of the development is shown to be similar to the appearance of the existing stands located at the cricket ground and for this reason is not considered to appear out of context with the site.
- 10.123. The existing temporary elements of the public realm looked tired and transient and the revisions, subject to further agreement through the reserved matters application, allow for a more permanent and vibrant public realm with a sense of place.

Impact on Heritage and Conservation Areas:

- 10.124. The Heritage officer has advised that due to the position and relatively low-key nature of the proposals in phases 3 and 4, together with the lack of intervisibility with heritage receptors, it is considered that these elements of the application would have no perceptible heritage impact.

Impact on Amenity:

- 10.125. The stands in Phase 3 are indicated to be 3 storeys high and positioned approximately 50m away from the Hovedene block to the north of the site, along Cromwell Road.
- 10.126. During the course of the application, amended plans were received to take into account an additional residential unit which is located to the rear of 89 Cromwell Road along the northern boundary of the application site. The existing single storey structures along the northern part of the site are shown to be retained, albeit used differently from the current use but within the overall use of the cricket ground function. The new stand is shown to be positioned 35.4 metres from the northern boundary of the site, close to the dwelling at the rear of 89 Cromwell Road. This is considered sufficient distance for the proposed stands not to have a detrimental impact on neighbouring amenity.
- 10.127. The two new stands within Phase 3 are shown to be 5 metres in height. However, since scale is reserved for a later application, the plans are

indicative only. Conditions are recommended to be attached to ensure the siting and height shown at outline stage is adhered to at the reserved matters stage.

- 10.128. In terms of Phase 4, the proposed stand is shown to be approximately 5.5 metres in height and is shown to be located approximately 13 metres away from Ashdown to the south west of the site in the accompanying plans. Similar to phase 3, since the scale and siting of this element is reserved for future approval a condition is recommended ensuring that the heights and positioning are in accordance with this.
- 10.129. Whilst scale and siting is reserved for later approval, if the reserved matters scheme adhere to this siting and height, it is not considered that phases 3 or 4 of the proposal would have a detrimental impact on amenity subject to conditions securing the heights and positioning of the stands.

Transport:

- 10.130. 'Saved' Policies TR4, TR7 and TR18 and CPP1 Policy CP9 seeks to ensure that developments provide safe access and movement to and from a site for vehicles, pedestrian and cyclists and provide sufficient on-site parking. There are, however, situations where requirements for on-site provision of parking, for example, can be reduced particularly if the site is in a sustainable location and within walking distance of public transport.
- 10.131. The Transport Assessment submitted with the application indicates that the site is located within walking and cycling distance of many amenities with residents being able to access shopping, health and community facilities and some educational facilities within easy reach of the site.
- 10.132. The overall scheme proposes a total of 60 parking spaces consisting of 35 residential parking spaces, 8 commercial spaces, 4 visitor spaces within basement and 13 external visitor spaces at ground floor level. These will include a policy compliant number of wheelchair accessible spaces (designed to comply with Traffic Advisory Leaflet 9/95) and 12 spaces with EV charging points. The final layout and configuration of the spaces will be agreed in accordance with the recommended conditions.
- 10.133. In order to mitigate any potential overspill parking and delivery disruption from the residential development in Phase 1, the applicant has agreed to a condition to develop, implement and manage a Car Parking Management Plan for the development, which will seek to maximise the use of all of the available parking spaces provided throughout both the day and night.
- 10.134. A total of up to 84 cycle parking spaces are proposed at the site, which accords with Brighton and Hove City Council's minimum cycle parking standards (74 spaces required). The proposed provision comprises a mix of cycle parking forms at ground and basement level, which is welcomed. The applicant has also agreed to make appropriate locker and changing facilities available for employees working in the B1 use part of Phase 1 of the development. The actual configuration will be agreed in accordance with the

recommended conditions for both cycle layouts and the fit out of the B1 space.

- 10.135. Access to the site will be via both a redesigned public realm space off Eaton Road and a new service access between the (to be demolished) Sussex Cricketer Pub and Wilbury Lodge. The highways team have raised concerns about the need for the shared space public realm to be carefully designed to account for people with disabilities, but it is considered that that is achievable in this location due to the low volume of vehicular movements and the naturally slow speeds of traffic entering and exiting onto/from Eaton Road.
- 10.136. Attention is drawn to the location of the site, the good public transport provision by bus, train and the adjacent Brighton Bike Share Hub on Eaton Road. A travel plan will be secured through the S106 agreement to encourage a reduction in private car ownership and a sustainable transport contribution of £94,089 will be used to make improvements to the local footway network, bus stops and the existing bike hub.
- 10.137. A Construction Management Plan is proposed for each phase of the development to manage vehicular activity in and around the site and is to include matters such as a contractor's compound, lorry routes to and from the site; contractors parking, hours of operation. It will also deal with how the construction activity is to be managed in concert with the cricket club playing matches and holding other events simultaneously.
- 10.138. The LHA Transport Team have undertaken several peer reviews of the scheme and provided comments which are summarised above. They continue to raise objections to the application for the following reasons:
- The impact on parking in the vicinity of the ground due to the small increase in likely normal demand that the improved spectator facilities will provide in the latter phases
 - Their uncertainty that the proposed car parking provision can be successfully configured and managed to meet the level of provision stated so that additional overspill will impact on the surrounding network
 - They have similar concerns about the cycling provision solution currently proposed, although to a lesser extent
 - On going concerns about the design of the new shared access between the new residential/commercial development and the Ashdown building and also the new service access proposed off Eaton Road
- 10.139. A number of further matters of concern were raised by the LHA Transport Team and are highlighted in the report above; however their impacts are not considered to be individually severe.
- 10.140. Planning Officers have sought to resolve all outstanding highways matters with the our appointed transport consultant (RPG) and have made the following observations on the matters raised:
- A large number of the concerns have already been addressed through clarifications, amendments and further design work undertaken by the applicant's team and further review by the LHA's expert consultant

- The conditions proposed regarding the Disabled Parking, Electric Vehicle charging, Car Parking Management and the Delivery and Servicing Management Plans will help further address some of the remaining concerns that are voiced by the LHA Transport Team
- Although the enhancement of some of the facilities (e.g. hospitality and meeting venues) will increase their use and patronage, the proposals would not lead to a material intensification of their use on any peak day since the capacity of the venues would not materially change. As such, there would not be a subsequent material increase in traffic to the ground
- In Phase 1, the proposed uses (residential and commercial) would operate in a complimentary way with regard car parking. For example, commercial demands are greatest during the daytime when businesses, shops etc are open for work, whilst resident demands are greatest overnight. These complementary land uses could therefore facilitate the shared use of the car park.
- A Stage 1 Road Safety Audit has been undertaken by an appropriately experienced and qualified independent firm known to our expert transport consultant. An issue with the visibility splays onto Eaton Road was identified and an appropriate response has been provided by the applicants' transport design consultant.
- The general accident rates in the immediate vicinity of the site are no worse than similar junctions on other parts of the local highway network. There is no evidence to suggest that the proposals would exacerbate the current rate of accidents.
- The LHA Transport Team have now provided alternative solutions on how to proceed with the public realm improvements to the main site access from Eaton Road. This will enable them to be progressed with the applicant and their advisors during the process to finalise the draft S106 agreement.

10.141. Therefore and in noting the comments from the LHA Transport Team in respect of outstanding transport matters relating to the scheme, it is considered that the development strikes an acceptable balance between the provision of much needed homes (including a significant financial contribution to affordable housing in the area), the sustainable location of the site (especially the established bus, rail and cycle links) and the policies in City Plan Part One to support the retention and enhancement of the ground to support sporting provision within the city.

Sustainability:

10.142. City Plan policy CP8 requires that all developments incorporate sustainable design features to avoid expansion of the City's ecological footprint, radical reductions in greenhouse gas emissions and mitigate against and adapt to climate change. The policy 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 B1 office element of the scheme.

Ecology:

10.143. The information provided is satisfactory and enables the LPA to determine that whilst the proposed development is likely to have an impact on biodiversity, those impacts can be mitigated through the application of planning conditions.

Flood Risk:

10.144. 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 disposal of surface water from this development should be in compliance with the following hierarchy of Part H3 of Building Regulations: a) An adequate soakaway or some other adequate infiltration system. b) A water course. c) Where neither of the above is practicable: a sewer.

10.145. The design of the proposed basements and on-site drainage system should consider the possibility of surcharging within the public sewerage system in order to provide the protection from the risk of flooding. The applicant should be advised that a wastewater grease trap should be provided on the kitchen waste pipe or drain installed and maintained by the owner or operator of the premises. The design of drainage should ensure that no land drainage or ground water is to enter public sewers network. We request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water." This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991.

Artistic Component:

10.146. Contributions are sought from major schemes towards direct on-site provision by the developer as part of a scheme or in the immediate vicinity of the development. 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.

10.147. 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 is £38,600. 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.

Conclusion & Planning Balance:

10.148. 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.

10.149. 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.

10.150. 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.

10.151. The proposals will improve and upgrade the existing community, leisure and sporting facilities with new high quality facilities that will financially support the Club in the long term. Enhancing the current sporting facilities is supported by policies in the development plan.

10.152. The creation of additional residential units, all of which meet the Nationally Described Standards weighs in favour of the scheme. However, the proposed housing mix, which is skewed towards the smaller units and the deficiencies in the standard of accommodation in respect of sunlight and daylight provision to the residential units and the limited private amenity space to all of the units also weigh against the scheme. The impact on neighbouring amenity has been highlighted as another concern.

10.153. Furthermore, the comments from the LHA Transport Team in respect of outstanding transport matters relating to the scheme are noted. However, it is considered by officers, that the concerns can be mitigated and addressed through conditions and the s106 Head of Terms outlined in the report.

10.154. In favour of the scheme, the development has the potential to provide a significant investment in recreational provision for Brighton & Hove, increasing the options to retain the cricket ground for the local community which is in accordance with Policy CP17 of the Development Plan.

10.155. The proposed design is considered to be appropriate in the context of the higher density built form of the adjacent sites and the development is

considered to have an acceptable impact on the townscape in both longer and more localised views. Whilst the harm identified to the nearby heritage assets is considered to be less than substantial, the public benefits associated with the redevelopment of the site, uplift in the residential accommodation and the enhancements to the sporting facilities weigh in favour of the scheme.

10.156. Overall it is considered that the public benefits from the scheme as a whole which includes an appropriate off-site contribution to affordable housing outweigh the concerns raised in respect of the scheme and on balance, approval of planning permission is therefore recommended subject to the completion of a s106 planning legal agreement and to the conditions recommended above.

11. EQUALITIES

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

12. SECTION 106 HEADS OF TERMS:

12.1. 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 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.
2. 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.
3. 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.
4. 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.

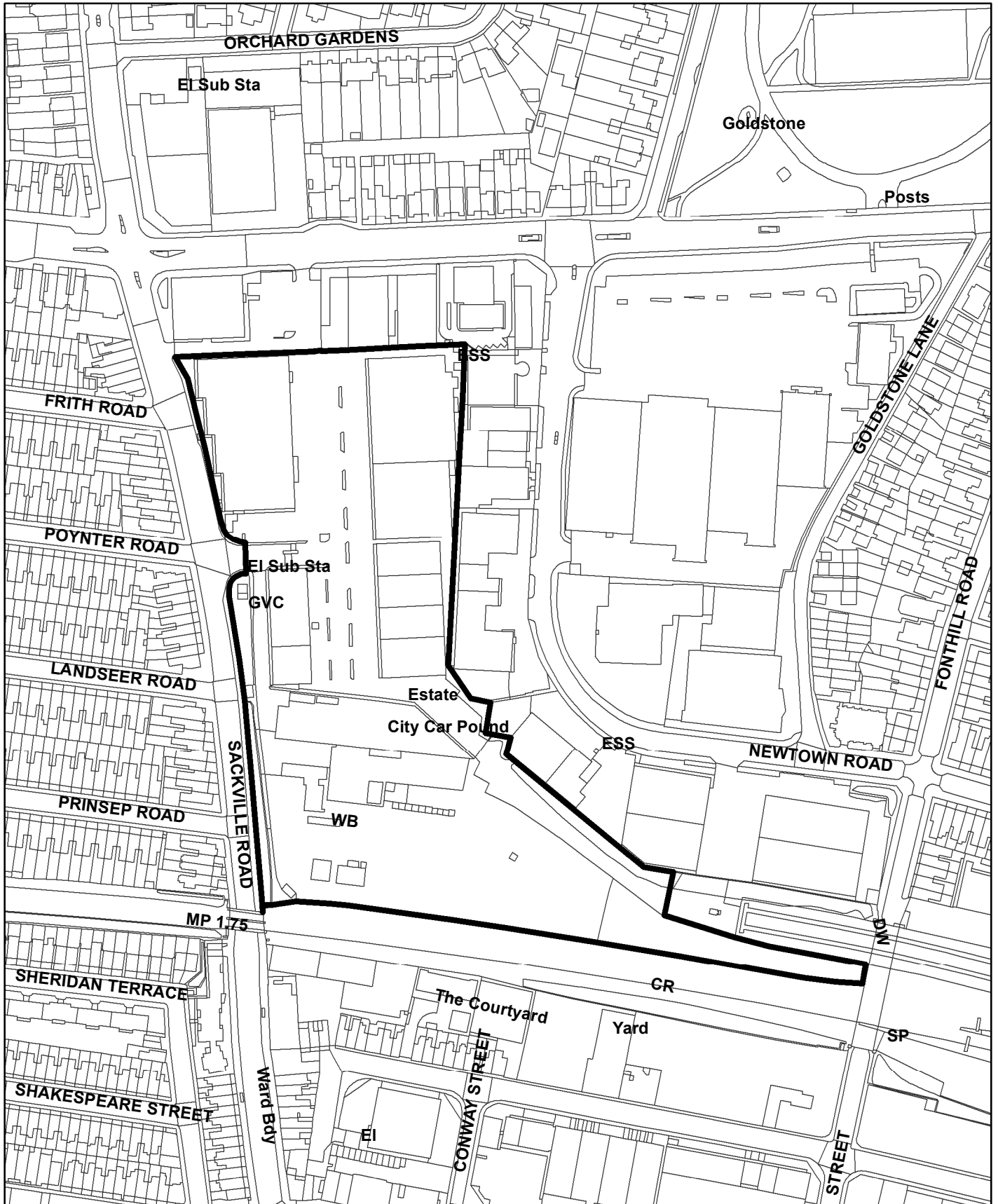
5. The proposed development fails to provide a financial contribution towards sustainable transport measures contrary to policies CP7 and CP9 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
6. The proposed development fails to provide a financial 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 CP3 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 construction & Environmental Management Plan (CEMP) which 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.
9. The proposed development fails to provide a Delivery & Service Management Plan which is fundamental 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.

ITEM B

**Sackville Trading Estate
& Hove Goods Yard
BH2019/03548
Full Planning**

DATE OF COMMITTEE: 4th March 2020

BH2019 03548 - Sackville Trading Estate And Hove Goods Yard



N



Scale: 1:2,500

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

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 **20 May 2020** the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 10.1 of this report:

Section 106 Head of Terms:

Build to Rent Housing:

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

Affordable housing:

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

Sustainable Transport and Highways:

Sustainable Transport Contribution

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

Note that this is a reduced figure from the £637,050 that would otherwise be due as £160,000 worth may be provided as S278 highways works in lieu – though note that that does not represent a cap on the value of those highway works.

S278 Highway Works

- No development to occur above slab level until a scheme setting out the following highway works has been submitted to the Council as Local Highway Authority and been approved by them. Development not to be occupied until the approved works have been implemented.
 - Relocating existing bus stops on Sackville Rd to be closer to the

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

Other

- 3 no. serviced off-site car clubs bays to be provided in the following streets before first occupation of the development:
 - 2 bays to be provided on one or more of: Leighton Rd, Frith Rd, Poynter Rd, Landseer Rd or Prinsep Rd.
 - 1 to be provided on one or more of: Park View Rd, Orchard Gardens, Orchard Ave, Orchard Rd.
- 2 no. serviced on-site car club bays and vehicles to be provided prior to first occupation of the development.

- Provision of a BTN bike share hub for 20 cycles within the development site along the Sackville Rd frontage, for use by occupants and the public.
- A Permissive Path Agreement to permit public access to all publically accessible areas of the site, including street facing thresholds, residential core entrances and public amenity areas.
- A Walkways Agreement to permit public access and use of the external lift in the south-west corner of the site, abutting Sackville Rd.
- Fees for the Highway Authority's time checking the conditioned Street Design proposals for internal streets and spaces and related actions like road safety audit.

Travel Plans

- (The following measures are applicable across all individual uses)
- Establishing a Bicycle User Group (to meet every 2 months) for residents and employees which can cover the entire site. This should be subsidised for the duration of the Plan to provide –
 - 'Bike buddy' services to other residents/workers thinking of taking up cycling
 - To hold several social rides per year, including an allowance for refreshments.
 - 2 or more 'Doctor Bike' sessions per year with both a direct repair and a teaching element.
- The Bicycle User Group should also be consulted when reviewing the Travel Plan and in relation to ongoing operational management of cycle parking facilities. The latter role should continue beyond the life span of the Plan.
- Providing maintenance stands together with pumps and basic maintenance and repair tools within the cycle stores for resident and employee use.
- Providing formal cyclist training to residents and employees on request, to be marketed throughout the development.
- Providing and maintaining a notice board in a prominent communal location containing information on the following:
 - road safety
 - local sustainable travel options,
 - Travel Plan objectives, targets, measures and progress
 - Bicycle User Group
 - initiatives being promoted by residents and employees, the Travel Plan Coordinator and the Bicycle User Group relating to any of the above
 - initiatives being promoted by Brighton & Hove City Council relating to any of the above, as may be sent by the City Council from time to time.
- (For the C2 Care Home Travel Plan)

- Providing a Travel Pack to each new resident (or their lead family member/carer), which shall include information on local options for sustainable transport, the other measures and offers below, and road safety.
 - Providing residents (or their lead family member/carer) with 1 or more years of free or heavily subsidised tickets/memberships for each of the following local public and shared transport services
 - Local buses and/or train services;
 - BTN Bike Share; and
 - Enterprise Car Club (due to the residential nature of the C2 use on this site)
 - Providing residents (or their lead family member/carer) with a voucher of ≥£150 to go towards the cost of purchasing a bicycle, which may be an electric bicycle.
 - Providing information on sustainable transport options and the other measures and offers above in all marketing material (including any on-line).
-
- (For the C3 Residential Travel Plan)
 - Providing a Travel Pack to each new resident, which shall include information on local options for sustainable transport, the other measures and offers below, and road safety.
 - 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 -
 - Local buses and/or train services;
 - BTN Bike Share; and
 - Enterprise Car Club (due to the residential nature of the C2 use on this site)
 - Providing residents a voucher of ≥£150 to go towards the cost of purchasing a bicycle, which may be an e-bicycle.
 - Providing information on sustainable transport options and the other measures and offers above in all marketing material (including any on-line).
 - Providing information packs to each resident including information on local options for sustainable transport, the other measures and offers above, and road safety.
 - Providing a Travel Pack to each new employee, which shall include information on local options for sustainable transport for travel to work and work-related travel, the other measures and offers below, and road safety.
-
- (For the A1-3 Retail, D1/2 and MODA Management Suite Travel Plan)
 - Providing a Travel Pack to each new employee, which shall include information on local options for sustainable transport for travel to work and work-related travel, the other measures and offers below, and road safety.

- Providing interest-free loans to employees for the purchase of bus and rail season tickets and bicycle purchase. This may be in the format of a salary advance.
- Offering annually to each employee and where accepted providing a personalised travel planning service.
- Offering annually to each employee and where accepted providing formal cycle training.

- (For the B1 Office Travel Plan)
- Providing a Travel Pack to each new employee, which shall include information on local options for sustainable transport for travel to work and work-related travel, the other measures and offers below, and road safety.
- Providing interest-free loans to employees for the purchase of bus and rail season tickets and bicycle purchase. This may be in the format of a salary advance.
- Offering annually to each employee and where accepted providing a personalised travel planning service.
- Offering annually to each employee and where accepted providing formal cycle training.

Management Plans

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

Education

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

Public art

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

Open space and recreation/sports:

- Provision of a financial contribution of **£1,742,647.68** towards enhancement of outdoor/indoor sports, parks and gardens, children's play space, allotments, amenity greenspace and semi-natural space at the following locations:
 - Outdoor sport (**£426, 841.97**) - Kingsways / Hove Seafront, Knoll Park, Aldrington Recreation Ground, Wish Park, Hove Park, Neville Recreation Ground
 - Indoor sport (**£280,672**) - Withdean Sports Complex and / or King Alfred Leisure Centre
 - Children's Play (**£35, 290.48**) - Hove Park, Stoneham Park
 - Parks and Gardens (**£624,730.08**) - Hove Park and Stoneham Park, Aldrington Recreation Ground, St Ann's Well Gardens,
 - Allotments (**£61,260.96**) - The Weald and / or St Louis and /or North Nevill Allotments and / or Eastbrook and /or Foredown and or Rowan Avenue
 - Amenity Green Space - (**£50,088.78**) - Hove Park and Stoneham Park and / or Three Cornered Copse and / or Hove Lawns
 - Natural and semi-natural - (**£279,870.08**) Hove Park and Stoneham Park and / or Three Cornered Copse

Employment:

- Submission of an Employment & Training Strategy to secure the use of at least 20% local construction labour
- A financial contribution of **£301,560** towards the Local Employment Scheme

Care Community

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

Phasing

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

Conditions

1. List of approved plans.

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

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

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

- a) samples of all brick, render and tiling (including details of the colour of render/paintwork to be used)
- b) samples of all cladding to be used,
- c) samples of all hard surfacing materials,
- d) details of the proposed window, door and balcony treatments,
- e) details of all other materials to be used externally,

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

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

4. Notwithstanding the submitted plans no parcel of the development hereby permitted shall be occupied until a scheme for the storage of refuse and recycling within that parcel, including details confirming adequate operational capacity for the relevant bin stores has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out and provided in full in accordance with the approved details prior to first occupation of that parcel and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton & Hove Local Plan, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

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

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

6. The office floorspace (B1) hereby permitted shall be used solely as an office (Use Class B1(a)) and for no other purpose (including any other purpose in Class B of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory

instrument revoking and re-enacting that Order with or without modification). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification), no change of use shall occur without planning permission obtained from the Local Planning Authority.

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

7. No tree shown as retained on the approved drawings shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars or as may be permitted by prior approval in writing from the local planning authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

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

landscaping proposals to maximise the survival rate of replacement trees;

- e. The planting of long-living and large-growing species of both native and exotic broad-leafed species in prominent locations within the site, particularly near the entrance of the site from Sackville Road to the west;
- f. details of all existing and proposed boundary treatments to include type, position, design, dimensions and materials;

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

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

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

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

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

Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies QD16 of the Brighton &

Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.

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

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

12. Prior to first occupation of the development hereby permitted, a scheme shall have been submitted to and approved in writing by the Local Planning Authority to provide that
- the residents of both the C2 and C3 uses have no entitlement to a resident's parking permit;
 - the entitlement to visitor permits for the C3 use shall be 25 permits per unit per year; and
 - the entitlement to visitor permits for the C2 use shall be removed.

Reason: To ensure that the development does not result in overspill parking and to comply with policies TR7 & QD27 of the Brighton & Hove Local Plan and CP9 of the City Plan Part One.

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

Parking Area within Development	Number of motor vehicle parking spaces	
	Minimum (where relevant)	Maximum (where relevant)
Development Parcel 01: ground floor undercroft	19	19

Development Parcel 03.B: undercroft	36	141
On-site surface parking	70	128
Total within whole development	124	288

The minimum figures shall be as follows:

Land-use and user	Number of motor vehicle parking across all parking areas in the table above		
	Minimum, all spaces (where relevant)	Minimum, disabled user spaces (where relevant)	Minimum, motorcycle parking spaces (where relevant)
C2 Residents		As SPD14	5% of total
C2 Staff	25		
C2 Visitors			
C3 Residents		As SPD14	5% of total
C3 Visitors	20		
B1 Staff & Visitors	52	2	5% of total
A1/A2/A3 Staff & Visitors	9	3	5% of total
D1/2 Staff & Visitors	4	3	5% of total
Car club	2		

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

14. Notwithstanding the plans hereby approved, prior to first occupation, a car parking management plan shall be submitted to and approved by the Local Planning Authority, such plan to include details of the following
- The allocation of car parking spaces between land-uses, users, bay types and locations within the development
 - A scheme for conveying allocations to occupiers of the development
 - A scheme to bring spaces with passive electric car charging points into active service
 - Controls to limit access to and within parking areas
 - A scheme to provide security for users of parking areas.

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

Reason: To ensure that adequate parking provision is retained for all types of users, To encourage travel by more sustainable means and seek

measures which reduce fuel use and greenhouse gas emissions and prevent excess overspill onto surrounding streets, and to comply with policy TR18 of Brighton & Hove Local Plan policy TR18 of the Brighton & Hove City Council Local Plan, CP9 of the Brighton and Hove City Council City Plan Part One and SPD14 Parking Standards.

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

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

16. Notwithstanding the submitted plans, prior to first occupation/use of the B1 accommodation within each development parcel hereby permitted, details of secure cycle parking facilities and showers and changing facilities for the occupants of, and visitors to, the B1 office space hereby permitted shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the B1 office floorspace within each development parcel and shall thereafter be retained for use at all times.

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

17. Prior to the first use/occupation of 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.

18. Notwithstanding the plans hereby permitted, prior to commencement of the proposed development above ground floor slab level, full details of electric vehicle charging points within the proposed car park hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of each development parcel within the

development hereby permitted and shall thereafter be retained for use at all times.

Reason: To encourage travel by more sustainable means and seek measures which reduce fuel use and greenhouse gas emissions and to comply with policies SA6, CP7, CP9, CP12, CP13 and CP15 of the City Plan Part One and SPD14 Parking Standards.

19. Notwithstanding the plans hereby permitted, no development above ground floor slab level shall commence within each development parcel until details of the design of internal streets and spaces have been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall -

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

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

- the scheme shall be implemented in full as approved; and
- a stage 3 road safety audit, with the Highway Authority acting as overseeing organisation, shall be completed and any actions from this shall be implemented, such actions may include amendments to the approved scheme

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

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

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

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

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

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

22. None of the new residential units (C2/C3) within each development parcel hereby approved shall be occupied until each residential unit within that development parcel has achieved an energy efficiency standard of a minimum of 19% CO₂ improvement over Building Regulations requirements Part L 2013 (TER Baseline).

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

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

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

24. Within 4 months of first occupation of each A1/A3/B1/D1/D2 unit hereby permitted a BREEAM Building Research Establishment Post Construction Review Certificate must be issued confirming that the non-residential development built has achieved a minimum BREEAM New Construction rating of 'Excellent' and such certificate shall have been submitted to, and approved in writing by, the Local Planning Authority.

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

25. Prior to the commencement of development (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.

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

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

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

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

28. The commercial uses (A1/A3/D1/D2) hereby permitted shall not be in use except between the hours of 07:00 and 23:00 on Mondays to Sundays, including Bank or Public Holidays.

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

29. No machinery and/or plant (excluding chiller/freezer condensers) shall be used at the premises except between the hours of 7.00 and 23.00.

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

30. No servicing (i.e. deliveries to or from the premises) to the retail unit (A1) hereby permitted shall occur except between the hours of 07.00 and 21.00 Monday to Saturday, and 09.00 to 17.00 on Sundays, Bank or Public Holidays.
Reason: To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
31. 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.
32. No development parcel of the development hereby permitted containing either A3 or C2 uses with a commercial kitchen shall be first occupied until a scheme for the fitting of odour control equipment (to include the sound insulation of the odour control equipment) to the specific unit(s) has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the first occupation of the development and shall thereafter be retained as such.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policy QD27 of the Brighton & Hove Local Plan.
33. No development above ground floor slab level in any development parcel hereby permitted shall take place until a scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration for 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.
34. No parcel of the development hereby permitted shall be first occupied until
- i) details of external lighting for that parcel, which shall include details of; levels of luminance, hours of use, siting, predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors, hours of operation and details of

maintenance have been submitted to and approved in writing by the Local Planning Authority.

- ii) the predicted illuminance levels have been tested by a competent person to ensure that the illuminance levels agreed in part 1 are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed in part i).
- iii) The submitted details should clearly demonstrate that areas to be lit will not disturb or prevent sensitive species using their territory or having access to their breeding sites and resting places.

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

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

35. The commercial element of the live/work units hereby permitted shall only be used for a use that would be compatible with Class B1 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) and no other purpose and shall be retained as such in perpetuity.

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 commercial floorspace in the city given the identified shortage and also to safeguard the amenities of the area and to comply with policies CP3 and DA6 of Brighton & Hove City Plan Part One and policy QD27 of the Brighton and Hove Local Plan.

36. 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.

37. The development hereby permitted shall not exceed ground floor slab level in any development parcel until a written scheme has been submitted to the

local planning authority for approval which demonstrates how and where ventilation will be provided to each residential unit within the development parcel, including specifics of where the clean air is drawn from and that sufficient acoustic protection is built into the system to protect end users of the development. The approved scheme for each development parcel shall ensure compliance with Building Regulations as well as suitable protection in terms of air quality and shall be implemented prior to occupation and thereafter retained.

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

38.

- (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.

39. 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.

40. Prior to the commencement of development, other than demolition and works to trees, within any development parcel hereby permitted an Acoustic Report which shall include an Acoustic Design Statement shall be submitted to and approved in writing by the Local Planning Authority. The mitigation measures and design features required for the users of the site and those living and working nearby are to be outlined in detail, in accordance with BS8233. WHO standards and ProPG guidance should be used to design acceptable internal noise levels in all habitable rooms for both day and night. The approved scheme for each development parcel shall be implemented prior to occupation of any of the development within that development parcel and shall be permanently retained thereafter. Prior to occupation of each development parcel details shall be submitted to the Local Planning Authority certifying that the agreed noise mitigation measures have been achieved and installed.

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

41. Prior to completion and occupation of each development parcel, details of all plant and machinery incorporated within that development parcel and the noise associated with it shall be submitted to and approved in writing by the Local Planning Authority. Noise associated with plant and machinery shall be

controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed the representative background noise level. Rating Level and existing representative background noise levels to be determined as per the guidance provided in BS 4142:2014. In addition, there should be no significant adverse impacts from low frequency noise.

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

42. Prior to the first occupation of development parcel 01 hereby permitted a Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall set out how noise will be managed throughout the 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.

43. Prior to the first occupation of each development parcel (02a, 02b 02c, 03a and 03b) 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.

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

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

45. 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.

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

1. A preliminary risk assessment which has identified:
 - all previous uses,
 - potential contaminants associated with those uses,
 - a conceptual model of the site indicating sources, pathways and receptors,
 - potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
5. A verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

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

Reason: As this matter is fundamental to the acceptable delivery of the permission and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply

with policy SU3 of the Brighton & Hove Local Plan and paragraph 170 of the National Planning Policy Framework

47. 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.

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

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

49. 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.

50. 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.

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

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

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

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

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

Reason: To safeguard these protected species from the impact of the development and ensure appropriate integration of new nature conservation and enhancement features in accordance with policies QD18 of the Brighton & Hove Local Plan and CP10 of the Brighton & Hove City Plan Part One and SPD11: Nature Conservation and Development.

53. No development above ground floor slab for any development parcel shall take place until an example bay study showing full details of window(s) and their reveals and cills 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 for each parcel and shall be retained as such thereafter.

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

54. 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.

55. All boiler flues shall have vertical termination above roof. Reason for better dispersion of emissions avoiding the lee of buildings.

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.

56. No more than 75 percent of the build to rent residential units hereby permitted shall be occupied prior to the completion of all of the B1 floorspace and the 10 live/work units.

Reason: To safeguard the supply of office floorspace in the city given the identified shortage and to comply with policies CP3 and DA6 of Brighton & Hove City Plan Part One.

57. Prior to occupation of any development parcel of the development hereby permitted a wind mitigation scheme within each development parcel outlining specific landscaping and screening to ensure a safe and comfortable 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.

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

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

59. The glazed frontages to the ground floor non-residential uses on Sackville Road 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.

60. No development shall take place (other than demolition, site clearance and tree works) 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 policy HE12 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

61. No phase of the development hereby permitted shall be brought into use until the archaeological site investigation and post - investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that phase has been completed and approved in writing by the Local Planning Authority. The archaeological site investigation and post – investigation assessment will be undertaken in accordance with the programme set out in the written scheme of investigation approved under condition 60.

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.

Informatives.

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. Crime prevention measures could be evidenced by a Secure By Design Developers Award Certificate or equivalent.
3. The applicant is advised that the scheme required to be submitted by Condition 12 shall include the registered address of the completed development; an invitation to the Council as Highway Authority (copied to the Council's Parking Team) to amend the Traffic Regulation Order; and details of arrangements to notify potential purchasers, purchasers and occupiers of the restrictions upon the issuing of resident parking permits.
4. The applicant is advised that the scheme submitted for approval under condition 13 shall be expected to comply with SPD14 parking standards – including amongst others things in respect to any C2 provision (noting that SPD14 does not permit any parking for residents of such uses). Officers have also noted that the amount of on-site surface parking is likely to need to reduce by at least 10 spaces to provide adequate pedestrian access around the site. The maximum permissible figure stated in the table for that area does not take account of that potential reduction. As such that maximum may not necessarily be achievable.

5. Due to the desirability of cut elm branches and timber to adult elm bark beetles the Council seeks that all pruned elm material is correctly disposed of. In addition, all elm logs/timber is removed from the Brighton and Hove area or are taken to the Water Hall elm disposal site to be disposed of free of charge. Please call the Arboricultural team on 01273 292929 in advance to arrange this. Under any circumstances do not sell or give away cut elm timber as firewood to residents with the Brighton and Hove area as this situation has been responsible for many outbreaks of Dutch elm disease in the city. A pile of logs such as this will be an ideal breeding site for beetles which are responsible for spreading Elm Disease.
6. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see [Gov.uk website](#)); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under [Part L1A 2013](#), paragraph 2.13.
7. The water efficiency standard required under condition 23 is the 'optional requirement' detailed in [Building Regulations Part G Approved Document \(AD\) Building Regulations \(2015\)](#), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the [AD Part G Appendix A](#).
8. The applicant is advised that the details of external lighting required by the condition above should comply with the recommendations of the Institution of Lighting Engineers (ILE) 'Guidance Notes for the Reduction of Light Pollution (2011)' or similar guidance recognised by the council. A certificate of compliance signed by a competent person (such as a member of the Institution of Lighting Engineers) should be submitted with the details. Please contact the council's Pollution Team for further details. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP (telephone 01273 294490 email: ehlpollution@brighton-hove.gov.uk website: www.brighton-hove.gov.uk).
9. The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting wild birds, their nests and eggs is a criminal offence. The nesting season is normally taken as being from 1st March – 30th September. The developer should take appropriate steps to ensure nesting birds, their nests and eggs are not disturbed and are protected until such time as they have left the nest.
10. The applicant is advised that a formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House,

Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or www.southernwater.co.uk

11. Planning permission is no defence against a statutory noise nuisance investigation. The council is required to investigate under the provisions of the Environmental Protection Act 1990 to determine whether or not a statutory nuisance is occurring and if any action is appropriate. The applicant should also note that any grant of planning permission does not confer override the need to obtain any licenses under the Licensing Act 2003 or the Regulation (EC) No. 852/2004 on the Hygiene of Foodstuffs, Article 6(2). Note that where there is a difference between the operating hours allowed for licensable activities and the hours granted under planning permission the shorter of the two periods will apply.
12. For the avoidance of doubt the specific land parcels outlined in the conditions above are set out in the Indicative Implementation Drawing Plan.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application relates to Sackville Trading Estate and Hove Goods Yard. The 3.59 hectares (8.8 acres) site is located on the east side of Sackville Road, approximately 50 metres south of the junction with Old Shoreham Road. The trading estate is located to the northern part of the site and currently contains a collection of double height commercial sheds, which comprise of a mix of industrial, warehouse with trade counter and retail uses. Many of the units are currently vacant due to the anticipated redevelopment of the site.
- 2.2. The southern part of the site contains a collection of lower density uses including the coal depot, open scaffolding storage and the Council car pound.
- 2.3. The site abuts existing commercial and retail uses to the northern and eastern boundaries of the site. The west of the site flanks Sackville Road with a single access opposite Pointer Road. The boundary treatment on Sackville Road consists of a retaining wall and relatively mature vegetation. The railway line is located to the south of the site. The gradient of the land slopes down gently from the north to south. The Southern part of the site is raised significantly above the ground level of Sackville Road with the height differential reducing northwards along Sackville Road.
- 2.4. The proposal is for the demolition and the redevelopment of Sackville Trading Estate and Hove Goods Yard for a mixed use scheme, with buildings ranging from 2 to 15 storeys comprising the following:
 - 564no Build to Rent (BTR) residential units (C3) with a combined mix of 52 studios, 202 one bedroom units, 268 two bedroom units and 42 three bed units,

- Care community comprising 260no units (C2), with a mix of 37 one bedroom units and 223 two bedroom units together with associated communal facilities;
 - 5164m2 of flexible office accommodation (B1);
 - 684m2 of flexible retail floorspace (A1 and/or A3)
 - Community / leisure facilities including a multi-functional health and wellbeing centre (946m2) (D1/D2).
 - Associated landscaping and public realm,
 - Vehicle and cycle parking,
 - Vehicular access via existing entrance from Sackville Road,
 - New pedestrian access off Sackville Road to the south of the site adjacent to the railway bridge.
- 2.5. There have been a number of revisions to the materials / detailing of the scheme during the life of the application. The key visual alterations have been to Blocks C, D and F and the care community.

3. RELEVANT HISTORY

Pre-Application History and Design South East Review Panel:

3.1. Prior to Current application

The applicant sought to engage with the Local Planning Authority to discuss the reasons for the previously refused application (BH2018/03697). Positive improvements were tabled in respect of housing mix, employment provision and daylighting to the care community. Limited revisions were proposed in respect of design and private amenity space. The applicant presented a pre-application proposal to members. The response of which is set out below.

Member's Pre-Application Response – November 2019

3.2. Planning Policy

- Members welcomed proposals to increase the employment floorspace which would increase the number of employees on the site. Whilst this was a positive change they noted that the scheme overall would not be 'employment focused' in accordance with the thrust of policy DA6.
- The members welcomed the changes to the housing mix which included an increase in 2 and 3 bedroom units and reduction in studios. This was seen as a positive alteration which would deliver a more balanced range of unit types across the site.

3.3. Design / massing / townscape / Heritage

- Members were disappointed that the applicant had not sought to revisit the height, scale, massing and design to address the heritage concerns set out in the first reason for refusal.
- Members remain unconvinced that the proposal successfully responds to the context of the site and the character of Hove.

- Members welcomed that the applicant was open to revisiting some of the materiality / detailing to improve the appearance of the scheme.

3.4. Amenity

- Members set out that they considered it was the quantum of development on the site in the original application that had resulted in a number of poor amenity outcomes,
- In this context they were underwhelmed with the limited alterations to the care community. Notwithstanding the limited alterations if the daylighting concerns could be resolved then this would be welcomed,
- Members welcomed the increase in the percentage of balcony provision but were also disappointed that the applicant had not sought a more comprehensive revision of the scheme overall to provide further private amenity space.

3.5. Transport

- In light of the original application members had no further comments to add in respect of transport issues.

3.6. Affordable Housing

- Members noted that the original application had an offer of 10% affordable housing at 75% market rent which was not genuinely affordable.
- Members considered that an element of genuinely affordable housing (eg. at Local Housing Allowance levels) would enhance the scheme,

3.7. Other Issues

- Members considered that there were areas where improvements could be made which could enhance the overall offer and these would be strongly welcomed when assessing any future application. Specific areas included sustainability improvements and further greening of the scheme to increase the overall biodiversity and ecology benefits of the development.

3.8. Pre-app Prior to application BH2018/03697

The site owner, Coal Pension Properties Limited entered pre-application discussions with the council in 2016 for a large scale mixed use redevelopment of the site after concluding that a scheme based on a large scale retail redevelopment was unlikely to be viable with changing consumer trends. The site owner entered into a Planning Performance Agreement (PPA) with the Local Planning Authority in Spring 2017 with various meetings scheduled on relevant topics.

- 3.9. There were two previous design review panels on the site (prior to Moda and Audley becoming involved) for schemes for between 600-650 residential

units and approximately 6000sqm of employment floorspace in 2016 and 2017. These helped inform initial proposals for the site.

3.10. The current joint applicant Moda Living Ltd became involved late in 2017 with a new design team. A new scheme was presented to the design review panel in August 2018 which included 625 built to rent residential units, a 275 home care community and 4200sqm of office floor space and some retail, community uses.

3.11. A summary of the Design Review is set out below.

This proposal has the potential to create a vibrant new neighbourhood, and many positive steps have been taken so far to achieve this. The mix of uses, including Build to Rent apartments, a care community, co-working space and crèche, could help create active and diverse public/communal spaces. However, the success of the scheme will depend to a large degree on how well it can connect to the surrounding area, and key issues relating to this remain unresolved. Clear east/ west connections towards Hove station must be achieved, and providing the necessary links should focus on creating pedestrian and cycle access to Newtown Road, rather than the construction of a pedestrian bridge over the railway. Providing these connections will depend on surrounding land owners, and a masterplan should be produced to show how in the long term neighbouring sites to the north and east could be developed, ensuring wider connectivity.

3.12. Across the site, a clearer hierarchy of public and private spaces should be established, and a sustainable drainage strategy incorporated. The way the scheme addresses Sackville Road requires further consideration, to create a more typical city street condition that better relates to the Victorian houses and other buildings opposite.

3.13. The introduction of a care community to establish cross-generational living could be a strength, but this use should be better integrated into the wider scheme. Within the residential part of the care community, the length of access corridors is a particular concern. The character is largely anonymous, and this requires addressing. The proportion of single aspect units is also problematic.

3.14. The lack of architectural propositions makes specific comments about the heights and the distribution of massing challenging. A further design review at a later stage to look at these issues more specifically would be invaluable.

3.15. The scheme continued to be revised, with the quantum of development slightly reduced overall up until the original submission at the end of 2018.

Councillor pre-app presentation feedback in August 2018

(This was a very similar scheme to that presented in the August DRP set out above)

- 3.16. Overall, Councillors welcomed the re-development of the site and the positive impact this would potentially have in regenerating this area of Hove.
- 3.17. Councillors were however concerned with the scale of the development proposed for the site. The overall density of development seemed high and this was particularly evident towards the southern end of the site where the development creates something of a canyon effect. As a consequence, Councillors felt that the overall layout erred more towards maximising the scale of development at the expense of place making.
- 3.18. The north/south boulevard and particularly the southern end did not convince them that the development would result in a welcoming environment. In addition, councillors were concerned about the proposed height of the buildings fronting Sackville Road and the likely visual impact they will have on the area. Whilst the City Plan sets minimum requirements in terms of residential units, the councillors felt that the overall number of units proposed (rental and care) exceeded the capacity of the site.
- 3.19. In terms of the overall approach towards the design of the buildings, the Councillors welcomed the use of high quality and contemporary materials. However, the indicative drawings suggested the buildings would not offer much visual interest if they are all rectangular or square blocks at 90° to one another. Again, this underlined the concerns regarding the site layout seeking to maximise density and overall scale of development at the expense of visual interest and contemporary design and layout.
- 3.20. Permeability and connectivity of the site will be important elements in integrating the site with its surroundings. However, Councillors would like to see more detail as to what is proposed regarding the connectivity of the site particularly through to Newton Road and what in practical terms can actually be achieved. Although Councillors recognised the challenge presented by the site levels, they will wish to understand how pedestrian access and in particular access for less able bodied individuals will be achieved from the southern end of the Sackville Road frontage, as this was not entirely clear from the presentation and Councillors were not particularly encouraged by the lift which was being suggested.
- 3.21. With regard to the care element of the scheme the councillors noted the long corridors and single aspect accommodation shown on the layout drawings and again were concerned that this was a manifestation of an over-development of the site. The Councillors remained concerned that this

element of the development would only be available to those who already owned property and would not necessarily offer a local or affordable dimension.

- 3.22. Councillors will require further clarification with regard to the retail element of the scheme. It was not clear whether this will be solely Class A1 or whether the proposal involves a wider range of 'retail' uses.
- 3.23. Councillors were clear that the scheme needs to meet City Plan policy with regard to the employment provision and will wish to see a clear breakdown of the various jobs/functions proposed and how this would meet the policy.
- 3.24. The Councillors remained unconvinced about the live/work units and would prefer to see them as either completely residential or employment units rather than as flexible units.
- 3.25. Car parking provision and access will be an important issue and although the car parking standards identify a maximum, the Councillors are keen to ensure that the development strikes the right balance between not overloading the existing access.
- 3.26. Whilst Councillors expressed a keen interest in seeing the site being re-developed the overriding view was that they have strong reservations about the overall scale and form of development being proposed for the site at this stage.
- 3.27. Previous planning applications
BH2018/03679 - Demolition and redevelopment of Sackville Trading Estate and Hove Goods Yard, with erection of buildings ranging from 2 to 15 storeys comprising 581no residential units (C3) and 10no live/work units (Sui Generis) with associated amenity provision; a care community comprising 260no units (C2) together with associated communal facilities; 3899m² of flexible office accommodation (B1); 671m² of flexible retail floorspace (A1 and/or A3) and community facilities including a multi-functional health and wellbeing centre (946m²) (D1/D2). Associated landscaping, car and cycle parking, public realm and vehicular access via existing entrance from Sackville Road. Refused on 29 July 2020. An appeal against the refusal has been lodged with the Planning Inspectorate and a public inquiry is scheduled over 6 days commencing on 21 April 2020.
- 3.28. **BH2012/03734** - Application to extend time limit for implementation of previous approval BH2009/00761 for Demolition of existing buildings with construction of new comprehensive development providing a mix of uses focusing around a new public square, including: an A1 food store, A1 non-food retailing, associated A2-A5 retailing, residential apartments, offices,

underground car parking, associated infrastructure works including improved access, servicing and public realm improvements. Approved 28 March 2013. This planning permission expired on March 2016.

- 3.29. **BH2009/00761** - Demolition of existing buildings with construction of new comprehensive development providing a mix of uses focusing around a new public square, including: an A1 food store, A1 non-food retailing, associated A2-A5 retailing, residential apartments, offices, underground car parking, associated infrastructure works including improved access, servicing and public realm improvements. Approved 2 March 2013.
- 3.30. **BH2008/01554** - Demolition of existing buildings with construction of new comprehensive development providing a mix of uses focusing around a new public square, including: an A1 food store, A1 non-food retailing, associated A2-A5 retailing, residential apartments, offices, underground car parking, associated infrastructure works including improved access, servicing and public realm improvements. Refused on 7 August 2008 for 19 reasons which included design and appearance, residential amenity and standard of accommodation, loss of employment, transport impacts, accessibility and sustainability
- 3.31. Outline planning permission was granted in July 1983 for light industrial, office and retail buildings (ref: **3/82/0614**). A further application was approved in October 1983 for light industrial, warehouse and retail units with ancillary office accommodation in October 1983 (ref: **3/83/0435**). There have been a number of changes of use, advertisement applications and variation of conditions in relation to the units.

4. REPRESENTATIONS

- 4.1. **Eighty seven (87)** letters has been received throughout the application process objecting to the proposed development for the following reasons:

Design / Appearance

- Minimal changes from the original proposal and is still a significant overdevelopment of the site,
- High rise buildings much taller than any other buildings north of the railway line,
- Proposal taller than the Clarendon Road blocks to the south,
- Proposal is too dense and too high to the detriment of the local community,
- Out of character with the surrounding area,
- Over-scaled for the site,
- Density of development at odds with the surrounding Victorian and Georgian terraces,

- Revisions should be sought during the application to reduce the scale of the buildings,
- The buildings are too tall for this location,
- Appearance and size of development is inappropriate,
- Scheme is too intensive and too dominant,
- Towers should not be higher than 5 storeys,
- Density of the scheme is significantly too high,
- Lower level housing would be more appropriate in this location,
- Revised scheme does not address earlier concerns in relation to height and density,
- The proposal will dominant the skyline,
- The proposal harms views from local conservation areas

Amenity

- The height of the buildings will result in overshadowing to homes on Sackville Road,
- Loss of light and sunlight to neighbouring properties,
- Overlooking and loss of privacy to surrounding properties,
- Increased noise and disturbance,
- Will negatively impact on the quality of life of neighbouring residents,
- Insufficient amenities to be provided for future residents,
- The amenity spaces consist of shaded areas at ground floor level or windy high level roof gardens,
- Lack of decent green amenity spaces in the development,

Transport

- Increased traffic congestion on surrounding area,
- Resident's concerns that were set out on original application have not been addressed,
- Sackville Road junction already at capacity,
- The cumulative transport impact of other proposed major developments (eg, Newtown Road, Hove Station and Toads Hole Valley) has not been assessed,
- Sackville Road already dangerous for cyclists and pedestrians,
- Single vehicular access into site is inadequate – a further access is required,
- Proposal will result in increased parking pressure in the wider area,
- Increased accident risks,
- Crossing Sackville Road a safety issue at peak times,
- On-site parking provision is completely inadequate,
- Currently very difficult to find parking spaces even for permit holders in the evenings on surrounding streets,
- Parking provision on the surrounding streets is already oversubscribed, especially in the evenings,
- No provision of vehicular and pedestrian access points to the east linking to the station,
- Trains are already oversubscribed,
- Parking permits should be prohibited for all future occupiers,

- Issue of parking has not been properly addressed in the amended scheme,
- Public transport facilities insufficient in the local area to support the low level parking provision proposed,
- Concerns that the Council is proposing to allow a high numbers of visitor permits for future residents which will increase parking congestion for existing residents

Housing

- The solely 'rented' accommodation will attract a transient population dominated by commuters and a lack of permanence and commitment to the area,
- Housing is not likely to benefit local people and will attract those from outside the City,
- Lack of diversity in the housing units proposed with predominantly smaller units and a lack of units suitable for family accommodation,
- Inadequate affordable housing,
- The 'rental only' model is inappropriate for this area,
- High-rise housing creates a disconnect with the local community,
- Whilst additional housing is required in the City it is not considered that the proposal is an acceptable solution,

Other considerations

- Increased pollution: this proposal will exacerbate this is an area where many school children walk to school,
- Whilst the site needs developing a scheme on a smaller scale is needed to give a better outcome for the community,
- Further pressure on infrastructure, eg. schools, dentists and GP's in the area which are already overstretched,
- Existing residents have not been consulted on what the key needs are in the area,
- Consultation area was not wide enough,
- House prices will be negatively impacted,
- No publically available green space,
- Does not meet the needs of existing local residents,
- Applicant has not listened to surrounding residents who have consistently stated that the proposal includes too much development for the site to satisfactorily accommodate,
- Timing of the consultation of the application over Christmas is a concern,
- Concern that cumulative impact of numerous proposed development will be detrimental to the surrounding area,
- The wrong location for a scheme of this density,
- Scheme will impact residents views from existing properties,
- Applicant has not taken on views of local residents when designing the scheme,
- Southern Water have raised concerns regarding building over water infrastructure,

- The amenities in Hove Park are already significantly overstretched,
 - The proposed development does not hit the highest sustainability / environmental standards,
 - Scheme does not improve community, medical or social facilities in the area,
- 4.2. **Councillor Bagaeen** objects to the scheme (on behalf of **Councillor Brown**). Comments attached.
- 4.3. **Brighton and Hove Economic Partnership** supports the application for the following reasons:
- 4.4. The Brighton and Hove (B&H) Economic Partnership are in support of the Coal Pension Properties Limited and Moda Living (Sackville Road) Limited proposals for the Sackville Road Trading Estate Site.
- 4.5. We understand that the previous application was turned down by the City Council Planning Committee and that MODA has logged an appeal which is likely to be heard in late April 2020.
- 4.6. I would like to reiterate that the proposals fall within the Hove Station Area (DA6) of Brighton & Hove City Plan, which encourages mixed use regeneration and enhanced public realm. In addition, the proposals also contribute towards the city's adopted Economic Strategy, through actions commensurate with the Growing City, Open City and Talented City pillars. In particular:
- GC1: Continue to innovate in affordable housing delivery
 - OC1: Support for growth: ensuring a supportive environment for home-workers, start ups and high growth business
 - TC3: Paid graduate placements, internments and apprenticeships
- 4.7. The **RSPB** has made the following comment on the application, The RSPB requests that the Local Planning Authority takes measures to ensure that swift nest bricks are incorporated into this new build project as a biodiversity enhancement.
- 4.8. If Brighton and Hove City Council intends to grant permission for the above planning application, we urge you to make installation of approximately 20 or more swift nest bricks a planning condition.
- 4.9. Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006, states: "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity."

- 4.10. This is supported in Section 170(d) of the revised National Planning Policy Framework (NPPF), which states: “*Planning policies and decisions should contribute to and enhance the natural and local environment by: ...minimising impacts on and providing net gains in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures...*”
- 4.11. Installing integral swift bricks would contribute to these objectives and demonstrate the commitment of Brighton and Hove City Council to protecting and enhancing biodiversity.

5. CONSULTATIONS

External

5.1. **County Archaeologist: Comment**

Although the proposed development is not located within an Archaeological Notification Area, the site lies within an area of recognised prehistoric and Roman archaeological potential. An Archaeological Notification Area defining the site of a probable Roman villa lies just c. 60m to the north-east of the proposal site, and a Roman aisled building/villa has also been excavated to the north-west of the site. In addition, the site is close to the location of the purported Goldstone prehistoric standing stone, whilst further finds of Bronze Age material have also been recovered from within 300m of the site. In the later 19th century the site formed part of the goods yard and associated sidings associated with the Brighton Railway.

- 5.2. The archaeological potential has been considered in detail in a comprehensive *Archaeological Desk Based Assessment* submitted as part of this application. This has concluded that the site has a high potential for the 19th century and later, a moderate potential for the prehistoric and Roman periods, and a low potential for the Anglo-Saxon, medieval and earlier post-medieval periods. We concur with this assessment.

- 5.3. 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*. This will enable any archaeological deposits and features that would be disturbed by the proposed works, to be either preserved *in situ* or, where this cannot be achieved, adequately recorded in advance of their loss. These recommendations are in line with the requirements given in the NPPF (the Government’s planning policies for England):

- 5.4. In furtherance of this recommendation, we shall be available to advise the applicant on how they can best fulfil any archaeological condition that is applied to their planning permission and to provide a brief setting out the scope of the programme of works.
- 5.5. The *written scheme of investigation*, referred to in the recommended condition wording above, will set out the contracted archaeologist's detailed approach to undertake the programme of works and accord with the relevant sections of the Sussex Archaeological Standards (2019).
- 5.6. **Conservation Advisory Group (CAG) Objection**
The Group recommends refusal. We have discussed in particular the Montagu Evans letter to Icenii dated 19 Nov 2019, and strongly disagree with the conclusions reached in that letter that the three heritage assets it examines (Hove Station, the Hove Station CA and the Dubarry building) will not be significantly affected by the proposed development.
- 5.7. Additionally it fails to mention the concern we have about its effect on the locally listed Hove park, but more importantly it completely fails to acknowledge the sheer difference in scale and massing of this development (comprising a conglomeration of 13 or so massive buildings mostly between 10-15 storeys), in relation to the surrounding domestically scaled neighbourhoods which include two conservation areas.
- 5.8. It will drastically change the character of the whole area within which the heritage assets mentioned above are located, and will have a severely detrimental effect on them.
- 5.9. In no way could it be said these huge buildings towering over the Hove Station area will preserve let alone enhance those heritage assets
- 5.10. **Ecology: Comment**
Surveys were carried out in accordance with best practice and are sufficient to inform appropriate mitigation and compensation. However, the ecological report (Extended Phase 1 Habitat Survey Report, SK Environmental Solutions Ltd, November 2018) does not include any recommendations for biodiversity enhancement.
- 5.11. The site is not subject to any nature conservation designations. Given the nature, scale and location of the proposed development, there are unlikely to be any impacts on sites designated for their nature conservation interest.
- 5.12. The site is dominated by buildings and hardstanding with scrub, introduced shrub, scattered trees and amenity grassland. In general, habitats on site are

of relatively low ecological value. However, scattered trees on site, especially those along the boundaries should be retained and protected, in particular the street trees along Sackville Road.

- 5.13. In addition to the recommended mitigation measures, the site offers opportunities for enhancement that will help the Council address its duties and responsibilities under the NERC Act and NPPF. Opportunities include, but are not limited to, the provision of green (biodiverse not sedum) roofs and walls, bird, bat and insect boxes and wildlife friendly planting.
- 5.14. It is noted from the Design and Access Statement that a woodland garden will be created on site; this and other green spaces within the site should use locally native species of local provenance and species of known wildlife value. Advice on suitable species is provided in Annex 7 of SPD11. Bird, insect and potentially bat boxes should also be provided. Bird boxes should target species of local conservation concern including swift, starling and house sparrow.
- 5.15. It is also recommended that a biodiverse green roof should be provided (in addition to the proposed roof garden). The sustainability checklist (within the Sustainability Action Plan) states that the roof will be designed to accommodate the installation of mounted solar technologies. Green roofs are known to improve the efficiency of photovoltaics, as well as providing other benefits including water management, reduction of heat island effect and biodiversity. To help meet Biosphere targets, the green roof should use chalk grassland species.
- 5.16. The information provided is satisfactory and enables the LPA to determine that whilst the proposed development is likely to have an impact on biodiversity, those impacts can be mitigated through the application of suitable planning conditions.
- 5.17. **Environment Agency: No objection**
We have no objection to the proposed development as submitted, subject to the inclusion of the 7 conditions set out in our detailed response.
Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.
- 5.18. The previous use of the proposed development site as a railway yard and 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 a source protection zone 1 and 2, as well as being located upon a principal aquifer.

- 5.19. The site rests upon superficial head deposits (Secondary A Aquifer) which are underlain by the Tarrant Chalk Member (Principal Aquifer). The site is located within an SPZ 1 and 2 associated with the Goldstone Public Water Abstraction. This Abstraction is located 640m North of the site. The supporting document assumes that groundwater flow (within Principal Aquifer) is southerly, however, the Abstraction will have a significant influence on groundwater flow. Additionally, given the unpredictable and heterogeneous secondary porosity and permeability of Chalk Aquifers we feel that there is an appreciable risk to the Goldstone Abstraction.
- 5.20. The supporting document references previous intrusive investigations and uses the information to build a conceptual side model. Previous investigations state that groundwater was not encountered within most of the boreholes; when water was encountered it was attributed to inflow from rainfall events (this also represents a proven pathway). The conceptual model assumes that groundwater will be at a depth greater than 25 m, however our records indicate that groundwater can rise to 15m beneath the site. We would expect that the applicant would re-evaluate the Chalk Aquifer groundwater regime. Similarly, the assumption that the Superficial Head Deposits that are dry is inherently faulty. The Head deposits are extremely responsive to recharge events and after rainfall the Superficial Deposits could hold perched or groundwater. This will have a significant effect on the conceptual understanding of vertical and lateral migration.
- 5.21. **Highways England: No objection**
Highways England is satisfied that the development will not materially affect the safety, reliability and/or operation of the strategic road network (the tests set out in DfT Circular 02/2013, particularly paragraphs 9 & 10, and DCLG NPPF particularly paragraph 109) in this location and its vicinity. We therefore offer no objection to the application on the basis that Brighton and Hove City Council obtains an appropriate contribution towards the agreed highway mitigations associated with the A23 and A27 required by the Brighton and Hove City Plan (BHCP), and that such mitigations are delivered in a timely fashion well ahead of the end of BHCP term.
- 5.22. **Hove Park Neighbourhood Forum: Has not commented**
- 5.23. **Hove Station Neighbourhood Forum: Has not commented**
- 5.24. **NHS Clinical Commissioning Group: Comment**
Practices across the city are under considerable pressure and any increase in the local population will increase this pressure, however marginally. The CCG is unable to predict whether or not the proposed development will

negatively affect local practices, as they are independent businesses and will be better placed to assess their current and future capacity.

5.25. **Scottish Gas Networks:** No objection

5.26. **Southern Water:** Comment

Southern Water has recently undertaken more detailed network modelling as part of a network growth review. The results of this assessment to our current modelling procedures and criteria, indicates 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. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant.

5.27. Southern water sets out that they would object to the layout of any new development that blocked access to existing water infrastructure.

5.28. If the planning permission were to be granted conditions would be required to satisfy Southern Water in respect of foul and surface water run-off disposal.

5.29. **Sunlight and Daylight (BRE):** Comment

The Building Research Establishment (BRE) reviewed the daylight / sunlight information submitted as part of the original application and also the current revised application.

Impact on Surrounding properties

Comments from original application BH2018/03697

5.30. Existing even numbered houses in Sackville Road would face towards the proposed development across the road. Numbers 126-138, 144 and 146 would have a moderate adverse impact on their daylight, and of these numbers 126, 130 and 134 would also have a moderate adverse impact on sunlight. Numbers 124, 140, 142, 148-156 and 162-176 would have a minor adverse impact on daylight. Losses of daylight and sunlight to other houses on Sackville Road would be within the BRE guidelines.

5.31. For many of the existing houses the residual levels of daylight would not be far below the BRE recommendations. The windows are mostly fairly large, and there are similar houses elsewhere in Brighton with higher levels of obstruction.

5.32. Loss of daylight to nineteen windows at The Courtyard, a block of flats across the railway line to the south, would be outside the BRE guidelines. This is assessed as a minor adverse impact; in most cases the daylight levels with

the new development in place would be only just below the recommended value. Loss of sunlight would not be an issue for these windows as they face north.

- 5.33. There are no other existing dwellings that could be significantly affected.

Comments on current scheme in comparison to originally submitted scheme

- 5.34. The heights of the buildings on the Sackville Road frontage have not changed significantly and therefore the impacts on existing dwellings across Sackville Road should be similar. The massing of the westernmost block of the care community has altered slightly from that analysed in GIA's original report, in that there is now no setback at the top floor on the side facing Sackville Road. This could give a slightly larger reduction of daylight to 162-176 Sackville Road.

The impact would be expected to be minor adverse, as concluded in our assessment for the previous scheme.

- 5.35. Compared to what was modelled in GIA's report, Block E has an increased height. There could be a small additional impact to existing dwellings in the Courtyard, and it is possible that this could result in more windows not meeting the BRE daylight guidelines, since with the previous massing a number of them had vertical sky components close to 27%. However the impact is still expected to be minor adverse.

Comments on BTR units

Original scheme – BH2018/03697

- 5.36. Daylight provision to Plots A-F of the new development would be generally good. Out of the 689 rooms they analysed, GIA identified 653 (95%) that meet the BS average daylight factor (ADF) recommendations. Of the remaining 36, 23 are living/kitchen/diners that would not meet the recommended 2% ADF for a kitchen, but would meet the recommended 1.5% for a living room. Sunlight provision in Plots A-F is expected to be reasonable.

Current scheme

- 5.37. Daylight and sunlight provision within the rest of the MODA scheme may have altered as a result of changes in the scheme since GIA's original report was written. These include:
- Some of the dwelling rooms have been changed to non-domestic uses
 - Some studio flats have been changed to conventional flats with separate bedrooms
 - The layout of private amenity spaces has changed with balconies and terraces being included in some locations

- Some alterations in massing affecting the obstruction to windows in a few cases, and removing or including new flats.
- 5.38. Most of the room layouts look similar, and it is probable that the level of compliance with the BRE/BS guidelines roughly corresponds to that originally reported by GIA. However it is not possible to be definite about this without seeing new data for this part of the scheme. Such new data need not cover all the rooms; GIA previously analysed a subset of the rooms, and it would be reasonable to ask for data for locations similar to those analysed before, perhaps on the lowest three floors.

Comments on the Care Community

Daylight in care community (current scheme)

- 5.39. GIA have calculated the average daylight factors (ADFs) in the rooms in the care community and compared them with the minimum recommendations in BS 8206 Part 2.
- 5.40. GIA have stated the assumptions that they made in calculating the ADFs. These appear reasonable provided that the appropriate room surface finishes will be applied in the new building.
- 5.41. Based on GIA's results for the revised design, 254 out of the 260 living areas would meet the 2% minimum recommendation for ADF in combined living rooms/kitchens. The other six would meet the minimum 1.5% recommendation for living rooms.
- 5.42. There are 13 flats for which only the living room appears to have been analysed. It is assumed that for these flats the kitchen area has not been included. The living room areas all have good ADFs, well above 2%, so it is likely that the combined area including the kitchens could have an ADF above 2% in each case.
- 5.43. Out of the 482 bedrooms analysed, 479 would have ADFs meeting the minimum 1% standard for bedrooms. Three, on levels -01 and 01, would have ADFs of 0.8% or 0.9%, not far below the minimum recommendation.
- 5.44. GIA have also presented data on daylight distribution within the proposed rooms. The results for the no sky line criterion are reasonable. All rooms would meet the BS room depth criterion.
- 5.45. Overall, this represents a good level of daylight provision, much better than for the previous design for the building.

Sunlight to rooms in care community (current scheme)

- 5.46. BS 8206 Part 2 and BRE Report also give guidance on sunlight in new dwellings. This is based on living rooms receiving 25% of annual probable sunlight hours, including 5% in the winter. GIA have calculated the annual and winter probable sunlight hours for all living rooms in the new flats, including north facing ones.
- 5.47. Out of the 260 living rooms analysed, 204 (78.5%) would meet both the annual and winter sunlight recommendations. Another three would meet the annual recommendation but not the winter one, and four would meet the winter recommendation but not the annual one. 49 living rooms, 18.8% of the total, would not meet either recommendation. These mostly face north towards Old Shoreham Road.
- 5.48. This represents a reasonable level of sunlight provision overall in a large flatted development.

Sun on ground

- 5.49. Here the BRE recommendation is for at least half of an open space to receive at least 2 hours' sunlight on March 21. GIA's report has given sun hours on ground data for the principal open spaces in the proposed scheme. They would meet the guidelines.
- 5.50. **Sport England: No objection**
The Government, within their Planning Practice Guidance (Open Space, Sports and Recreation Facilities Section) advises Local Planning Authorities to consult Sport England on a wide range of applications.
- 5.51. This application falls within the scope of the above guidance as it relates to: a residential development of 300 dwellings or more. Sport England assesses this type of application in light of the National Planning Policy Framework (NPPF) and against its own planning objectives, which are Protect - To protect the right opportunities in the right places; Enhance - To enhance opportunities through better use of existing provision; Provide - To provide new opportunities to meet the needs of current and future generations.
- 5.52. Sport England is aware that the current application is a resubmission with some amendments, of a previous proposal (ref: BH2018/03697) refused by the planning committee in July 2019. It is noted that in connection with the previous application heads of terms for a s.106 planning obligation were agreed with the applicant, making provision among other matters for a financial contribution towards off site provision and improvements to sport and recreation infrastructure in accordance with the City's adopted local plan

policies and developer contributions technical guidance. Sport England would support a financial contribution towards sport and recreation being secured in connection with the current application through a s.106 legal agreement.

- 5.53. Sport England would also support the inclusion of the active and sustainable travel obligations also previously agreed as detailed in the officer's report to the planning committee.
- 5.54. **Sussex Police: Comment**
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 and site specific requirements should be considered.
- 5.55. The development does have a considerably high level of permeability with the developer stating the intention is to introduce a series of publicly accessible streets and squares connecting within and throughout the site. Where there are high levels of permeability designed into a development there should also be additional security measures factored in as well to counterbalance this. These measures may reflect or incorporate the following: Clear demarcation lines between residential and retail areas, private space and public space, these can take the form of physical or psychological barriers.
- 5.56. Places that include necessary, well designed security features. High levels of natural surveillance, clear lines of sight where all publicly accessible spaces are overlooked places with well-defined routes, spaces and entrances that provide for convenient movement without compromising security. Places that are structured so that different uses do not cause conflict. Places that promote a sense of ownership, respect, territorial responsibility and community. Places where the level of human activity is appropriate to the location and creates a reduced risk of crime and a sense of safety at all times.
- 5.57. Places that are designed with management and maintenance in mind, to discourage crime in the present and the future. The applicant is advised to ensure Secured by Design (SBD) principles are used throughout.
- 5.58. **UK Power Networks: No objection**

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

Development Viability

Turley (the applicant's Viability Consultant) have approached the viability testing by applying a fixed land value (the Benchmark Land Value) and then reflecting the profit generated, with an overall target of 15% on cost.

5.60. The position presented by the applicant of the viability of this scheme demonstrates a profit level lower than 15% on cost which they contend means no affordable housing can be provided at the scheme, contrary to NPPF and BHCC policy guidelines. Turley's Financial Viability Assessment (FVA) states that the profit level achieved is 9.04% on cost. It should be noted that this figure does include the s.106 contributions detailed at 7.19 of this report.

5.61. I have made amendments where I disagree with Turleys inputs. This has resulted in my appraisal demonstrating that the profit of 11.72% on cost.

5.62. On this basis I consider the scheme as unviable even with no provision of affordable housing, but including a S.106 contribution. Any changes to the size or mix of the scheme or any growth in prices or fall in costs could potentially provide a limited surplus for an affordable housing contribution but this would require significant change. This should be considered when drafting a s.106 agreement as a review would be advised for a scheme of this scale.

Appraisal Input	Agent from FVA	DVS
GDV	£319,837,618	£323,931,778
Purchasers Costs	-£14,574,958	-£14,574,958
Net Realisation Value	£307,623,870	£311,718,030
Gross Development Costs	£282,109,854	£279,025,578
Finance		
Scheme Finance Costs	£24,105,748	£22,880,074
Measures		
Benchmark Land Value	£14,300,000	£14,300,000
Profit Target	15% on GDC	15% on GDC
Profit	9.04% on GDC	11.72% on GDC
Actual Profit Sum	£25,514,016	£32,692,452
IRR	10.67%	12.31%

Conclusion

5.63. As can be seen in the table above my appraisal of the 100% Market Rent/Sale scheme achieves a profit on Gross Development Cost of 11.72% which is below the agreed 15% target profit on cost.

- 5.64. Therefore the scheme cannot at present viably provide Affordable Housing. While I do not agree with some alterations to costs, and have adopted a discussed, but amended (from Turley's FVA) Gross Development Value (GDV) for the BTR scheme, overall I have reached the same conclusion on viability as Turley, that the current scheme cannot viably provide any Affordable Housing.
- 5.65. 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 a contribution to Affordable Housing.
- 5.66. A number of inputs in the appraisal could have significant impacts on the viability and should elements of the scheme change the viability situation should be reassessed.
- 5.67. Were the scheme to be assessed as two separate schemes, my conclusion on viability is likely to be different. The Care Community portion of the site essentially cross-subsidises the BTR element as the high sales values and lack of Affordable Housing mean the profit levels of this element are significantly more than what would be considered the minimum requirement. This is offset against the BTR element of the scheme which when considered independently from the Care Community, does not exceed the minimum required level of developer's profit. However, I am obliged to consider the planning application as a whole and this is how I have drawn my conclusions.
- 5.68. **Wind Microclimate Assessment (RWDI Consulting): Comment Response on application BH2019/03697**
The wind microclimate assessment is based on physical scale-model testing of the proposed development in BMT's boundary-layer wind tunnel. Several test configurations have been analysed and presented in the report, specifically: the existing site, the proposed development in existing context (both with and without mitigation) and the proposed development in the context of future surrounding buildings (with mitigation).
- 5.69. The data from the wind tunnel has been combined with historical weather data for the region (corrected for local terrain), and classified according to the Lawson Comfort Criteria. Recommendations for mitigation measures have been made based on BMT's interpretation of the assessment results, which are detailed in their report.
- 5.70. Could BMT please elaborate on the implication of these exceedances for occupants/users of the proposed development. Please could they also

suggest any further landscaping or mitigation measures that could provide improvements to the wind microclimate in these areas,

- 5.71. We note that BMT has used data from the meteorological station at Shoreham. In our experience, the Shoreham station is exposed to winds that are funnelled through a gap in the South Downs to the north of the airport, which is not representative of Brighton and Hove as a whole. This northerly component of the wind is clearly visible in the “wind rose” diagrams in Appendix A of BMT’s report.
- 5.72. We would ask BMT to elaborate on what impact this may have had on the results of the assessment, and what steps they have taken to account for this feature of the wind climate.
- 5.73. We would also ask that they compare the results with another nearby station, for example Thorney Island. Overall, we are happy to confirm that BMT has conducted their assessment in accordance with industry best practice.
- 5.74. We have made some requests for clarification on specific points, as detailed in this document. We look forward to receiving BMT’s responses to these points.
- 5.75. The main conclusions of BMT’s assessment are that despite a naturally “windy” environment in Brighton, the wind microclimate around the Proposed Development has been made safe and (for the most part) suitable for the intended pedestrian uses. This has been achieved with the implementation of specific landscaping and mitigation measures, as described in BMT’s report.

Comments on revised application

- 5.76. With reference to the Supplementary Statements (from February 2019 and March 2019), we understand that amendments have been made to the design of the proposed development since the completion of the wind assessment. The changes that could affect the wind microclimate comprise:
 - A 2-storey increase to the height of one of the southern blocks [Feb 2019 statement]
 - Within the Gaunt Francis portion of the site, the two blocks running north-south either side of the podium have changed from simple 8 storey slabs to 2 “tower” elements at each end of each block, with the central portion lowered. [March 2019 statement]
- 5.77. Other changes were considered too minor to cause any material change in wind conditions.
- 5.78. In the above cases, BMT suggest that although the changes to the local wind microclimate are likely to be small, it may nevertheless be necessary to

revisit the landscaping scheme to ensure that conditions remain suitable. They conclude in both statements that “detailed landscape design to be secured through planning condition will provide further mitigation, as needed.” We agree that this would be an appropriate way forward.

- 5.79. Exceedance of Comfort Thresholds: All noted with regard to BMT’s proposed clarifications, which we accept as accurate. It remains the case that the conditions are windier than desired in terms of pedestrian comfort. BMT contends that the conditions are likely to be tolerable, albeit not ideal, and we would agree with this conclusion.
- 5.80. For the Council’s benefit, we would restate our earlier point that it may be possible to improve the wind microclimate conditions, but this would likely require sacrificing other aspects of the design such as visibility and access through the site. Whether this is a worthwhile compromise is a matter for consideration by the Council, and we would be happy to advise further if required.

Internal Consultees

- 5.81. **Air Quality: Comment**
Sustainable Transport commitments are set out in the Transport Assessment. Local air quality is a material consideration for the planning process (and is addressed here). For Hove and Goldstone areas, ambient air quality is well within national limits and complies with the Air Quality Assessment Levels (AQAL) for nitrogen dioxide (NO₂) and particulate matter (PM). In recent years air quality has improved in the area.
- 5.82. Given Major developments size and potential to introduce road traffic emissions to an Air Quality Management Area (AQMA), emissions contributions have been assessed.
- 5.83. The contribution of road traffic emissions to Sackville Road (north) has been considered. As residential quarters are set back from the kerb, road traffic emissions are not deemed to be significant at this location. At diffusion tube monitor West 21, NO₂ levels have been recorded at < 40 µg/m³ (AQAL) for more than two years. Other roadside monitoring sites in the City Centre or Portslade that recently recorded exceedance of the AQAL are more than 2km from the site. Traffic travelling to and from the site is likely to disperse before it reaches these AQMAs.
- 5.84. The proposed accommodation is to be set back from Sackville Road by at least six metres.

- 5.85. Based on the traffic generation figures provided, the air quality consultant predicts that the developments contribution of NO₂ along the Sackville Road part of the AQMA is negligible. Given the improvement in recent years this is likely to remain the case. Additional vehicle movement are not significantly different from the previously agreed plan. The new proposal reduces the number of residential units.
- 5.86. The Sussex air and mitigation guidance encourages developers to improve the existing environment and air quality by mitigated the cost burden of local road traffic emissions. For example:
- EV recharging infrastructure within the development (wall mounted or free standing in-garage or off-street points)
 - Car club provision or support to local car club/eV car club;
 - Designation of parking spaces for low emission vehicles;
 - Differential parking charges depending on vehicle emissions;
 - Use of ultra-low emission service vehicles;
 - Support local walking and cycling initiatives;
 - On-street EV recharging;
 - Contribution to low emission vehicle refuelling infrastructure;
 - Low emission bus service provision or waste collection services;
 - Bike/e-bike hire schemes;
 - Contribution to renewable fuel and energy generation projects;
 - Incentives for the take-up of low emission technologies and fuels.
- 5.87. It is noted that the developer contributions include provision for sustainable travel; cycling, walking and car club. To mitigate future road traffic emissions electromotive infrastructure in the year of operation shall at least meet the minimum standards set out in BHCC, SPD14 (2016). This action supports SU9. It is noted that the sustainable transport contributions does not offer match funding to further progress a low emission bus fleet.
- 5.88. Any changes to the Highway or bus stops shall not shift the carriageway kerb closer to building structures and residential dwellings, thereby reducing the distance for dispersion of emissions.
- 5.89. **Arboriculture: Comment**
The Team reiterate their response from application BH2018/03697
The proposed development site is a large area of retail and industrial land, the vast majority is of hard surfacing and this has left little room for planting. The most prominent is upon the western boundary including a large area of hedging and trees above a high retaining wall, an important line of street trees, and some rowan trees to the north-west boundary. The two most prominent trees along this section are to be retained and this is to be welcomed.

- 5.90. The remainder are single trees, the majority of which have been planted within pits in hard surfaces. Two elm trees of significant visual amenity grow upon the eastern boundary just outside of the site are proposed for removal but could easily be retained. At present there are no tree preservation orders at the site and a total of 25 trees are to be removed, the vast majority of these not worthy of further protection.
- 5.91. Two council street trees have been proposed for removal within Sackville Road to enable the development, opposite Prinsep Road. One is a small dead elm sapling T30 and the other is a London Plane T31 and I am in agreement that this tree is in decline and could be removed provided replacement street trees can be planted within hard surfaces close to the site or within the ward if this is not possible.
- 5.92. A landscape public realm general arrangement and DAAS has been supplied with the application and appears to include over 250 trees to be planted at ground level, in addition to other planting at ground and at various altitudes, including roof levels.
- 5.93. Whilst I accept the majority of the tree losses and welcome the much improved potential tree cover, I still have concerns that a large number of trees will find it difficult to establish and thrive due to sunlight deprivation for long periods of the day caused by the proposed high-sided buildings. This can be alleviated by a change in building design including gaps between buildings, lower building heights and greater space between tree planting and buildings.
- 5.94. If these issues can be addressed, and further detail is submitted to the council, the arboricultural team can provide further comment to the proposal.

Comments on revisions to BH2018/03697

- 5.95. Landscaping - The overriding concern raised previously was the potential for heavy shading cast by the proposed high-rise style buildings and poor rooting environments for the 250 (approx.) replacement trees, which may lead to them failing to establish. The locations of the proposed trees are shown at Appendix 1 of the Sun Hours on Ground report, where a simulation of direct sunlight has been made for 21st March and 21st June. Unsurprisingly this has confirmed that large areas of the site will be shaded for significant portions of the day and will have direct sunlight for less than 2 hours per day in March when the sun sits lower in the sky. There are around 55 individual trees within these areas.
- 5.96. As well as affecting the amount of time the trees can effectively photosynthesise to produce resources, the shade may have an impact on soil

quality by reducing its temperature. Root growth rarely takes place when the soil temperature drops below 5 degrees, and so the shade could reduce the effective growing season of these trees considerably, and their growth rates may be adversely affected. However, mulching new trees can help regulate soil temperatures during periods of prolonged hot/cold/wet or dry conditions. Waterlogging may also become a problem in time if drainage is poor as might be expected for a heavy chalk/clay soil such as this, so the planting specification should provide suitable mitigation.

- 5.97. With these factors in mind, it must be remembered that an element of shading is inevitable around high-rise structures such as the proposed. The proposed amendments by reducing the height of some of the blocks helps mitigate this issue, but a detailed landscape proposal indicating the planting method, planter details, species composition and future management should be supplied. Suitable shade and drought-tolerant species with a range of ultimate growing sizes include but are not limited to: Japanese pagoda tree (*Styphnolobium japonicum*), black mulberry (*Morus nigra*) London plane (*Platanus x hispanica*), oriental plane (*Platanus orientalis*), bird cherry (*Prunus padus*) and holm oak (*Quercus ilex*). As mentioned previously, a variety of species and taxonomic families should be included to ensure a monoculture that may become susceptible to current and emerging pests and diseases is not created to avoid the potential for extensive tree loss.
- 5.98. The scheme should also incorporate additional replacement trees of large-growing species in prominent locations, as mitigation for the two street trees proposed for removal.
- 5.99. Tree loss - The amended block plan (ref: 170294-WCA-00-00-DR-A-PL909-P02) now shows the two off-site elm trees (T5-T6) as retained, which is an improvement, however the removal of existing hard surfacing and the proposed construction within these RPAs will need to be undertaken under the control and supervision of the retained arboricultural consultant.
- 5.100. Recommendation: The amendments are positive and go some way to mitigating the previous concerns. However, further detail with regards to proposed species, planting specifications and aftercare are still required to satisfy the arboricultural team as the concerns regarding the establishment of 55 (approximately) trees remain. It is anticipated that a written document would be best suited to relieve these concerns.
- 5.101. **Artistic Component:** Comment
To make sure the requirements of local planning policy are met at implementation stage, it is recommended that an 'Artistic Component' schedule be included in the section 106 agreement. It is recommended that

an overall Artistic Component Strategy is sought to allow for phased delivery of the Artistic Component elements where required which should consider consistent principles across the whole site.

5.102. This is arrived at after the internal gross area of the development (in this instance approximately 79,950 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.

5.103. It is suggested that the Artistic Component element for this application is to the value of £450,000. It is recommended that an overall Artistic Component Strategy is sought allowing phased delivery of the Artistic Component elements where required which should consider consistent principles across the whole site.

5.104. **City Clean:** No objection

5.105. **Economic Development:** comment

City Regeneration welcomes the:

- uplift in provision of B1 floorspace which will deliver more than the Council's minimum expectation of 5,080 sqm
- the increased focus on employment generation on-site.

5.106. City Regeneration therefore welcomes this application in principle and the considerable economic benefits the redevelopment of this site will bring to the City but would have preferred to see no net loss of overall commercial floor space on the site.

5.107. Sackville Trading Estate is located to the south of Old Shoreham Road / A270, off Sackville Road. Local accessibility is good with a number of bus stops nearby and it is within close proximity to Hove railway station and the A23 providing quick access to London and the South East and by road Gatwick Airport is within 30 minutes' drive, opening up routes to Europe and a number of long haul destinations for freight and leisure travel.

5.108. The City Plan strategic allocations for the Hove Station Area, is to enable its development as a *mixed-use area focussed on employment*.

Existing Employment Floorspace

5.109. In City Plan Part 1 (footnote 75 on page 76) the floorspace totals 10,160 sqm and says 'Sackville Trading Estate is indicated to be 5,080m² B uses and 5,080m² restricted A1 retail within the planning report for BH2009/00761'

(excluding the Coal Yard). The application form for BH2009/00761 (excluding the coal yard) says the site contains:

- 2,600 sqm of B1c light industrial uses
- 490 sqm of B8 storage/distribution.
- 2,000 sqm of 'other' - Trade Counter uses
- 5,000 sqm of retail uses
- Total floorspace overall of 10,090 sqm (3,090 sqm of B class, 5,000 sqm of A1 and 2,000 sqm Trade Counter).

5.110. This application (including the coal yard) sets out the commercial floorspace as follows:

- 8,316 sqm of A1
- 636 sqm of B1a
- 381 sqm of B8
- Total floorspace of 9,333 sqm (1,017 sqm B class, 8,316 sqm of A1).

5.111. The applicant considers the trade counter element falls outside B class usage because it was not listed as B class in the previous application. The Council's committee report considered it should be classified as B8 although some will be for retail sales. Therefore a proportion of the 2,000 sqm trade counter is B class use. Consequently, it seems the B class figure in the previous application is similar to the 5,080 sqm (as cited in the City Plan).

5.112. In addition, the coal yard was not included in the City Plan employment floorspace figure or in the previous application, although this area is currently used for low density employment generating activities e.g. car hire company, Council's car pound and scaffolding company.

Proposed Employment Floorspace

5.113. The Planning Statement for the amended application says the provision of employment floorspace has been increased to 6,781.10 sqm GIA in a range of high-quality units including 5,163.60 sqm B1 business space (previously 4,471 sqm). The proposed floorspace now includes:

- 564 build to rent homes;
- 260 care community homes with health and amenity focused facilities;
- 5,163.60 sqm of B1 office space (including 3,362.80 sqm in a single high-quality office building)
- 1,086.80 sqm SME/affordable office space
- 714.00 sqm Moda Works managed workspace
- 671.50 sqm A1/A3 space comprising 503.63 sqm retail (75% at A1) and 167.88 sqm café (25% at A3)
- 946.00 sqm (D1/D2) health and well-being centre.

5.114. The previous application fell short of the minimum expectation of 5,080sqm (B floorspace) in City Plan Part One. This amended application proposes an

increase of B1 floorspace by approximately 700 sqm, which is welcomed by City Regeneration.

- 5.115. The Planning Statement says the 'proposals include 5,164 sqm of B1 office space in a range of floorplan sizes and configurations which will deliver accommodation suitable for a range of occupiers across a number of sectors of the economy. This includes the 'Moda Works' co-working space. City Regeneration welcomes the flexibility of the floorspace which will help meet demand in the City for a variety of sized units to support both starter businesses and companies looking to expand.
- 5.116. This revised application does not include the 9 build to rent/live work units (488 sqm 'sui generis') which were proposed in the previous application. We welcome this revised approach enables greater provision of B1 space and higher density employment floorspace.
- 5.117. City Regeneration notes that Policy DA6 in City Plan Part One requires an overall increase of 1,000 sqm of employment floorspace in the DA6 area outside the Conway Street allocation. Policy DA6 Hove Station Area aims to secure the long term regeneration opportunities around the Hove Station area as a sustainable mixed-use area focussed on employment. The location being close to Hove Station and the A23/M23 corridor and identified as a strategic development site in the City Plan, is well suited to a mixed use employment led development.
- 5.118. In this amended application the overall provision of commercial floorspace (B1, A1/A3 and D1/D2), as considered by the applicant would equate to 6,781 sqm. City Regeneration notes this is significantly less than what we understand is the existing provision of 10,160 sqm (B/A1 floorspace) (based on figures in City Plan Part One) and also less than the existing commercial floorspace (A1, B1a and B8) cited by the applicant of 9,333 sqm.
- 5.119. City Regeneration would therefore have preferred ideally to see a revised application where no loss of commercial space is envisaged.

Future Employment Land Requirements

- 5.120. The Economic Strategy for Brighton & Hove cites:
"The supply of commercial space is a major factor impacting on Brighton & Hove's growth potential. Demand for space is high and the city has some of the highest commercial values in the south east. Supply has been impacted by permitted development, and stalled developments are affecting the certainty of future pipeline. While the city has a growing number of SME workspaces there are specific constraints in the provision of grow-on space

and larger footplate space. Securing more space, and of the 'right' type, is therefore an important priority."

- 5.121. There is a need for high quality employment floorspace in the city, with an overall net loss in the overall amount of employment floorspace in Brighton & Hove over the last five years, with over 7,400m² of employment space lost. Demand for space in the city remains high; vacancy rates are low and rents have been increasing in recent years.
- 5.122. The Economic Strategy for Brighton & Hove (2018) provides data from CoStar which estimates that around 6,810m² of office space is vacant in Brighton & Hove, accounting for around 2% of all office space. A vacancy rate of 2% is low and is less than ideal in a strongly functioning commercial property market. Consequently, rental prices are high compared to the city's statistical neighbours such as Bournemouth and Milton Keynes – office averages at £19 per sq ft and industrial at £8 per sq ft.
- 5.123. The low vacancy rate and comparatively higher rental values highlights that demand continues to be strong for office space in Brighton & Hove. Central Brighton faces a lack of available sites to match demand, and when combined with high rental levels which are not affordable for some SMEs, out-of-centre locations are required to meet this shortfall. The situation is further compounded by the continual loss of office space to residential conversion, resulting from the Government's Permitted Development Rights. There has been an average annual net loss in B1 space from developments since 2011.
- 5.124. In addition, there is a perception that Brighton & Hove lacks larger footplate office space and that this is impacting on the ability of the city to attract larger employers and there are constraints in the supply of 'grow on' space enabling businesses to expand. The council's Economic Development Team, has dealt with enquiries for high quality, high volume, B1 office space in recent years but had been unable to meet the needs of the businesses, which have subsequently resigned to looking elsewhere, despite their desire to bring their business to the city, with the potential for creating employment opportunities.
- 5.125. Space requirements vary considerably from sector to sector and from business to business. From an employment space perspective (i.e. B Use Class spaces), the key future growth sectors in Brighton & Hove are likely be professional and business services (likely to create the most demand in absolute terms), and the Creative and ICT and Digital Sector (fast growing both in Brighton & Hove and nationally).

- 5.126. There is currently limited land for new industrial development, with this having a detrimental impact on business growth, with almost no industrial development likely to take place in 2018. Demand remains strong despite the lack of stock, with an increasing number of enquiries for freehold buildings of all sizes and leasehold units particularly in the 350 – 1,000m² range.
- 5.127. The Industrial Estates Audit demonstrates that industrial units are still a valued proposition. The Audit states 'Brighton & Hove continues to prove an attractive location for a number of businesses although there is limited scope for existing companies or sites for new development. In the first six months of 2017, Brighton & Hove has seen a take-up of 4,924 sqm mostly in the Hove/Portslade area with the majority of transactions being smaller units. There remains a lack of good quality modern units in the 1,000 sqm plus range which continues to frustrate occupiers looking to expand or to move into the city. Limited land for new development is having a detrimental impact with almost no industrial development likely to take place in 2018. The proposed redevelopment of Sackville Trading Estate, Conway Street, Peacock Industrial Estate and Longley will represent a loss of circa 25,000 sqm of industrial space further hindering the supply of good quality stock.' In summary, opportunities to provide high quality employment floorspace are rare due to limited available land and therefore it is essential that advantage is taken to secure the maximum possible on new developments, such as Sackville Trading Estate.

Employment Type and Mix

- 5.128. The site contains a range of existing uses and occupiers, with a mix of retail, trade counter, general warehousing and light industry. Because of the type and age of the current accommodation future uses would generally be for bulky retail and trade counter operations. Policy DA6 Priority 6 says the area needs to, 'Maintain and strengthen the creative industries business cluster in the area by seeking to ensure a range of appropriate workshops, office space, studios, storage and other premises remain affordable and available for use by this business sector'.
- 5.129. The proposed development will provide new purpose-built office and cultural and creative industry floorspace along with ancillary retail space for new business to operate from and health and wellbeing facilities.
- 5.130. Furthermore, it is also important to note, that it is considered the existing composition of B floor space includes mostly warehousing, light-industrial and trade counters. Typically, the employment levels generated by warehousing and trade counter uses are generally less compared to B1 uses.

5.131. In summary, City Regeneration welcomes the proposals in principle which put forward for a redevelopment of this site. It would provide high quality B1(a) office space for culture and creative industries and retail, health and wellbeing facilities. The modern and flexible workspace and the type and mix proposed, will help diversify the existing offer in the area. It would provide a higher density of employment floorspace and diversified mix of employment opportunities compared to the existing arrangement.

Employment Numbers

5.132. Of further consideration is the employment generated from the proposal. It is an extremely underutilized site and, as stated in the Industrial Estates Audit, this is in-part due to the site having low levels of occupation in preparation for redevelopment. The Industrial Estate Audit Brighton & Hove (December 2017) prepared by Stiles Harold Williams on behalf of Brighton & Hove City Council, says Sackville Trading Estate has a low level of occupation and there is approximately 4,650 sqm vacant in preparation for redevelopment.

5.133. City Regeneration welcomes the revised application which proposes to create:

- 561 gross full-time equivalent jobs
- 156 gross full-time construction jobs
- 407 net new full-time equivalent jobs (indirect jobs through the supply chain, substitution, displacement etc)
- 82 skills development, work-placements and apprentice starts for young people.

5.134. The application if approved provides the opportunity to create around 561 FTE jobs (gross) which is significantly above the existing c.50 FTE jobs on the site and the 120-150 jobs when the site was fully occupied (including the former Coal Yard). This amended application also provides an uplift in the number of FTE jobs proposed compared with the previous application (455 FTE jobs).

5.135. City Regeneration is seeking a significant increase in the number of jobs on site and the scheme will ensure that the number of jobs created by the B class office floor space alone will be significantly greater than currently exists on site. According to the guidance in the OffPAT Employment Densities Guidance, the proposed B1 employment floorspace (5,164 sqm) could create 430 FTE jobs which far exceeds the existing jobs.

5.136. Furthermore, employment densities are generally greater in B1 uses compared to other B uses and will therefore result in increased levels of jobs generated by the commercial floor space compared to the existing. City

Regeneration also welcomes the proposed mix of jobs including care related jobs and retail, health and well-being jobs.

- 5.137. City Regeneration notes the point raised in paragraph 7.10 in the Planning Statement which says 'Despite the strong residential component to the Proposed Development, the more than 350% increase in employment generated on-site clearly represents an employment focus to the scheme'.
- 5.138. In summary, the application clearly proposes a greater diversity and proposed mix of jobs compared to existing provision and an uplift in the provision of jobs from their previous application, which we welcome.

Impact on Business

- 5.139. In terms of business occupants, in December 2017, the Industrial Estates Audit reported that Rayner have found a new location in Worthing and were in the process of moving, CEF were reportedly planning to relocate to Newton Road and Capital Hair & Beauty have a new headquarters at Crowhurst Road. The tenants were aware the site is earmarked for redevelopment but a lack of space to move to was cited as a barrier. City Regeneration regrets the loss of Rayner outside of the city because of their importance to the local community both as a major employer in the area and as a world leader in their field however its relocation to Worthing means that it remains with the Greater Brighton City Region and continues to benefit our local economy.
- 5.140. City Regeneration is concerned about any negative impacts the business occupants will encounter from having to relocate and any loss/interruption to trade they may suffer as a result and the applicant needs to mitigate and reduce any negative impacts that the proposed development, if approved, may have on the occupants. We would work with the occupiers where requested to try to mitigate impacts.
- 5.141. **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 £480,210.80 if this development was to proceed. 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. We would not seek a contribution for the older people accommodation and neither do we seek contributions for studio apartments.

- 5.142. **Environmental Health: Comment**

Response unchanged from BH2018/03697. The construction period is likely to be prolonged and will require careful project management to minimise noise, vibration, light and dust nuisance to existing occupiers.

- 5.143. The east and south sides of the site has some history of contaminative use and this is referenced in the RSK land contamination report of 4/8/17. This forms a desktop and site study and further work is required when the cover is removed during the demolition enabling further sampling and surveys.
- 5.144. The site is surrounded by transport and commercial noise. In the Vanguardia acoustic report (28/11/18) mitigation is proposed using closed windows and enhanced glazing to control noise in most units, most of the time. To avoid overheating mechanical ventilation and heat recovery (MVHR) covering at least 50% of the site (yet to be confirmed) will also be needed as well as further design solutions e.g. non-solar gain glazing, smaller windows to reduce solar gain, for example on south and west facades. Acoustic barriers are not proposed, but landscaping and water features are mentioned as possibilities.

A number of uses are proposed that are likely to disturb residents unless carefully sited and designed with adequate sound insulation (beyond building regulation standard). These include for example;

- Outdoor amenity areas such as communal gardens, large scale roof terraces and balconies (making a noise management plan necessary),
- Recycling / waste storage/collection areas,
- Plant rooms and delivery depot, retail, restaurant and the health centre uses.

- 5.145. Detail of all plant and equipment on the proposed units and buildings has not yet been confirmed. This will have to be carefully selected, sited and installed to protect amenity.
- 5.146. If the proposed residential units are not satisfactorily sound insulated there is a risk of noise complaints from the future occupiers in relation to plant and delivery noise from the existing commercial operators to the north and east of site and this is not covered. The Care Community housing especially is sited alongside existing commercial uses.
- 5.147. **Health and Adult Social Care: Comment**
The response is unchanged from application BH2019/03697
- 5.148. H&ASC is not in a position to comment on the overall planning application itself as this is outside our remit; we are though providing our initial view on the Extra Care provision within the application.

- 5.149. It is considered that the provision of this service would not meet the demand for Extra Care that is/will be funded by Brighton and Hove City Council – the cohort whose needs we are required to meet would not have the resource to buy a property or maintain service charge payments in the Care Community part of the scheme.
- 5.150. In addition we would have concerns that there would be insufficient demand for the service from within the City, this could result in older age clients with increasing health needs from outside the area moving into the City and placing increased demand on health services.
- 5.151. **Heritage: Objection**
Statement of Significance:
This L shaped site does not contain any heritage assets but there are a number of designated and non-designated assets close by. The site was developed in the last decade of the 19th century and first decade of the 20th century as a railway goods yard associated with the nearby Hove Railways Station; prior to that it has been agricultural land. The site remained in use for railway sidings into the late 1970s and was later developed for use as a retail park during the early 1990s. Only the original high brick walls to Sackville Road appear to remain of the goods yard period.
- 5.152. The site lies immediately to the north west of the Hove Station conservation area and has a clear historic relationship with this area. The special character of the Hove Station conservation area derives from the relationship between the station itself and the surrounding late Victorian buildings which connect the station with the main part of Hove along Goldstone Villas. This is a busy, tree-lined road with terraced properties to the north and more domestic, lower scale property to the south. This road contains a wide variety of late Victorian buildings with very few modern buildings apart from a small house (No. 37) and Cliftonville Court, a 1960s office block which unfortunately sits opposite and intrudes on the setting of the listed station and the adjacent Ralli Memorial Hall. The most significant features of Goldstone Villas are two long terraces close to the railway station and the public house at the north end. Around the corner in Station Approach the space is defined to the north and west by the station and to the south by the Ralli Memorial Hall, which acts as an important focal point despite the unsympathetic modern development adjacent and the petrol station opposite.
- 5.153. The most important building in the conservation area is Hove Station, listed grade II, which dates from several building periods. The first building was constructed in 1865-6 in the Tuscan villa style; this is the white painted block which sits most prominently on the site facing down Goldstone Villas. It is two storeys high, rendered, with a shallow pitched slate roof with end bays which

break forward at first floor level. On either side are single storey rusticated wings. Its original front canopy has been lost. The main building slightly to the west which now forms the passenger station was built in 1879, possibly to the designs of F. D. Bannister. It is constructed in red brick with a grey brick plinth, stone dressings and quoins, and a hipped bitumen-covered slate roof. The glazed canopy over the forecourt area, supported by cast iron columns, was added between 1903-1909. The listing includes the footbridge over the railway line, which affords views of the application site. The station complex is principally experienced from Station Approach and the upper part of Goldstone Villas. Its setting has been partly compromised by late 20th century development, particularly the petrol filling station and car wash.

- 5.154. The station forms an architectural and historic important grouping with the adjacent public house at 100 Goldstone Villas, which is included on the council's local list. This dates from c1885 and was built as the Cliftonville Hotel. It is two storeys high in painted render with quoins, dentil cornice and shell-motif arches over the first floor windows. The roof is slate covered and hipped to either end. The ground floor has been extended to the south, possibly for a billiard room, and a pub frontage added in a late 19th century style with heavy pilasters and brackets supporting the fascia. Its location beside Hove Station emphasises its close historic connection with the railway.
- 5.155. The Ralli Memorial Hall is listed grade II. It was constructed in 1913 to the designs of a London practice, Read and McDonald, for Mrs Stephen Ralli. The design is in the 'Wrenaissance' style, with red brick walls laid in English bond, a hipped clay tile roof with upswept eaves and a strongly moulded wooden dentil cornice. The main entrance with mullioned and transom windows faces Denmark Villas, with the long length of the assembly hall fronting Station Approach. The brick walls and wrought iron railings are also listed grade II.
- 5.156. In Sackville Road c180m to the south is the grade II* listed Church of St Barnabas of 1882-3, the carving of capitals completed 1923. It is by the architect J.L. Pearson in Early English style. The church is faced in knapped flint with red brick and Bath stone dressings, beneath clay tiled roofs with decorative ridge tiles. It is cruciform in plan: an apsidal ended chancel facing on to Sackville Road, north and south transepts. The Church is prominent on Sackville Road from the north and east but its setting has been compromised by the 1960s tower block at Conway Court opposite.
- 5.157. Closer by to the east of the site is the locally listed Fonthill Road Railway Bridge. The Brighton to Shoreham-by-Sea line was completed in May 1840 (before the main line), and therefore the bridge likely dates to this time. It is

built in buff brick, with a low, segmental-arched opening and projecting piers to either side, red brick dressings and recessed panels of flint above. To the north-east of the bridge on the north side of the railway line is the locally listed Dubarry Building. This Modernist building was designed by E Wallis Long in 1930 for the Dubarry cosmetic company; three and four storeys, it appears to be formed of a number of different sections of slightly differing designs and it is possible that these relate to some extent to previous buildings on site. The building incorporates large panels with green mosaic lettering. These, in combination with the critical windows, create a strong horizontal emphasis. The building is a local landmark due to its scale and mosaic lettering and is particularly appreciated from the station platforms. South of the railway line is the locally listed 101 Conway Street, which was built as part of the Brighton and Hove Laundry Company in 1886, and probably comprised its front office block or possibly an associated dwelling. It is of two storeys with attic, and located at the end of a terrace of dwellings. The elevations are densely packed field flint elevations with stone dressings. It has townscape and historic interest but its setting has been compromised by late 20th century redevelopment to the south.

- 5.158. North of the site, Hove Park is a locally listed heritage asset, being a large Edwardian municipal park that largely retains its original layout (the sports facilities at the southern end having been added in the 1920s). The park takes advantage of rising topography in the northern section, which results in some expansive but informal views southwards across the park itself, with trees dominating.
- 5.159. At much greater distance the site is visible from Three Cornered Copse within the Woodland Drive conservation area. The Conservation Area Character Statement notes that “the inclusion of the Three Cornered Copse within the conservation area is important as it provides an important green space to the buildings although the existence of the woodland walk is not evident from the road”.

Relevant Design & Conservation Policies and Documents

- 5.160. The NPPF and NPPG. Historic England GPA Note 3. City Plan Part One policies DA6, CP12, CP13, CP14 and CP15. Local Plan policies HE3, HE6 and HE10. SPGBH15 on Tall Buildings. Draft City Plan Part 2 policies SSA4 and DM29. Hove Station Conservation Area Character Statement. Woodland Drive Conservation Area Character Statement.

The Proposal and Potential Impacts

- 5.161. 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 in principle 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 and the amount of residential development proposed substantially exceeds that set out as a minimum in draft policy SSA4 of the draft City Plan Part 2, with less employment space than the minimum required. The overall scale and massing of the development as proposed is notably greater than its immediate context, as is apparent in a number of the views in the submitted TVIA. The long unbroken rooflines are particularly uncharacteristic in this respect. The disposition of heights and the topography result in blocks merging in longer views (especially from the east and west) to create a large mass of built development with long flat rooflines and little visual permeability. Taller elements are quite wide and do not distinguish markedly from the lower elements except in views from south of the railway line. This effect is heightened by the repeated grid-like elevations and lack of variation in modelling, as well as the absence of any distinct ‘signature’ or ‘marker’ building.

- 5.162. As identified above, the site itself does not contain any heritage assets and little evidence of its historic use as a railway goods yard now remains. The original high brick walls to Sackville Road do remain and would be largely lost as part of this development but it is accepted that such loss would be inevitable in order to achieve a residential development of an appropriate urban design approach.
- 5.163. With regard to impacts on the settings of designated and non-designated heritage impacts, these have been covered in the submitted Heritage Statement but some of the conclusions of that Statement are disputed with regard to the nature of the impacts on the assets’ settings, mainly in respect of the grade II listed Hove Station, the Hove Station conservation area and the Dubarry Building in Foothill Road, for the reasons set out below.
- 5.164. The most notable impacts would be on the designated heritage assets of the listed building of Hove Station and the Hove Station conservation area, as seen particularly in View 5 in the TVIA from the entry to Station Approach from the east. The development would directly impinge upon the outline of the 1879 Station building and the adjacent Edwardian forecourt canopy, which together present a distinctive silhouette of hipped and gabled roof forms against the sky. Instead there would be a series of long flat rooflines either side of the ridge of the Station roof. It is agreed, as the submitted Heritage Statement notes, that the view from Station Approach is part of a kinetic sequence and that as the viewer progresses westwards the visibility of the development above the station reduces and, at the west end is no longer visible above the Station (View 16 shows part of this sequence). However,

View 5 is the first sight of the Station that the viewer has when approaching from Denmark Villas. The Station, by its function, scale and design, is intended to be a highly legible and architecturally distinct building in the street scene and this is part of its significance. It is therefore considered that there would be harm to the Station's setting. There would also be an impact on the setting of Hove Station in the view westwards from the bridge over The Drive (view 14 in the TVIA), from where the listed footbridge is currently a notable feature with its strong horizontal line and pattern of ironwork. The scale of the new development would be very apparent in this view and the skyline would be dramatically changed. Whilst this would draw the viewer's eye away from the footbridge, it would not reduce its horizontal emphasis. In this respect there would be no harm. Overall though It is considered that the proposed development would harm the setting of the listed Hove Station.

- 5.165. This harmful impact extends not just to the listed building itself but to the conservation area after which it is named. The area is predominantly low rise and the view of the historic grouping of the Station and the locally listed public house in this corner has a traditional intimacy. It is acknowledged that the setting has already been harmed somewhat by the late-1960s Clintonville Court and the petrol filling station, but the NPPG states that "*when assessing any application for development which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change*". Moreover, the development would change the way in which these heritage assets are experienced. The Station, the public house and the adjacent Victorian terrace have a very clear historic relationship and the Station has historically been the dominant architectural element in the area, as befits its use and status, It remains a key focal point, both visually and functionally, in the approaches, especially from the east along Station Approach. It is therefore considered that there would be harm to the setting of the designated heritage asset that is the Hove Station conservation area. 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 Drive (View 14 in the TVIA). In current views it acts a local landmark due to its scale and distinctive mosaic panels. Whilst it is noted, as set out the submitted Heritage Statement, that the new development would not directly impinge on views of this elevation or the roofline whilst looking north, the substantial scale of the new development would to some degree diminish the scale of the Dubarry building and its role as a local landmark, particularly in the view westwards as mentioned, There would, therefore, be some harm to the locally listed building's setting.

- 5.166. With regard to the impact on the locally listed Hove Park, the development would not impact on the composition of the park and its historic features and landscaping. It would substantially change views southwards (i.e. Views 1 and 2 of the TVIA) and would make these views much more visibly urban in place of the Park's existing suburban setting, but the development would just about sit within the maximum height of the tree canopy in these views and would provide a counterpoint to the shallow bowl of the park at its southern end. It is considered that overall there would be no harm to the setting of the locally listed Hove Park.
- 5.167. In respect of the settings of the other designated and non-designated heritage assets, as set out in the submitted Heritage Statement and TVIA, it is agreed that there would be no harmful impact arising from the development. In the long view from Three Cornered Copse in Woodland Drive conservation area the development would appear as part of a series of tall, modern blocks that already form the horizon line and the distant backdrop to the Copse.
- 5.168. The identified harm to the settings of the two designated heritage assets referred to above would be less than substantial in each case under the terms of the NPPF. It must nevertheless be given great weight in the decision-making process, as the legislation and paragraph 193 of the NPPF require. There are no heritage benefits to the proposal that may be weighed against that harm.
- 5.169. The harm to the setting of the locally listed Dubarry Building and the locally listed Hove Park would be comparatively minor but must be taken into account in weighing the application, as required by paragraph 197 of the NPPF.
- 5.170. **Housing Strategy: Comment**
Summary of Comments
The city-wide Housing Strategy adopted by Council in March 2015 has as Priority 1: Improving Housing Supply, with a commitment to prioritise support for new housing development that delivers a housing mix the city needs with a particular emphasis on family homes for Affordable Rent. The council has an Affordable Housing Brief based on evidenced housing needs in the city as guidance for developers. Housing will work positively with developers to answer housing need.
- 5.171. This response is provided by Housing Strategy & Enabling to outline where the scheme does and does not meet the council's Affordable Housing Brief and current policy CP20 regarding provision of affordable housing. CP20 requires 40% of homes to be provided as affordable housing on site in

schemes of more than 15 units. Developers are required to prove where it is not viable for them to meet this policy provision.

- 5.172. Build to Rent is a new housing type defined in the National Planning Policy Framework (NPPF) as 'housing which is typically 100% rented out.' The associated National Planning Policy Guidance (NPPG) suggests 20% of homes on such schemes could be provided as affordable, where viable. Build to rent schemes can offer good quality accommodation as well as flexible/longer tenancies of three years or more. Good quality private rented accommodation and longer tenancies are welcomed by Housing.
- 5.173. A new form of affordable housing tenure has been created specifically for Build to Rent schemes. This is Affordable Private Rent and is now included in the NPPF and the associated National Planning Policy Guidance (NPPG). This requires a minimum rent discount of at least 20% relative to local market rents and does not require the owner/manager to accept direct nominations from the council to the homes provided. Tenants for these homes will be found via set criteria agreed between the owner and the council.
- 5.174. Affordable homes achieved through the planning process in the city have traditionally been provided by partner Registered Provider partners (RPs) who purchase them from the developer and then provide a mix of Affordable Rent homes with nominations from the council and rents capped at Local Housing Allowance, and shared ownership homes for sale to eligible households. The council's policy CP20 requires 40% of housing to be affordable at schemes that develop more than 15 homes, where viable. As outlined above guidance for Build to rent schemes suggests 20% of housing could be provided as affordable private rent, where viable.
- 5.175. Viability of a scheme is an agreed reason for reviewing the affordable housing provision when confirmed by an independent assessment commissioned by the council. The viability at this scheme has assessed it as unable to provide any affordable housing and this has been verified independently for the council. However, the developer has decided to provide an element of affordable housing at the scheme which is welcomed.
- 5.176. This development proposes 10% of the housing – 56 homes - to be provided as affordable private rent to be let at 75% of the local market rent with no formal nominations agreement. Affordable private rent homes are required to remain affordable in perpetuity, so a 'clawback' provision will be in place to ensure that, any change of tenure or sale of such units will not result in a loss of community benefit of the affordable units.

- 5.177. This provision could be seen as disappointing in the context of the council's 40% policy requirement/ LHA rent level for affordable rented homes, but also needs to be considered in the light of the 20% provision outlined in NPPG. As an early scheme of this type in the city it is being viewed as part of the ongoing process to inform the council's policy on this emerging housing sector. The first Build to Rent scheme in Brighton & Hove was approved at Planning Committee in February 2019 and the council has undertaken a Build to Rent Study to assist in formulating detailed policy relating to such schemes including rent levels and need for this tenure type. These matters will then inform policy and any update to the Affordable Housing Brief which is currently being reviewed.
- 5.178. Supported by Housing in the context of national planning guidance, the outcome of the viability assessment and an emerging policy around Build to Rent/ affordable private rent schemes.

Further detail

- 5.179. This development proposes 564 homes being developed as a rent only scheme with 10% of the housing – 56 homes – to be provided as affordable private rent, at a rent level of 75% of local market rent. Any additional provision or lower rent levels have been assessed as not viable as confirmed by an independent viability assessment commissioned by the council in line with council policy CP20. Housing expects the development to be subject to a Review Mechanism which reassesses the viability post completion.
- 5.180. National Planning Policy Guidance issued with the revised NPPF suggests that 20% of the homes provided at a Build to Rent development would be 'generally a suitable benchmark' for the number of affordable homes to be provided. 20% of homes at this development would equate to 113 homes for Affordable Private Rent. Affordable private rent homes are required to remain as such in perpetuity (NPPF) so a 'clawback' provision will be in place to ensure that any change of tenure or sale of such units will not result in a loss of the community benefit of the affordable housing units.
- 5.181. Brighton and Hove is a growing city with 290,395 people with the population due to increase to 311,500 by 2030. Our affordable housing brief reflects the very pressing need for affordable homes in the city. With half of all households in the city earning less than £29,100 per annum, the city's private sector housing is unaffordable for many local residents.
- 5.182. In terms of need for affordable rented accommodation in the city. We have 9,100 people listed on the joint housing register – 75% are in demonstrable need – Bands A to C (as at December 2019). We also have 1,772 households in temporary accommodation (as at December 2019).

Tenure

- 5.183. Policy CP20 promotes mixed tenure as the most effective way of ensuring a balanced community. All homes within Build to Rent schemes are for rent and, within that single tenure development the individual homes are designed to be tenure blind, meaning that there would be no differences in design across tenures such as private rent/ private affordable rent.
- 5.184. Affordable housing in the city is generally provided through a Registered Provider (RP) from the council's Affordable Housing Delivery Partnership (AHDP) with a mix of affordable rent and low cost home ownership with a preferred 55%/45% tenure split. RP partners cap the rents payable at Local Housing Allowance (LHA) levels and let to those on the council's housing register. Shared ownership housing is sold to those who meet the current eligibility criteria.
- 5.185. Nominations are not a requirement for Build to Rent schemes where the developer intends to remain the owner/landlord of the building/homes. The criteria to be used in finding tenants for the affordable private rent homes will be outlined in the S106 Agreement.
- 5.186. The application also proposes a 'care community' comprising 260 self-contained flats for sale. The planning classification for this is Class C2 Residential Institution, and as such is not currently required to provide an element of affordable housing. The site overall will be providing 824 homes.

Wheelchair provision

- 5.187. Council policy requires 5% of all homes across the whole development and 10% within the affordable housing element to be provided as fully wheelchair accessible homes in accordance with Building Regulation requirement Part M4(3). This equates to 28 homes overall and 6 homes within the affordable housing element of 56.

Design and Size of units

- 5.188. The scheme will be expected to meet secure by design standards. To ensure that all new homes developed are of a good standard that is flexible, adaptable and for purpose, our Affordable Housing Brief offers support for schemes that meet the new nationally described space standards. The sizes of units overall are shown below. Space standards are met in all unit sizes except one beds.

Type	Sizes within development	National space standards	Are space standards met / comments
Studio (1 bed 1 person)	39.7m	39m	Yes

1 bed flat (1 or 2 people)	45.6m	50m	No /Small for 2 bed occupancy
2 bed flat 3 people	67.6m	61m	Yes
2 bed flat 4 people	70.2m	70m	Yes
3 bed flat 5 people	92.9m	86m	Yes

Unit mix

5.189. Assessment of affordable housing needs shows that the greatest need (numerically) is for smaller one and two bedroom properties, although there is also significant need for family sized homes. The council's affordable housing brief sets out a scheme mix based on meeting need across unit sizes stated as: 30% 1 beds; 45% 2 beds and 25% 3 beds where possible. The proportion of units in this development are:

- 52 studios / 202 1 beds – total 1 bed units 254 (45%)
- 268 2 beds (48%)
- 42 x 3 beds (7%)

5.190. A suitable mix for the affordable private rent homes would be:

	Whole scheme	%	Affordable private rent
Studio	52	9	5
1 bed	202	36	20
2 bed	268	48	27
3 bed	42	7	4
	564		56

5.191. Housing expect the affordable private rent homes to be provided alongside the private rented units on a phase by phase basis.

Recommendation:

5.192. Supported by Housing in the context of national planning guidance, the outcome of the viability assessment and an emerging policy around build to rent / affordable private rent schemes, noting:

Criteria used to allocate the affordable private rent homes to be agreed

5.193. **Planning Policy:** Comment

Summary

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.

Housing Issues

- 5.194. In the context of Brighton & Hove, this is a very large scale C3 residential development proposal. The provision of 564 C3 residential units represents almost one years' 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 could make a valuable contribution to the city's housing supply and this is welcomed in principle.
- 5.195. There is no objection in principle to the inclusion of a build to rent element within the proposed scheme. However the concentration of such a very large amount of build to rent on this proposed strategic site does raise concerns regarding the extent to which the proposal responds positively to the need for a mix of housing types, size and tenures as required through CPP1 policies and draft CPP2 policies.
- 5.196. No affordable housing is proposed. This is not compliant with the requirements set in Policy CP20 and the Council's Affordable Housing Brief (which indicates a city-wide objective for 55% of the affordable element provided at Local Housing Allowance rent levels), as well as the recommended level in the NPPG. In accordance with the Council's Viability Assessment Checklist, an independent review of viability should be sought from the District Valuer, with the applicant required to pay the costs of this process.
- 5.197. The housing mix has been adjusted in the revised scheme and shows a significant reduction in the number of studio units and increase in the proportion of two bedroom units. The changes to the housing mix are considered to be a satisfactory response to previous concerns and no objection is now raised on this issue.
- 5.198. There has been a marginal increase in the proportion of residential units with private amenity space, however concerns remain on this issue.
- 5.199. The care community proposals should be assessed against saved Policy HO11 of the 2005 Local Plan which relates to residential care and nursing homes. This policy states that planning permission will be granted for new residential care and nursing homes where it can be demonstrated that the proposal meets four criteria. Compliance with these criteria should be assessed by the case officer.
- 5.200. The applicant's Needs Assessment indicates a substantial unmet demand for private extra care accommodation in the city that this proposal would help to address. Since 'extra care' is a relatively new category of accommodation, it is perhaps not surprising that there is a limited existing supply of this type of accommodation in the city, however there may be overlap with demand for

other types of older people's accommodation. It would be helpful to seek the views of the Commissioning & Contract team both on the applicant's assessment of need and also the proposed design of the proposed care community scheme.

Employment Issues

- 5.201. The revised scheme provides for an increase in the amount of B1 office floorspace provided from 4471sqm to 5164sqm, achieved through the conversion of the previously proposed live-work units to full B1 floorspace. This is a welcome change and takes the total employment floorspace provision to over the 5,000msqm currently on the site. These revisions marginally exceed this previously stated minimum expectation, and although the balance of uses in the overall scheme are not considered to represent an area focussed on employment in line with the requirements of Policy DA6, the level of employment provision is now considered to be adequate.

Retail

- 5.202. The proposed scheme includes 684m2 of flexible retail floorspace (A1 and/or A3). The draft allocation through CPP2 Policy SSA4 has a requirement for ancillary retail and food and drink outlets and no concerns are therefore raised in this regard.

Community Facilities

- 5.203. Community facilities including a multi-functional health and wellbeing centre (950m2) (D1/D2) are proposed. It should be clarified exactly what the purpose and function of this facility is, and the views of the local CCG taken into account in ensuring that it meets a need in the local area.

Open Space

- 5.204. The proposed development would generate a significant demand for all public open space typologies. Some on-site provision has been made, in the form of allotments some green areas and play areas however is unclear what precise form these open spaces take.

Context

- 5.205. This application is a resubmission following the refusal of application reference BH2018/03697 which was refused at Planning Committee in July 2019. The scheme under consideration incorporates a number of changes intended to address the reasons for refusal of the previous scheme.
- 5.206. The comments below focus specifically on the amendments that have been made how they alter the planning policy recommendation for the proposed development.

- 5.207. There were four reasons for refusal for the previous scheme, three of which corresponded to the planning policy concerns detailed in the previously submitted comments. The measures incorporated to address these reasons for refusal are discussed in turn below.

Employment Floorspace Provision

- 5.208. City Plan Policy DA6 states that the *“strategy for the development area is to... enable its development as an attractive and sustainable mixed-use area focussed on employment.”* (added emphasis). Priority 5 of Policy DA6 also references the need to protect employment sites, with Priority 6 noting the importance of *“maintaining and strengthening the creative industries business cluster in the area by seeking to ensure a range of appropriate workshops, office space, studios, storage and other premises remain affordable and available for use by this business sector”*. Outside of the Conway Street Strategic Allocation, provision is made within the Development Area for the *“retention/replacement of existing with an additional 1,000sqm employment floorspace.”*
- 5.209. The draft CPP2 Policy SSA4 has a requirement for a minimum 6000sqm of employment floorspace, representing an approximate increase of a minimum of 20% for the current level on the Trading Estate part of the site and building upon the City Plan Part One objective to see employment focussed development in this Development Area. This reflects the fact that the application site represents a significant development opportunity on a scale rarely seen in the city. It is important to note that the site available for development is significantly larger than envisaged at the time of the preparation of City Plan Part 1, and that proposed for development in the 2009 application, through the inclusion of the coal yard site (previously allocated and safeguarded for waste management uses through a now superseded policy in the East Sussex and Brighton & Hove Waste Local Plan 2006). This policy has limited weight at the present time. The background to the policy approach to employment floorspace was set out in detail in the previous comments.
- 5.210. The revised scheme provides for an increase in the amount of B1 office floorspace provided from 4471sqm to 5164sqm, achieved through the conversion of the previously proposed live-work units to full B1 floorspace. This is a welcome change and takes the total employment floorspace provision to over the 5,000msqm currently on the site. Comments on the previous scheme stated that the expectation is that the quantum of employment floorspace on the site would be at least maintained at approximately 5,000m² and preferably increased as a contribution towards the requirement for a minimum additional 1,000m² over the wider Development Area. These revisions marginally exceed this previously stated

minimum expectation, and although the balance of uses in the overall scheme are not considered to represent an area focussed on employment in line with the requirements of Policy DA6, the level of employment provision is now considered to be adequate.

Private Amenity Space

- 5.211. The revised plans show a marginal increase in the proportion of new BTR homes with private balconies or defensible private space at ground floor or podium level (from 32.4% to 33.7%, representing an additional two units). 138 of the care community apartments (51%) have private balconies or defensible spaces on roof terraces, which again represents a very small increase on the 136 in the previously refused scheme.
- 5.212. It is understood that the other aspects of the amenity space provision, i.e. the semi-private roof terraces and public areas remain the same as the previously determined scheme. Concerns over the low level of private amenity space provision therefore remain.

Housing Mix

- 5.213. The housing mix has been adjusted in the revised scheme as set out in the table below:

	Refused scheme	Current scheme
Studio	20%	9%
One bedroom	34%	36%
Two bedroom	41%	48%
Three bedroom	6%	7%

- 5.214. The significant reduction in the number of studio units and increase in the proportion of two bedroom units represents a better housing mix and responds well to previous comments that the council would wish to see, as a minimum, a much better balance between the studio/one and two bedroom units. Although the number of three bedroom flats remains low compared to the demographic analysis of demand/need set out in para. 4.213 of the supporting text to City Plan Policy CP19, it is noted that the applicant considers that the proposed unit size mix reflects the nature of the Build to Rent market.
- 5.215. The changes to the housing mix are considered to be a satisfactory response to previous concerns and no objection is now raised on this issue.

Recommendation:

- 5.216. The proposed amendments respond to previously expressed concerns and the reasons for refusal of the previous scheme. There are welcome changes

which improve the scheme from a planning policy perspective and overcome a number of the reasons for refusal, however concerns remain in some areas where detailed above. Recommendation is for the case officer to determine taking into account the overall planning balance.

5.217. **Public Health: Comment**

From application BH2018/03697

We are providing the following comments on behalf of public health having reviewed the Health Impact Assessment. Our comments are made on the basis of the content of this assessment alone. We have not reviewed other assessments that are potentially relevant to the health impacts. We also recognise that you may receive more detailed specialist comments on some aspects related to health e.g. air quality, housing, sustainability, environmental health, safety. While we have read the “care community needs assessment” carried out by Carterwood Chartered Surveyors on behalf of MODA, we are not commenting on the need for extra care housing in Brighton & Hove. Finally we have not considered any aspects related to affordability of the accommodation.

5.218. Having reviewed this HIA we'd like to make the following observations:

- Developers have clearly reflected City Plan CP18 Healthy City in the design.
- A recognised methodology and appraisal tool has been used to conduct this HIA; as a result, the different dimensions that we'd expect in a HIA have been included.
- Based on the evidence submitted, we note the potential beneficial effects with regards to active travel including cycling facilities for residents and visitors, intergenerational connections and interactions, and opportunities for social cohesion, opportunities for food growing and the employment opportunities the proposed development may create.
- It is noted that Transport Planning have submitted a detailed response which provides comments with regard to sustainable and active travel.
- It is noted that the CCG have been consulted with and responded regarding the impact on primary care demand.

5.219. **Private Sector Housing: No objection**

5.220. **Sustainable Drainage: Comment**

Storm water flood incident 160m east of the site boundary in July 2014. We have no further comments on this incident.

5.221. Local surface water sewer. Previous Drainage Impact Assessment stated there were no separate public surface water sewer locally, Old Shoreham

Road was the sewer that we were highlighting as being in the area, we have no further comment on this.

- 5.222. Temporary flooding in the 100CC where 'at all points, the flooding is less than 1.8m³. Typically this would equate to a depth of water of less than 25mm over a 25m x 4m length of paved area. Provided that external areas are set below floor levels, temporary flooding from the 40% climate change rainfall event should pose no risk.' We have looked at the updated MicroDrainage calculations within BH2018/03697 in the DIA and agree this temporary flooding from a 40CC event is acceptable.
- 5.223. We also previously commented 'Considering the comments from the Environment Agency, the applicant should consider alternative methods of dealing with surface water in light of the location within the SPZ for the Goldstone Aquifer.' Applicant addresses this in their response to the EA. We have no further comments.
- 5.224. The applicant is required to assess the groundwater level and subsequent flood risk from this source posed to the proposed basements. From the 2018 documents, Appendix F of 'Geotechnical and Geoenvironmental Site Assessment Part 4 of 6 in 2017' it is understood that a gas and groundwater monitoring well was installed upon completion of some boreholes. The applicant will need to establish the groundwater level at these locations by undertaking a suitable ground investigation and/or assessing groundwater monitoring data. These results should be provided and the applicant should demonstrate how risk from this source is to be mitigated.
- 5.225. **Sustainability: Comment**
Documents submitted include: Sustainability action plan, Energy Assessment, Sustainability checklist (as part of action plan), The Energy Statement and Sustainability Action Plan which formed part of the original application in 2018 have been re-submitted with no changes.
- 5.226. The overall presentation of the energy requirements for the site as a whole and each individual building (particularly the non-residential elements) could have been clearer. This has made evaluating the application more difficult.
- 5.227. Overall, the residential parts of the application meet the requirements under CP8 and the BREEAM Pre-assessment indicates that the "B1 office space" and "MODA Works flexible office space" meets the BREEAM Excellent requirement, albeit only just (71.67%). The applicant may wish to consider a greater contingency (i.e. higher target BREEAM score) as the post-construction scores are often slightly lower than during design phase.

- 5.228. It does not state what BREEAM certification is sought for the other non-domestic areas. It notes that seeking this will limit fit out flexibility for potential operators. Whilst this is arguable, the Major Application status of the development necessitates that all non-domestic space meets BREEAM Excellent requirements and clear, reasoned justification has not been provided on a block-by-block basis for noncompliance with policy CP8. As such, a Condition should be secured that ensures that these fit outs are completed to BREEAM Excellent standards, as have been applied elsewhere. The applicant can facilitate this where appropriate.
- 5.229. Whilst the omission of a site-wide district energy network is disappointing, the proposals are well adapted for a future heat network connection. However, the application would benefit from clarity over a safeguarded pipe-run and adequate plant room space, as well as a guarantee that the system will be metered and monitored appropriately. This is particularly important as a feasibility study for a heat network in this area will be undertaken in the first half of 2020, and the applicant is invited to engage with the consultants undertaking the study.
- 5.230. A strategy is required to prevent overheating in residential and commercial units e.g. shading, overhangs, thermal mass, green walls, green roofs and ventilation. There are some balconies that provide solar shading, but many glazed areas are not shaded which may cause overheating in summer months. It is noted that high performance solar control glazing is proposed to control overheating, but this may not be adequate to prevent overheating especially as there is no cross ventilation in the residential units. The sustainability checklist suggests all rooms have natural light and cross ventilation. The plans do not show this to be true. An overheating analysis is required to back up the proposed strategy.
- 5.231. The proposed building fabric values are welcomed. However it would be possible to improve these even further with triple glazing. Improved airtightness to < 1.5 would make the proposed mechanical ventilation with heat recovery effective in cost and carbon terms. With the airtightness proposed of 3 the MVHR will have to work hard and residents are likely to have high electricity bills, The applicant is encouraged to refer to the principles of *Passivhaus* design to inform the building fabric.
- 5.232. Clear evidence why green roofs or walls have not been included to reduce the heat island effect, moderate internal temperatures as well as improving biodiversity and minimise the visual impact of the sight. The applicant should note that green roofs are known to improve the efficiency of PV, help with water management and improve wellbeing of occupants,

5.233. The One Planet Living approach to the development is welcomed. Highlights of this approach include (where appropriate, other statutory comments should be taken ahead of these):

- Retention of some trees,
- Green infrastructure corridor,
- Residential water consumption at less than 105 litres per person per day,
- Food growing provision included on site (rainwater harvesting, a source of water, and storage sheds will be needed to facilitate food growing)
- Significant cycle parking provision

5.234. **Sustainable Transport: Comment**

This application is similar in many elements to the previous application (BH2018/03697). Most notably, it has increased the amount of B1 (Office) provision and slightly reduced the number of C3 (Residential) dwellings. As we did not object to the previous application we have limited our comments to changes in the new application.

5.235. The previous application was subject to extensive consideration and development in respect of transport-related matters. As Local Highway Authority we advised the applicant at the pre-application stage on requirements for their Transport Assessment, as well as wider policy and design considerations. Following submission of the application we provided 3 rounds of observations in response to successive iterations of their proposals and the related Transport Assessment. These iterations sought to respond to our comments, which raised concerns about a number of matters. These included -

- The quantity and quality of cycle parking provision,
- The compliance of the proposed care-village component with SPD14 maximum car parking standards,
- The potential for parking overspill from the development and the impact of this on surrounding areas,
- The layout of the new streets and spaces within the site. Particular concerns included how to accommodate the needs of all users given the predominantly shared space proposals, and suitable arrangements for parking and deliveries/servicing.

5.236. Some significant improvements resulted. Whilst not all matters were addressed entirely satisfactory, we are able to recommend ways of doing so through conditions/obligations and have done again with this application. Key instances are summarised below along with our consideration.

Public realm

5.237. The design of the proposed internal streets and spaces improved substantially and now goes some way to satisfying concerns about the

'shared surface' intentions within some areas. However, 'shared surface' design approaches need to be considered carefully and the applicant is still to complete an EqlA or undertake necessary design engagement with disability groups and others (as recommended in 'Manual for Streets' and other government guidance). A road safety audit is also yet to be attempted. Similarly, despite some improvements, footpath provision remains inconsistent in some of the more conventionally designed areas. There are also a few locations where improvements to highway visibility may be required. For these reasons and others, the internal landscaping proposals cannot yet be secured. However, the available external space is substantial and we are satisfied that it should be possible to achieve an acceptable people-focused scheme of *some* format following these outstanding exercises. As such, we have recommended that this be addressed through a street design condition – albeit in a “Notwithstanding the plans hereby permitted...” format since the layout will inevitably change somewhat as a result of the process. This is also likely to require a small reduction in the proposed amount of surface-level parking.

Sackville Road and site access

- 5.238. We have a number of concerns about access to the site from Sackville Rd for sustainable modes. Amongst other things, bus stops are not close enough and a crossing is required to make getting to/from these safe and convenient, along with associated accessibility improvements to footways. Meanwhile the existing road layout is unsuitable for the significantly increased number of cyclists who will be accessing the site – particularly at the existing wide access junction (which will be retained). This can be addressed by a highway improvement scheme for Sackville Rd, which should be secured as a s106 obligation. Given the benefit to wider sustainable transport use in the area, a proportion of this can be provided in lieu of some of the calculated sustainable transport contribution, and we have reduced that accordingly.

Parking standards

- 5.239. Initial iterations of the proposals included a significant amount of parking for residents of the C2 (Care Community) element of the scheme. This was contrary to SPD14 maximum parking standards which do not permit any parking for residents of such facilities (though parking for staff and visitors is allowed). Further to discussions, parking for C2 residents has now been removed from the scheme (except for necessary disabled parking provision) and allocation for staff. This has been reallocated to other uses to avoid overspill onto the local CPZ. Since it is possible that some care village residents may apply for permits to park in nearby CPZ streets, and these are already unacceptably stressed, we are also recommending a condition to remove the rights of care village residents to permits.

Parking overspill into surrounding streets

5.240. Notwithstanding the above, we have consistently noted that The parking demand profiles of individual uses (C3/C2/B1/A1/A3/D1/D2) and users (staff/residents/visitors) within the site is not always matched to on-site provision. This is an issue because not all over-spill can be prevented by restricting permit/voucher eligibility. Meanwhile submitted parking surveys from the previous application (which we consider recent enough to still be valid) show that overnight parking is already over-stressed in those local streets most likely to be impacted. This includes streets in zone R around Artists Corner and non-CPZ streets to the north around Orchard Rd. In the latter case, parking is also over-stressed during the day-time too and will have likely been further exacerbated by the overflow from the newly introduced P zone. For example:

- We don't consider it acceptable to entirely remove the entitlement of residents of new development to visitor permits for the relevant CPZ (R in this instance) if there is not a reasonable level of on-site visitor parking. In the case of the C2 Care-Community component, a good level of visitor parking is proposed so we can do so. However, no on-site visitor parking has been proposed for the C3 Build-to-Rent component.
- Both residents of the C2/C3 residential components and staff/customers of the commercial components will still be able to use shared-use bays within nearby CPZ streets – even if the former have had their permit eligibility removed. Shared-use bays are those that may be used *both* by permit-holders (including people with visitor permits) *and* pay and display users. However, the extent of that overspill impact would be less since bays may often be occupied by permit holders.
- Overspill from the commercial components may also impact on a few non-CPZ streets to the north of Old Shoreham Rd around Orchard Rd, as well as Newtown Rd to the east. This is because commercial staff/customers tend to be willing to park further from their destination than residents do from their homes.

5.241. The applicant has previously agreed to conditions being imposed that would (1) remove the entitlement of C2 and C3 residents to zone R permits and (2) remove the entitlement of C2 visitors to visitor permits. This is an acceptable means of managing overspill in both instances. However:

- We can only reduce the visitor permit entitlement of the C3 use if no reasonable supply of visitor parking is provided on site. Whilst that reduction will prevent a good deal of overspill it will still leave related unmet demand for about 39 spaces.
- The C3 residents demand for spaces is predicted to be 162 spaces, with a provision of 142 this will leave an over spill of 20.
- There will be overspill of around 12 spaces from the flexible A class retail uses - though note that this based on a worst-case scenario in which all that floorspace is used for grocery purposes.

- The B1 use is proposed to provide the maximum provisions of spaces allowed under policy SPD14 of 52 spaces. The forecast demand for this use is 83, which will lead to an overspill of 31
- In conclusion overspill of 102-112 spaces might therefore occur in the absence of further mitigation.

5.242. The applicant has acknowledged the likelihood of the overspill and has proposed several means to address these. It is proposed to introduce car club spaces to reduce existing parking demand in local streets. This is acceptable in principle because car club bays are known to reduce existing car ownership in their vicinity when they introduced to an area (and there are none currently in the areas likely to be impacted). However, our review of the latest available evidence suggests that that effect is not as high as sometimes previously reported. Current industry estimates place it at 10.5 spaces per vehicle. In addition, there is clearly a limit to that effect and it does not follow that demand can be reduced endlessly by introducing ever-greater numbers of car-club vehicles. Therefore, whilst the applicant originally suggested that 4 vehicles could be introduced to free-up existing Zone J spaces within Artists Corner (2 on-street and 2 within their site) and a further 2 to reduce existing demand in the non-CPZ streets around Orchard Rd, we consider the reasonable limit of their effectiveness to be equivalent to ~10% of the total parking supply in each area. That equates to 2 vehicles serving Artists Corner and 1 serving the Orchard Rd area, which we feel is reasonable. Those would serve to reduce existing parking demand by around 19 and 9 spaces respectively (remembering that the car club vehicles themselves will each take up a space). Whilst this will still leave a significant amount of overspill we are confident that this can be discounted for the following reasons.

- TRICS data demonstrates that the B1 Office use will generate its peak parking demand during the day time. This will subside as demand from residents rises again in the late afternoon and evening. Whilst parking in Artists Corner is over-stressed at night, submitted parking survey data for the daytime shows that there are around 60 spaces available below the industry-standard acceptable stress threshold of 85% occupancy, compared with the predicted peak B1 overspill of 31 spaces. It should also be noted that approximately half of all parking bays in Artists Corner are shared-use and therefore available to B1 users on a pay-and-display basis). It is possible that some B1 users may seek to park in the non-CPZ Orchard Rd area or Newtown Rd instead (to avoid pay and display charges). Day time parking in both is already over-stressed. However, we are comfortable that this would be a minority - noting that this requires a more significant walk to the development and much of that overspill would likely relate to visitors rather than staff. As such, this will be mitigated by the 1 car club bay that we propose to secure in the Orchard Rd area.
- Parking profiles for the flexible A-class retail uses show a similar pattern of day-time demand that declines in the late afternoon/early evening.

There we are comfortable that demand would be local to Artists Corner and that shoppers/customers would not attempt to park in the more distant Orchard Rd area. Again, there is sufficient spare day-time capacity to accommodate the peak overspill demand of 8. Late-evening/night demand can be met by the supply on site.

- To mitigate the overspill from the C3 residents use of 20, we would require a condition be set to implement a restriction to all residents from gaining access to on street permit bays. This will ensure that this additional 20 will be dispelled and no further impact caused on the CPZ.
- To ensure that there is no unexpected overspill from the C2 use we will also extend the restriction to resident parking permits to this use.

5.243. As such the remaining overspill will come from the C3 visitor demand of 39. This would accrue only to Artists Corner. As discussed above, 19 of that can be off-set by securing the introduction of 2 car club bays there. Finally, this leaves the unmet late-evening/overnight overspill in Artists Corner at 20 spaces - which could rise to 30 owing to public realm-led losses in on-site parking supply. Either level of overspill would be unacceptable as parking surveys show that stress is already unacceptably high in Artists Corner, noting also the additional overspill is equivalent to ~10% of all capacity. For this reason we are recommending a condition to ensure that (1) a minimum of 20 C3 visitor parking spaces are provided on site and (2) that any reduction in the total supply of surface-level on-site parking is not at the expense of uses/users for which overspill cannot be fully mitigated. This will resolve the last of the remaining overspill and our concerns.

5.244. In addition, a condition will be required to ensure that the proposed overspill is not exacerbated beyond what has been calculated by a miss allocation of the quantum of parking in designated areas across the site. For the various uses across the site there will be a more natural location for parking to be assigned to ensure to is more visible accessible and close to peoples intended location. This condition will need to three key locations Plot A, Northern Plot Level 1 undercroft and the On-site Surface Parking. This will need to be each assigned a maximum and minimum, based on the SPD14s allowance (max) and the calculated demand (min). these minimums have been calculated as follows:

- Plot A: this area is assigned for B1 use only, with 19 spaces it will leave 33 spaces required out of the overall 52.
- Northern Plot Level 1 undercroft: this will be required to provide a minimum of 36 spaces to facilitate for the full demand of the C2 use of 36.
- On-site Surface Parking: this area will need to cater for the remaining demand that has otherwise not been accounted for requiring a minimum of 70 spaces, this includes
 - Remaining 33 spaces required for B1, not absorbed by Plot A.
 - All on-site parking requirements for A uses and D1 & D2 measuring

8 spaces.

- The remaining requirement to minimise C3 visitor spaces equating to 33. This is the 39 spaces required as calculated by the demand, taking away 12 spaces which are covered by the additional.
- Two bays required for the on-site car club provision.

5.245. However, should the LPA not take up our recommendation to apply this and other relevant conditions/obligations then it must be assumed that we object to the proposed development and recommend refusal owing to a severe residual cumulative impact on the highway contrary to NPPF paragraph 108, as well as related non-compliances with policy TR7 and QD27 due to the safety and amenity impacts on local streets of excessively high parking stress.

Cycle parking

5.246. We initially had concerns about the design and access to a number of the cycle storage areas across the site. The applicant made significant efforts to address this, producing several rounds of detailed store layouts in the process. This resulted in some welcome improvements including increasing the spacing of stands within two-tier racks, markedly increasing aisle widths (to the point that they are now near-commendable) and providing 6% of spaces for adapted and over-size bikes. The % of universally accessible Sheffield stands has also been increased to $\geq 50\%$, albeit this has largely been achieved using a system that allows them to be located below an upper-rack system. That is not ideal as the overhanging rack is fairly low and will somewhat impair access to the Sheffield stands for taller people and those with simple mobility difficulties (e.g. back complaints). Moreover, the improvement in quality has been achieved by reducing the overall supply of spaces which now lies slightly below the minimum standard specified in SPD14. Whilst this is disappointing for an application in such a sustainable location, after careful consideration we stop short of deeming this a reason for refusal. As part of this latest application the number of C3 units has decreased, while keeping the same level of cycle provision as previous which will further improve the facilities provided. With the increase of B1 an additional 7 spaces for staff was required which we have agreed with the applicant and will be secured through condition.

Given all the above we do not consider it necessary to recommend refusal on transport grounds (subject to the caveat at the end of point 4).

5.247. Other transport matters and recommendations of note include the following.

5.248. The development will result in a significant net increase in trips compared with the existing use. Much of these relate to sustainable modes of transport like walking and cycling. Vehicle trips associated with the site are projected to

reduce. Note that this forecast is based on the existing development being fully occupied as we accept that the significant number of existing vacant units could be quickly and lawfully occupied. The uplift in trips results in a sustainable transport contribution of ~£637K – which we have reduced to ~£477K to allow the difference to be used to fund highway improvements that can be undertaken by the developer alongside their site access works on Sackville Rd. The remaining sustainable transport contribution may be allocated to one or more of a range of schemes to enhance sustainable movement associated with the site, including -

- Introducing advanced signals and ‘early starts’ for cyclists to the Neville Rd/Old Shoreham Rd/Sackville Rd junction.
- Public realm enhancements to the local centre around the above, including repaving and decluttering works.
- Improving the signalised junctions south of the development by introducing intelligent signal control equipment to improve journey times for sustainable modes.
- Improvements to pedestrian access and amenity en-route to Hove Station along Clarendon Rd.
- Improvements for pedestrians and cyclists to local schools and centres.
- Introducing BTN Bike Share Hubs and cycle parking hangars to other local streets in the vicinity of the development.
- A lighting and appearance scheme for the railway bridge over Sackville Rd (potentially in association with public art contributions).

5.249. The likely impacts of the development on various local road junctions has been modelled within the TA, with the latest additional trips not making a significant impact. This includes the existing site access junction (with proposed changes) and the junction of Neville Rd/Old Shoreham Rd/Sackville Rd, amongst others. Some of these are already over saturated and experience significant queues. They are expected to continue to do so in the future ‘without development’ scenario. This remains true whether or not the existing site is assumed to be fully occupied. The addition of the development traffic is not forecast to exacerbate this to any significant level (again, whether or not the existing site is considered as partly or fully occupied). However, we are nonetheless recommending that the developer be required to carry out a highway improvement scheme for Sackville Rd alongside their junction works. This is because it provides a poor environment for pedestrians, cyclists and public transport users and trips by all these modes are forecast to increase significantly.

5.250. No through-route has been proposed through the development to Newtown Rd. This is because the land to create such a route is outside the applicant’s control and such works could therefore not be reasonably expected from them. However, the proposals are future-proofed to allow an onwards connection from Poynter Rd, recognising DA6 requirements.

- 5.251. The developer is not proposing that the new internal streets and spaces be adopted, though we have recommended that a permissive path agreement be secured to achieve public access to most areas (including a proposed external lift – see below). Vehicular access to some internal streets will be restricted by mechanical bollards – most notably the mooted shared surface areas.
- 5.252. A ‘delivery hub’ has been proposed within the site. Whilst the exact details of how this and other delivery and servicing arrangements will operate will be determined in future through a Delivery & Service Management Plan, the applicant has noted that it is likely to be necessary for residential grocery deliveries to be made direct to the main entrances to residential blocks. This may require them to use the mooted shared surface areas, which would otherwise be restricted.
- 5.253. The developer has also agreed to provide 2 no. on site car club bays and a number of BTN Bike Share spaces. We consider this appropriate and necessary given that the overall parking supply for C3 residents will remain modest and the NPPF imperative to maximise the potential uptake of sustainable modes of travel (which is significant in this central location). These can be secured via a section 106 agreement to support their Travel Plans, along with other minimum measures like subsidised public transport season tickets, bike purchase vouchers and salary advances to staff for bike and season ticket loans.
- 5.254. In the south-east corner of the site a major pedestrian access will be introduced. This will consist of significant flights of ‘landscaped’ steps, leading up to an internal square. The overall level change far exceeds that within which national accessible design guidance (BS800) recommends ramps should be integrated with steps. Rather, for significant level changes of this scale it recommends providing alternative level access via nearby lifts. The applicant has proposed such a lift immediately beside the steps. This will be large enough to accommodate cyclists and their bikes alongside pedestrians. They have also agreed to maintain it for perpetuity and permit the public to use it which, can both be secured via a section 106 agreement. We consider this all to be acceptable.
- 5.255. **Urban Design: Comment**
Summary Comment: The proposals present a detailed and well considered design which is grounded in contextual analysis and a drive to create an active and healthy community; and which presents a varied material palette and areas of active public realm. However, some concerns remain with

regard to public realm integration to the Sackville Road frontage, quality of residential accommodation and provision of private amenity space.

- 5.256. One-Planet Living / Sustainability: Brighton & Hove's Sustainable City objectives are paramount. Strategic Objective SO8 reads: "Ensure design and construction excellence in new and existing buildings in Brighton & Hove which responds positively to the challenges posed by local impacts of climate change, resource efficiency, and delivers biodiversity and environmental objectives and improvements to accessible natural green space."

The City Council encourages all new development to address the One Planet Living principles (CP8 sustainable buildings) at the earliest opportunity during the design process. These principles include zero carbon, sustainable transport, sustainable materials (locally sourced, low carbon), local and sustainable food, and protection and enhancement of biodiversity.

It is considered that, whilst the proposals positively address some of these principals such as "equity & local economy" and "health & happiness", they could be improved in some ways: Food growing areas have been provided for the care facility, but more could be provided for the high density residential accommodation. Consideration should be given to the environmental implications of proposed construction materials, especially structural materials and proposed brick slips, with regard to embodied energy and embodied carbon. Water management considerations should include the potential for rainwater harvesting for irrigation of planting and food growth areas as well as toilet flushing. The incorporation of environmental and biodiversity improvements to the public realm, including substantial tree planting across the site and the retention of many existing mature trees is noted and presents a major positive. However, the proposed paved surface appears extensive and the design team should consider potential for more surface area to be planted to further enhance biodiversity and proximity to natural spaces for future residents. It is also considered that the proposals could accommodate more of the features noted in City Plan Part 1 Policy DA6, such as green walls, which support Biosphere objectives; and could include provision for street trees adjacent to the care facility on Sackville Road.

- 5.257. Narrative / Concept: The Design & Access statement outlines a significant amount of contextual analysis with regard to existing urban grain, and an understanding of council policy with regard to the Sackville Trading Estate site, which has informed the site strategy well.

- 5.258. Key policy objectives and considerations from City Plan Part 1 Policy DA6 include improvements to public realm and streetscape / street frontages, especially in regard to Sackville Road; improved green infrastructure and

open space; and improved biodiversity, specifically “green roofs, green walls and other features which support Biosphere objectives”.

- 5.259. Whilst the contextual analysis and conceptual development address these issues, it is considered that the proposed design solution could more positively address some of these policy objectives, with particular regard to the lack of defined street frontages on Sackville Road.
- 5.260. Masterplanning / Integration / Public Realm: The City Plan Part 1 Policy CP13 states “The quality, legibility and accessibility of the city’s public urban realm will be improved in a comprehensive manner... Such improvements will be 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: Positively contributing to the network of public streets and spaces in the city” In line with comments above, stages 19-24 of section 2.11: “Site Constraints and Opportunities” in the Design & Access Statement present thorough and intelligent analysis of the existing urban grain, stating “A lack of defined street frontages contribute to a poor public realm and poor quality street scape”, and demonstrate a design approach to the Sackville Road street frontage which is legible and convincing. However, the proposals then begin to dilute the strength of this street frontage. Contrary to references of “holding the edge” of Sackville Road, the current proposals present a built form which is somewhat disengaged with the street edge and weakens its potential legibility. Added to this, section 3.2 indicates that The Boulevard has taken precedence over Sackville Road with regard to public realm interface. The lack of a defined landscape character area to Sackville Road further illustrates that this street frontage could be considered in higher regard.
- 5.261. Grounding the corner of Block B successfully connects the site interior to Sackville Road and presents a great improvement to public realm here. However, Block A is not expressed on Sackville Road in the same way at its southern end and as such is less successful in the ambition to “reference the Sackville Road terraces” and to “create points of interaction and activity”. As such, it is considered that the masterplan layout could more positively integrate with Sackville Road and respond more positively to the ambitions for improvement to Public Realm by offering increased pedestrian engagement. This could be achieved by expressing the corner of Block A on Sackville Road, opening additional pedestrian access opposite Landseer Road and activating a raised street frontage to Sackville Road as indicated in the June 2018 developmental design phase in section 3.4 of the Design & Access Statement. This would also help to connect this frontage directly with the primary access steps adjacent to Block B. Notwithstanding these comments, it is acknowledged that the northern end of Block A is level with Sackville Road and thus presents an engaging frontage here. The existing

retaining wall to Sackville Road presents an unfriendly interface with the southern part of the site and, notwithstanding comments above with regard to pedestrian engagement with Sackville Road, the council recognises the significant challenges that the retaining wall, level changes and root protection areas of existing street trees present with regard to improving this public realm interface. The proposed removal of the upper masonry wall atop the existing retaining wall is considered to be an improvement to this public realm interface, and the design team has indicated a treatment of the existing retaining wall which could incorporate a public art element, which is very well received. The future potential for vehicular and pedestrian access eastwards to Newtown Road is considered to be a major positive contribution to the surrounding public realm. Added to this, the design of the public realm within the site is generally well received, illustrating a variety of places, activities and atmospheres. Visualisations of landscape areas illustrate a variety of aesthetics, natural planting areas, formal garden areas and varied tree coverage which is considered to be an excellent contribution to the quality of public realm.

- 5.262. Scale / Massing: The general approach to grading of building heights from the Sackville Road frontage to the centre of the site and down again to Block F appears to be a reasonable approach. However, the perceived height could be graded to a more domestic scale on the Sackville Road boundary than is currently shown. The proposed massing and grid layout presents a very high density of development on the site, which heightens the pressure on the quality of both private and communal amenity space and public realm.
- 5.263. Layout / Orientation / Aspect: Whilst there is a place for build-to-rent accommodation in current market conditions, and such schemes often benefit the quality of public realm and communal amenity space; residential accommodation should be designed with longevity and to a high standard of living and quality of space. In this regard, there are a number of issue with the proposals, which incorporate a high proportion of single-aspect units, low proportion of private external amenity space, and long, narrow, double-banked circulation corridors.
- 5.264. The typical floor masterplan indicates an average of approximately 60% single aspect units between blocks A-F. Whilst avoiding single aspect units entirely is unachievable, and the council note that a very small proportion of these units are north-facing, this ratio is considered to be high. Single aspect units present an inhibited connection with the outdoors and a reduction in natural ventilation, both of which impact on the quality of internal space and wellbeing of inhabitants.

- 5.265. Notwithstanding the comments above, the council acknowledges that most units meet or exceed BRE guidance with regard to internal daylight levels.
- 5.266. Single aspect units also contribute to decreased energy efficiency in a building. City Plan Part 1 Policy CP8 Sustainable Buildings states that “The council’s approach to deliver low carbon growth is through highly energy efficient buildings and connections to existing or planned local energy infrastructure. Energy efficient design is an essential element of the excellence in design envisioned in the City Plan being the most cost effective, efficient way of reducing carbon emissions from buildings (focusing on building fabric, orientation, layout, insulation, natural light, solar gains and shading, and passive ventilation)”. A high proportion of single aspect units generate a greater reliance on mechanical environmental control systems.
- 5.267. The care facility presents similar issues with regard to single aspect units, of which a proportion are north facing, heightening the issues. It is noted that care communities differ from other residential accommodation in design in order to facilitate appropriate management. However, it is considered that occupants of the care community are likely to spend more time in their apartments than other residential communities and, as such, issues related to single aspect units are exacerbated.
- 5.268. Borrowed natural light from south facing access corridors does not constitute a dual aspect unit as this does not provide increased connection to the outdoors, nor increased natural ventilation.
- 5.269. Whilst communal amenity is beneficial to establish community, the percentage of homes which include private amenity is low. A sense of ownership of external space is important to any home but especially important to high density residential schemes and homes in tall buildings which are further detached from the accessible ground plane or roof gardens. Local Plan 2005 Saved Policy H05 “requires that an element of usable private amenity space... is provided for occupants”, and the draft City Plan Part 2 Policy DM: Housing Quality, Choice and Mix states that “all new residential development will be required to provide useable private outdoor amenity space appropriate to the scale and character of the development” and goes further to say “Private amenity space can make an important contribution in improving the health, well-being and general quality of life of the city’s residents and has the potential to support and enhance local biodiversity. The provision of space for seating, play, drying and storage space is part of securing good design and a good standard of residential development in the city” indicating the direction of policy travel in this regard. The design team is encouraged to consider the definition of “private amenity”

and whether communal residential amenity should be considered as such. They are also encouraged to consider that a higher proportion of private external amenity space is appropriate to a scheme of such scale and density.

- 5.270. Notwithstanding the comments above, the Design & Access Statement describes a design approach to balconies which favours inset over projecting balconies, which is strongly supported. Some proposed balconies to the care home facility are projecting and thus do not adhere to the same principles as the other residential accommodation. Projecting balconies present a reduced sense of security and privacy; inset balconies would be preferred here.
- 5.271. The layout of the proposed public access lift could be reconsidered to be more intuitive, clearly visible and not secondary in nature to the stepped access. The location of the lift inside the building is a step removed from the public realm and not wholly visible or obvious to users from outside the building.
- 5.272. Generally, the landscaping proposals appear positive, though concerns remain about the extent of paved area, as mentioned above. A Landscape Character Area should be developed for the Sackville Road frontage to include the Health & Wellbeing Garden which could present a major benefit to the wider Public Realm by positively addressing the site boundary. The location of the growing gardens to the north of the Care Facility is questionable. As described in the Design & Access Statement, gardening is an important social activity for the care community and as such, this activity zone could be better located to the podium garden where it would benefit from a southerly aspect and great social presence.
- 5.273. Architectural Form / Material: The applicant has engaged with the LPA post submission to secure a number of improvements to material palette and elevational composition as outlined below.
- 5.274. Generally, the material palette is positive, varied and textural; and presents an improvement to the previously refused scheme. The bronze metal panelling to the circulation cores of the care facility has been improved by introducing further elevational articulation and fenestration. These recessed elevations provide relief against the brick walls which could otherwise appear too homogenous and oppressive. Green walls could be considered in these recesses as well if feasible, to provide more variation and further soften the appearance. The design team has satisfied the council's concerns that window reveals on the Care Community appeared shallow when compared with the other residential blocks.

- 5.275. Similarly, previous concerns that the area of champagne metal cladding on Block C appeared very flat and expansive have been positively addressed and the newly proposed profiled cladding system of darker tone presents additional relief, texture and depth to the appearance of this elevation.
- 5.276. The western elevation of Block D which forms the primary view up the stepped access from Sackville Road had previously presented a somewhat unfriendly appearance with narrow, vertical recesses and a corporate aesthetic. However, these concerns have also been addressed by breaking up the elevation to create a more layered, permeable aesthetic, reducing the perceived mass. The introduction of red brick tones responds well to the contextual material palette of Sackville Road brings warmth to the appearance, and heightens the profile of this building as the focal point of the scheme. Similarly, amendments to the material composition of the taller element of Block F are considered to be an improvement. The introduction of red brick tones brings warmth to the general appearance and successfully marries Block F to its neighbours, whilst the material composition of the lower element is retained to reference the Dubarry Perfume Factory and distinguish this component as a standalone feature.
- 5.277. The landscape proposals could consider more natural textures and materials in areas. For example, the artificial lawn proposed to roof gardens is an unsustainable material which does nothing to benefit biodiversity and the design team could consider other means to provide lounging areas whilst increasing natural planting.
- 5.278. The composition of hard ground materials could be revisited to draw more natural textures into the main body of the site. In line with comments above, more ground area could be planted than is currently shown. The use of planters to separate pedestrian and vehicular traffic on The Boulevard is very successful and the design team could consider using this method to edge the Poynter Road entrance, the main vehicular traffic route and parking bays.

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
SA6	Sustainable Neighbourhoods
DA6	Hove Station Area
CP1	Housing delivery
CP2	Sustainable economic development
CP3	Employment land
CP4	Retail provision
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
SU5	Surface water and foul sewage disposal infrastructure
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
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO11	Residential care and nursing homes
HO13	Accessible housing and lifetime homes
HO21	Provision of community facilities in residential and mixed use schemes
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas
HE10	Buildings of local interest
HE11	Historic parks and gardens
HE12	Scheduled ancient monuments and other important Archaeological sites

Draft City Plan Part 2 (These are emerging policies)

There are a number of relevant policies in this emerging plan including the following;

DM6	Build To Rent Housing
SSA4	Sackville Trading Estate and Coal Yard
DM4	Housing Accommodation for Older Persons

Supplementary Planning Guidance:

SPGBH15 Tall Buildings

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD11	Nature Conservation & Development
SPD14	Parking Standards
SPD16	Sustainable Drainage

Planning Advice Notes (PAN)

PAN 05:	Design Guidance for the Storage and Collection of Recyclable Materials and Waste
PAN 06:	Food Growing and Development

Further Guidance:

Affordable Housing Brief (December 2016)

Developer Contributions Technical Guidance (March 2017).

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 existing 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.

Background

8.2. A similar mixed use scheme proposed on the site under application BH2018/03697 was refused at the July 2019 planning committee contrary to the officer recommendation to approve. The decision notice sets out the following four reasons;

1. The development by reason of its excessive height, scale, massing and design would have a detrimental impact on the undesignated and designated heritage assets in the area, including the setting of the listed Hove Station and the Hove Station Conservation Area. The proposal is contrary to policies CP15 of the Brighton & Hove City Plan Part One and policies HE3, HE6 and HE10 of the Brighton & Hove Local Plan.
2. The limited provision of private amenity space throughout the development and the poor daylight to the units within the care community would provide a poor standard of accommodation and represents an overdevelopment of the site. In this respect, the proposed development is considered contrary to policies HO5 and QD27 of the Brighton & Hove Local Plan.
3. The housing mix, with a high proportion of studio units fails to provide an appropriate mix of accommodation. The scheme would therefore fail to deliver a balanced community and is contrary to policies SA6 and CP19 of the Brighton and Hove City Plan Part One.
4. Policy DA6 of the Brighton and Hove City Plan Part One promotes mixed-use development focused on employment. The limited provision and proportion of employment floor space in the overall scheme is not considered to accord with policy DA6 and CP3 of the Brighton and Hove City Plan Part One.

- 8.3. The current application contains a number of revisions to address some of the reasons for refusal of the previous scheme.
- 8.4. The key alterations between the two schemes are set out below.
- Reduction in overall residential units (C3) from 581 to 564,
 - Revisions to the housing mix within the BTR element with a reduction in the number of studios and an increase in the number of two bed units within the,
 - Replacement of the 10 live/work units with office and residential space,
 - Increase in overall B class employment space from 4471sqm to 5164sqm,
 - Alterations to the massing, room layout, balcony siting and fenestration of the care community (with a view to improving daylighting issues),
 - Alterations to the hub building,
 - Revisions to the materiality / architectural expression to some of the blocks (these were tabled during the life of the application)
- 8.5. Whilst the officer recommendation to committee for the original application was for the approval of the scheme it is acknowledged that the decision of the Local Planning Authority was to refuse for four reasons in accordance with the committee resolution. The four reasons for refusal which are set out above are now material considerations in the determination of the current application.
- 8.6. This officer report to committee will consider the current proposed application in its entirety whilst also considering specifically how the current scheme addresses the four reasons for refusal of BH2018/03697.

Planning Policy Context and Principle of Development

- 8.7. 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 numbers 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

- 8.8. 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 improves the public realm and townscape of the industrial/retail frontages along Sackville Road, Old Shoreham Road,
- 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.

8.9. 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.

8.10. It is noted that the land at Sackville Trading Estate and Coal Yard site is also a proposed allocation in the draft City Plan Part 2 (CPP2) under policy SSA4 for comprehensive mixed use development to include:

- A minimum of 500 residential units (Use Class C3);
- A minimum of 6000m² B1 employment floorspace;
- Ancillary retail and food and drink outlets;
- High quality public realm including a public square;
- Children's play space and/or an informal multi use sports area; and
- Community facilities based on local need.

8.11. 'Key requirements include improving transport links for vehicles, cyclists and pedestrians through the site, improving permeability into the site, high quality design and amenity and contribute to the key policy requirements of DA6 and the future Hove Station Neighbourhood Plan.'

The Draft CPP2 was published for consultation under Regulation 18 of the T&CPA for 8 weeks over the summer of 2018. Although CPP2 carries limited weight at this stage of the planning process it does indicate the Council's aspirations and the direction of policy for the future development of the site for comprehensive residential-led mixed use development.

- 8.12. The most up to date Strategic Housing Land Availability Assessment (SHLAA) for the city is a material consideration and it identifies the site as having potential for 500 residential units.
- 8.13. The southern half of the site, known as Hove Goods Yard was previously allocated and safeguarded for waste management uses through a now superseded policy in the East Sussex and Brighton & Hove Waste Local Plan 2006. This designation has since been removed.

Hove Station Neighbourhood Forum

- 8.14. 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

- 8.15. Policy DA6 states that the “strategy for the development area is to... enable its development as an attractive and sustainable mixed-use area focussed on employment.” Priority 5 of Policy DA6 also references the need to protect employment sites, with Priority 6 noting the importance of “maintaining and strengthening the creative industries business cluster in the area by seeking to ensure a range of appropriate workshops, office space, studios, storage and other premises remain affordable and available for use by this business sector”. Outside of the Conway Street Strategic Allocation, provision is made within the Development Area for the “retention/replacement of existing with an additional 1,000sqm employment floorspace.”
- 8.16. The fourth reason for refusal on application BH2019/03697 set out that the ‘limited provision and proportion of employment floor space in the overall scheme is not considered to accord with policies DA6 and CP3’.
- 8.17. The refused scheme would have provided 4471sqm of office accommodation which included circa 500sqm of employment space within the live / work units.

- 8.18. The current application provides for 5164sqm of office B1 floorspace overall, an increase of circa 700sqm. This is achieved by revising some of the layouts and altering the live / work units to solely commercial spaces. The increase in employment floorspace is welcomed, as is the omission of the live / work units which generally have a lower potential employment density than standard B1 floorspace and these alterations overall represent a clear improvement over the previously refused scheme.
- 8.19. As existing, a footnote within Policy DA6 notes indicates that the Sackville Trading Estate part of the site (i.e. excluding the Coal Yard) contains 5,080m² B class uses, with that figure taken from the committee report for the 2009 scheme for the development of the site. The application form for the 2009 application breaks this down as follows: 2600m² B1(c) light industrial, 490m² B8 storage/distribution and 2000m² of 'other' trade counter use.
- 8.20. The applicant asserts in their submission that the trade counter element should not be included in the employment floorspace as it was not listed as a B class use on the application form for the 2009 application, and because trade counters are not always considered by LPAs as employment uses. However the 2009 Committee report clarified that "*units with trade counters are treated as B8 since the trade counters are ancillary to this primary use*". It is considered that a trade counter use does generally fall within use class B8 although it is recognised that there will be a proportion of the total floor-space given over to retail sales. It can be assumed therefore that not all of the 2,000m² is strictly in B class use.
- 8.21. The Coalyard is currently occupied by a number of low density employment generating uses.
- 8.22. The total of 5164sqm of B1 class floorspace proposed is greater than the circa 5000sqm of B class employment on the Sackville Trading estate part of the site (although this does include some ancillary trade counter floor space) and as such does meet the Planning Policy Team's minimum expectation.
- 8.23. Whilst the level of residential development has significantly increased above the level that was envisaged in Policy DA6 and the draft Policy SSA6, the level of employment space has not similarly increased in comparison and is such the employment provision is not considered to be the 'primary focus' of the scheme when set alongside the residential offer.
- 8.24. Notwithstanding that the employment potential on this large brownfield site has not been maximised (and that it does not provide an uplift to include for the Coal Yard) 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 main office block, the Moda works building and the commercial units on 'The Boulevard' 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.

- 8.25. In addition, the proposed B class floorspace of 4471sqm could provide for approximately 490 FTE jobs (based on 10.5m² per job) which would be a significant increase in the existing number of B class jobs on site (even if the trading estate were to be fully occupied) and this is welcomed.
- 8.26. Whilst policies CP3 and DA6 relates solely to B class employment uses it is acknowledged that the other uses to be provided (A1, A3, C2 and D1 or D2) would also result in a range of other diverse employment generating uses which also add to the economic benefits of the scheme overall. Some of these uses will also include higher skilled jobs than the existing uses on the site.
- 8.27. 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 impact upon the deliverability of the scheme. Given the major benefits of the scheme in respect of the significant housing provision, providing a deliverable mixed use scheme for the site is of key importance. In addition, it is noted that any significant increase to the level of employment floorspace also has the potential for increased overspill parking within the surrounding area which could not be easily mitigated.
- 8.28. City Regeneration welcomes in principle the proposal to redevelop this site which would provide an increased provision of high quality B1 floorspace and a greater diversity of employment floorspace, providing opportunities for better quality jobs, compared to the existing arrangement.
- 8.29. The Planning Policy team, when assessing the alterations to the current scheme set out,
These revisions marginally exceed this previously stated minimum expectation, and although the balance of uses in the overall scheme are not considered to represent an area focussed on employment in line with the requirements of Policy DA6, the level of employment provision is now considered to be adequate.
- 8.30. 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.

- 8.31. Overall, given the significant wider benefits of the scheme and the position of the Planning Policy Team on this issue who do not object to the proposals the overall level of B class employment provision is accepted.

Housing provision:

- 8.32. 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.
- 8.33. The Council's most recent housing land supply position is published in the SHLAA Update 2018 (February 2019). The figures presented in the SHLAA reflect the results of the Government's 2018 Housing Delivery Test which was published in February 2019. The Housing Delivery Test shows that housing delivery in Brighton & Hove over the past three years (2015-2018) has totalled only 77% of the City Plan annualised housing target. Since housing delivery has been below 85%, the NPPF requires that a 20% buffer is applied to the five year housing supply figures. This results in a five year housing shortfall of 576 net dwellings (4.5 years supply). In this situation, when considering the planning balance in the determination of planning applications, increased weight is given to housing delivery in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 8.34. In the context of Brighton & Hove, this is a very large scale C3 residential development proposal. The provision of 564 C3 residential units represents a very significant proportion of the city's annual housing target based on the city's overall 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 exceeds the requirement for 525 residential units for the Policy DA6 Hove Station Development Area as a whole and the requirement for a minimum of 500 dwellings on the site proposed through the draft CPP2 Policy SSA4. A greater quantum of development (than set out in SSA4 and in the SCHLAA) may be acceptable provided that other policies and priorities in the development plan can be satisfied.

Build to Rent:

- 8.35. Build to rent (BTR) is an emerging sector in the housing market, comprising large purpose-built developments for private rent. This type of housing is associated with long term institutional funding/investment and is a growing sector in major urban areas. The Government is promoting BTR as a means of improving the supply, choice and quality of private rented accommodation.

BTR has been defined as a distinct housing category in the NPPF (July 2018) and is referred to in the NPPF Planning Practice Guidance (NPPG). The NPPF defines build to rent as:

- 8.36. Purpose built housing that is typically 100% rented out. It can form part of a wider multi-tenure development comprising either flats or houses, but should be on the same site and/or contiguous with the main development. Schemes will usually offer longer tenancy agreements of three years or more, and will typically be professionally managed stock in single ownership and management control.
- 8.37. Given the above, the council is in the process of formulating a local policy for BTR in City Plan Part Two (draft policy DM6). The initial wording for DM6 is outlined below for information, however, this is an evolving policy and the council is in the process of commissioning further evidence looking at the viability and deliverability of BTR in the city, so the policy may change as planning policy and practice with regard to BTR evolve further. The wording is largely based on current advice in the NPPF/NPPG:

Draft Policy DM6

- 8.38. Proposals for the development of Build to Rent housing will be required to meet all of the following criteria:
- a) the development will improve housing choice and make a positive contribution to the achievement of mixed and sustainable communities in accordance with City Plan Part One Policy CP19 Housing Mix;
 - b) the development will not lead to an over-concentration of build to rent within sites designated as Strategic Allocations in the City Plan;
 - c) all of the dwellings are self-contained and let separately;
 - d) the homes are held as build to rent under a covenant for at least 15 years;
 - e) the build to rent housing is under unified ownership and will be subject to common management;
 - f) the development will provide professional and on-site management;
 - g) the development will offer tenancies of at least 3 years available to all tenants with defined in-tenancy rent reviews;
 - h) the development provides a high standard of accommodation that complies with the requirements in Policy DM1 Housing Quality, Choice and Mix; and
 - i) the provision of affordable housing complies with the requirements in City Plan Part One Policy CP20 Affordable Housing, subject to the criteria set out in part 2 of this policy.

- 8.39. Build to rent developments will be expected to contribute towards meeting the city's identified need for affordable housing. The council will negotiate to achieve the following requirements:
- a) a proportion of affordable housing based on the requirements of Policy CP20 (40% on sites of 15 or more (net) dwellings), normally in the form of affordable private rent;
 - b) the affordable homes to be offered at discounted rent levels to be agreed with the council;
 - c) eligibility criteria for the occupants of the affordable homes to be agreed with the council and included in the S106 agreement;
 - d) the size mix of affordable housing units to be agreed with the council in accordance with Policy CP20; and
 - e) the affordable homes to be secured in perpetuity - the council will seek inclusion within the S106 agreement of a 'clawback' arrangement in the event of affordable units being sold or taken out of the build to rent sector.

8.40. Whilst emerging policy DM6 holds limited weight at this stage, it does give the direction of travel of local policy and does broadly accord with national policy guidance, which is a material consideration of some weight.

8.41. In view of the above national policy context and emerging local policy, the provision of BTR housing is accepted in principle. Policy CP20 promotes mixed tenure as the most effective way of ensuring a balanced community. The council considers that BTR can help to boost the supply of housing to rent in the city by providing more choice of good quality rented accommodation and secure longer term tenancies. The emerging policy aims to facilitate the delivery of high quality BTR schemes that will contribute towards meeting identified housing needs in the city. Provided appropriate Heads of Terms are secured via S106 to accord with emerging policy DM6 and National Planning Policy, and the scheme is covenanted as a BTR tenure, the proposal is considered acceptable in principle.

Affordable Housing and Viability:

8.42. 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, as set out in the policy. Of consideration in particular is the financial viability of developing the site (as demonstrated through the use of an approved viability model).

8.43. The NPPG recognises that the economics of BTR schemes differ from build for sale in that they are based on a long term income stream and do not generate an early capital sum. As a consequence, viability assessment requires a different approach. The NPPG states that 20% affordable housing

is generally a suitable benchmark for the level of affordable private rent homes to be provided (and maintained in perpetuity) in any BTR scheme. Local authorities wishing to set a different proportion should justify this using the evidence emerging from their local housing need assessment and set the policy out in their local plan. Currently emerging policy DM6 in the City Plan Part Two cites a 40% target.

- 8.44. The applicant provided a Viability Assessment with the originally submitted application which set out that the proposal would not be able to viably provide any affordable housing.
- 8.45. The council commissioned the District Valuer Service (DVS) to assess the applicant's viability case. The DVS did not agree with all of the applicants assumptions with the main differences being on some of the costs. It must also be noted that the applicant whilst not agreeing with the DVS's assessment on benchmark land value of £14,300,000 have used this figure for the purpose of their appraisal. Notwithstanding some of the differences in assumptions, whilst the DVS profit on cost at 11.72% was higher than the 9.04% profit in the applicants assessment it is still below the 15% profit target. As such the DVS has agreed with the applicant in the overall assumption that the proposal could not viably provide any affordable housing.
- 8.46. Given the DVS conclusions it is therefore considered that a robust viability case has been made that the scheme cannot provide affordable housing.
- 8.47. It is noted that in line with RICS guidance for assessing BTR schemes that the DVS also provided an overall GDV figure for the BTR element of the scheme on the basis that the units were sold as private sale as opposed to a BTR scheme. This assessment provided a GDV of £191,800,000 for the Private Sale as opposed to £182,921,294 for the BTR scheme.
- 8.48. Whilst the private sale assessment provided a marginally higher figure the DVS has concluded that with the information available, it is not possible to provide an accurate comparison with the BTR scheme and thus it cannot be assumed that a Private Sale scheme would be viably able to provide any affordable housing and if so, at what levels. A full and accurate appraisal would require a complete reassessment of cost inputs and would very likely result in a change of design and unit numbers. The DVS advises that BTR developments are a very different product, offering different options to investors and operators and cannot truly be compared like with like with a traditional residential development, which are very much a single instance income generator and have different risks associated with them. A private sale scheme of this scale would likely need to be phased over a much longer period to avoid suppressing the developments own sales values, whereas

more BTR scheme units can realistically be released at once without impacting on revenues. This is demonstrated by them being treated differently by the NPPF and PPG. They advise it should be expected that the unit mix and costs would change significantly were the scheme to be converted to a private sale development. Overall, it is not possible to conclude that a Private Sale scheme could viably deliver any affordable housing and if so, at what levels.

- 8.49. Notwithstanding the viability constraints of the scheme the applicant has subsequently made a commercial decision to offer 10% affordable housing at 75% of market rent. This offer is subject to there not being a viability review mechanism.
- 8.50. The offer of affordable housing is strongly welcomed, although it is noted that the LPA would still seek to secure a viability review mechanism given the scale of the scheme and the need to provide a consistent approach on developments across the city. It is noted that the applicant at the time of writing this report has not provided an exceptional case in which the LPA could reconsider its position on the provision of a viability review mechanism.
- 8.51. The proposed offer would result in 56 affordable units with the following mix:
- 5 Studios
 - 20 one beds
 - 27 two beds
 - 4 three beds
- 8.52. The Housing Strategy Team is satisfied with the proposed mix and would welcome the opportunity to engage with the applicant in respect of the eligibility criteria.
- 8.53. Overall, whilst it is disappointing that the proposed scheme is delivering significantly below a policy compliant level of 40% affordable housing as set out in CP20 (and below the suggested levels of 20% for BTR in the national planning guidance) given that the Viability Assessment has demonstrated that affordable housing cannot be viably provided the offer of 10% affordable housing is welcomed and weighs strongly in favour of the scheme.

Principle of Care Community

- 8.54. The proposed scheme includes a large 260 unit care community' which falls within the category of 'extra care housing' (Class C2). The dwellings would be self-contained and sold to residents on a long lease, and there would be substantial shared communal facilities and 24-hour onsite care and support. 89% of the proposed units are two bedroom units with the remainder one bedroom. A care community element is not identified specifically in Policy DA6 as a priority for this development area, nor is it included in draft CPP2

Policy SSA4. As a C2 use, the development would not be required to provide for any affordable housing under Policy CP20.

- 8.55. Policy HO11 of the 2005 Local Plan relates to residential care and nursing homes. This policy states that planning permission will be granted for new residential care and nursing homes where it can be demonstrated that the proposal meets four criteria.
- a) will not adversely effect the locality or neighbouring properties by way of noise or disturbance; or by way of size, bulk or overlooking;
 - b) provides adequate amenity space - (a minimum depth of 10m and not less than 25m² per resident - although a lower standard may apply for nursing homes where residents are less mobile);
 - c) is accessible to people with disabilities; and
 - d) provides for operational parking in accordance with the council's standards
- 8.56. Whilst it is noted that a care community offer is a different model from a standard residential care or nursing home development the proposal is considered to be broadly in accordance with the criteria of HO11 and is acceptable in this regard.
- 8.57. Whilst this policy does not set out that a specific need must be demonstrated the applicant has provided a Needs Assessment study which indicates a substantial unmet demand for private extra care accommodation in the city that this proposal would help to address. The Policy Team have stated that since 'extra care' is a relatively new category of accommodation, it is perhaps not surprising that there is a limited existing supply of this type of accommodation in the city, however there may be overlap with demand for other types of older people's accommodation.
- 8.58. The Adult and Social Care Team have outlined concerns that there may be inadequate need within the City for the service and as such this could result in older age clients with increasing health needs from outside the area moving into the City and placing increased demand on health services.
- 8.59. The applicants submission sets out that due to the extensive facilities onsite that care community residents statistically have a reduced reliance on local health services and as such are not considered to result in a significant additional burden on local services.
- 8.60. Notwithstanding the above consultee comments and the information from the applicant in respect of the likely need and impact on services there is no current planning policy which sets out that a need for such housing provision must be demonstrated. Furthermore the provision of the care community

development would accord with policy CP19 which sets out that residential development should provide for a range of needs, age groups and tenures.

- 8.61. Overall the provision of a care community on this site is accepted and would help to provide a more diverse housing offer for a wider range of age groups across the site.

Community Facilities

- 8.62. Policy HO19 supports the provision of new community facilities. Specific emphasis is put in ensuring facilities are assessable to all and 'multi-functional'. Draft Policy SSA4 sets out communal facilities should be provided based on local need. Whilst this policy currently has limited weight it does show the future direction of council policy.
- 8.63. The submission sets out that community facilities form part of the offer within the scheme. These include a multi-functional health and wellbeing centre (D1/D2) and also facilities within the proposed care community. Whilst it is understood that a holistic gym / health centre with treatment rooms is proposed in the unit fronting Sackville Road it is noted that any use falling within the D1 or D2 use class would be permitted and as such other community uses would not be precluded in the future.
- 8.64. The care community includes a space outlined as a 'village hall' which can be used to host various social activities for the residents. The applicant has also set out that this facility could be booked for use by local residents for specific events / uses and as such would benefit the local community. A obligation in the legal agreement is proposed that would ensure that access to the local community is maintained in perpetuity.
- 8.65. There have been a number of representations from local residents outlining concerns that the proposed development would result in greater stress on essential services in the immediate vicinity such as Doctors and Dentists. The NHS Clinical Commissioning Group has commented that practices across the city are under considerable pressure and any increase in the local population will increase this pressure, however marginally. Notwithstanding the above, they have set out that it is up to the local practises to assess their current and future capacity and they do not object to the application.

Design, Scale and Appearance and impact on wider townscape:

- 8.66. 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).

- 8.67. 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;
- 8.68. 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. The council will expect very tall developments in particular to be, at least in part, accessible to the public. 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.
- 8.69. The overall design approach of the current scheme has been progressed through a Design Review Panel process, a significant number of pre-application meetings and further revisions during the lifetime of the refused application (BH2018/03697).
- 8.70. The general layout of the site in the proposed scheme has not fundamentally changed from the previous application and is made up of the BTR residential accommodation and the retail / commercial / business units to the south of the vehicular access off Sackville Road and the care community to the north of this access. A pedestrianised street running from north to south, described as 'The Boulevard' provides the main access through the site. The application documentation has split the BTR / commercial into 6 main blocks (A-F inclusive) and then the care community complex to the north of the site.
- 8.71. There were significant alterations to the design, massing and materials of the scheme throughout the life of the previous application through discussions between the applicant and the LPA. There have been some further changes

to design and materiality in the current application. The evolution of the scheme, specifically the significant alterations during the life of the previous application (BH2018/03697) are considered in detail later in this section.

- 8.72. The built form of the final revised scheme before committee consists of the following as described below.

Blocks A and B

- 8.73. This includes the Sackville Road frontage to the west and the western side of the buildings on the Boulevard, extending down to the Hub Square in the south. Fronting Sackville Road the proposal has commercial at ground floor level with residential above. The main office block is sited at the northern corner of the Boulevard with further office accommodation / commercial on the lower floors along the Boulevard. The buildings range from 3 to 5 storeys with the exception of the office block which is 7 storeys.

Block C

- 8.74. This block extends along the boulevard and turns the corner to the east. It includes a tower of 13 storeys and two lower adjoining elements either side. There is office / commercial at ground floor level with residential above. This block also contains the main BTR energy / plant room and the delivery hub.

Block D

- 8.75. This is located to the south west corner of the site and includes the 2 storey Moda works office building which extends out to Sackville Road and a taller residential tower which houses the main lettings and management offices for the BTR development at ground floor level.

Block E

- 8.76. Block E is the tallest tower at 15 storeys and is sited to the east and parallel to Block D. It is residential throughout and includes a lower element to the south with roof terrace.

Block F

- 8.77. Block F is made up of two linked residential buildings, the first, a block sited north / south, adjacent to Block E. The second building, lower in height is angled away towards the narrowest part of the site and aligned to face Hove Station to the south west.

Care community

- 8.78. The care community consists of a partially enclosed square to the western half of the development, with 4 and 5 storeys elements fronting Sackville Road. To the eastern half of the development there is a raised external amenity area accessed from the south with residential blocks up to a

maximum of 8 to 10 storeys in height enclosing the amenity area. Undercroft parking is provided accessed from the south.

- 8.79. A Townscape and Visual Impact Assessment (TVIA) has been submitted with the application. A further revised TVIA was submitting during the life of the application including changes to materiality and architectural detailing. The TVIA set out keys views (short, medium and one long view) which were agreed with the LPA at pre-application stage and provides photo montages of the proposed development and analysis of the likely townscape impact. Two of the views have been provided for both summer and winter. The Design and Access Statement also provides a detailed assessment of the design approach of the scheme.
- 8.80. The character of the immediate area consists of traditional terraced housing to the west on Sackville Road and predominantly low rise commercial, industrial and retail buildings to the east of the site. Existing development on Old Shoreham Road to the north is also predominantly a mix of low rise residential and commercial buildings. Further to the east on Newtown Road is a recently constructed 7 storey residential block and a number of associated townhouses. 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.
- 8.81. The site itself has very limited townscape merit with modern commercial sheds on the Trading Estate and more ad hoc development and open storage on the Hove Goods Yard.
- 8.82. 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.

Evolution and consideration of application BH2018/03697

- 8.83. When application BH2018/03697 was originally submitted concerns were expressed in respect of the overall design of the scheme and how it would impact on a number of views as set out in the TVIA. The development has largely been designed on a rigid plan form, predominantly set out north to south in a grid-like pattern. The facades are generally flush throughout with the relief coming predominantly in the detailing and materials of the elevations rather than the form, design and layout of the buildings.

- 8.84. The taller towers in the originally submitted scheme were deep (north to south) and this coupled with the long horizontal emphasis of the lower elements of the buildings with little in the way of breakages created a very dense development and a lack of permeability. This was especially evident in the more easterly and western views (including from Hove Park). The predominance of the use of long flat roofs and the limited variation in the height and general form of the buildings contributed to the overly dominant impact of the development.
- 8.85. Blocks A and B fronting Sackville Road were generally considered to be of an appropriate design and whilst of a greater scale than the existing terraced housing opposite the site were not considered to be overly dominant and would have an acceptable impact on then streetscene. In comparison to the existing commercial buildings that turn their back on Sackville Road, this element of the proposal would improve the public realm and townscape, creating an active street frontage at ground floor level and as such is in accordance with the respective local priority set out in policy DA6.
- 8.86. In respect of the BTR element of the scheme as originally submitted, Blocks C-F when assessed together were considered to be the most problematic in respect of their form, density and lack of visual permeability.
- 8.87. To the north of the site, whilst the care community development as originally submitted was lower in height overall than much of the BTR scheme the siting of this part of the scheme to the northern third of the site was such that it has more prominence in views from the north of the site. The 8 storey blocks appeared particularly dominant, and this in conjunction with Blocks C and F of the BTR scheme was considered to result in a somewhat impenetrable stretch of development, particularly in views from the north to the west. In addition, the proposed materials of the care community, consisting predominantly of a light grey cladding, with limited depth and articulation were considered to result in largely bland, featureless facades which emphasised the horizontal massing of this block.
- 8.88. It is noted that the Heritage Team set out that elements of the scheme would result in a negative impact on a number of existing heritage assets and this is set out in further detail within the Heritage section of the report.
- 8.89. It is noted that the Design Review Panel response to the applicant's pre-application proposal in September 2018 set out that whilst the proposed massing did not raise any obvious concerns that the lack of architectural propositions made specific comments about the heights and the distribution of massing challenging.

- 8.90. During the application process itself for BH2018/03697 the applicant engaged with the LPA in order to address concerns that were raised in respect of the design, massing and impact on the streetscape and a number of amendments were tabled. The key aims of the revisions were to help break up some of the massing of the built form to provide greater visual permeability and provide greater variety in the form and heights of the scheme overall. This was in conjunction with alterations to the materials and detailing to enliven some of the facades. The main alterations are set out below.
- 8.91. Block C was altered significantly, with the tower reduced in width and the two side elements of the block reduced in height to present themselves as more of a mansion block typology. A zinc standing seam was used to provide visual separation between the tower and the lower elements, whilst increased façade articulation and detailing was proposed on the flank facades.
- 8.92. Block E was increased in height from 13 to 15 storeys and as such is clearly the tallest building on the site. This block has a slimmer profile with a shoulder introduced that steps down 3 storeys from the top of the building and the massing broken up with different colour brickwork and indents proposed.
- 8.93. A shoulder was introduced to the taller element of Block F reducing the overall depth of the building, whilst a lighter brick has been used to soften the overall impact of the building.
- 8.94. Alterations to Blocks A and B included an additional storey to the office block and increased glazing to more clearly the signpost this commercial building and differentiate its appearance from what is predominately a more residential typology throughout the buildings.
- 8.95. An increased number of inset balconies have been added to the BTR buildings throughout which has helped enliven the facades, create visual interest and provide more of a residential feel.
- 8.96. The care community proposal changed significantly with the two main 8 storey blocks broken up into 4 taller elements (8-10 storeys) with three lower 5 storey elements in between. The Sackville Road elevation was altered with the set-back top storey replaced with a flush brick façade with a metal parapet termination. The materials were revised throughout with the proposal featuring predominantly masonry façades with some areas of bronzed metal cladding.
- 8.97. The revisions outlined above, specifically alterations to the height and form added variety to the scheme. This is especially evident in longer views, for

example from Hove Park, where increased separation between elements of the buildings and greater variation in height was sufficient to break down some of the massing of the scheme. Whilst the proposal would still be very prominent in views from Hove Park, especially in winter when there is less tree cover the proposed alterations responded better to the undulations of the tree canopy and the greater articulation of the facades resulted in buildings of greater visual interest in these views.

- 8.98. When viewed from the east, the revisions improved what was originally a somewhat impenetrable stretch of continuous development. The alterations to Block C specifically, with the lowering of the two horizontal elements provided breathing space to this part of the site whilst the greater articulation and detailing of the facades further differentiated this block from some of the other proposed buildings.
- 8.99. Whilst the additional height to Block E increased the prominence of this building, the overall profile was slimmer and as such this was considered to result in an improvement to the scheme.
- 8.100. The alterations to the care community building were considered to have improved the overall appearance of this element of the scheme considerably. The variation in heights reduced the dominant, horizontal emphasis of the scheme and helped to break up the massing and provide some views through the scheme. The change in materials to provide a predominantly brick façade was a significant improvement over the originally proposed cladding system which had little relief and gave the appearance of an institutional feel. Further articulation and de-cluttering of the Sackville Road frontage was achieved by removing protruding balconies and this uplifted the quality of the scheme.
- 8.101. It is noted that the scheme only fronts the public domain on the western boundary, with the other boundaries adjoining either the backs of existing development or the railway line. Whilst the height and massing of the development was considered to make it highly visible in longer views, especially from the north and south, the proposed development on Sackville Road has more of a lower rise character and thus would provide an acceptable link between the terraced housing on the western side of the road and the taller, more dominant built form located further into the site. In more localised views from Newtown Road and Old Shoreham Road it was considered that the built form as set out in BH2019/03697 would be screened to a degree by the existing buildings and as such this would reduce the dominance of the proposal on these street frontages.

- 8.102. Notwithstanding the revisions that were secured to the previously refused scheme, which significantly improved various elements of the proposal it was still undoubtedly a very high density development which exceeded the number of residential units and thus the density envisaged for the site in policy SSA4 and within the SCHLAA.
- 8.103. Whilst the massing had been reduced in areas of the development the scheme still included buildings of significant scale that would inevitably alter the character of the immediate locality. The three southernmost blocks especially were considered to be deep (from north to south) for buildings of this height and would have a dominant presence in some views as seen in the TVIA from the west on Prinsep Road. The care community element was also considered to have a very dense built form and overall the development was still of an imposing scale in comparison to the general form of development in the area. Whilst the improvements to the overall design of the scheme were noted the general approach throughout the site of rectangular blocks within a grid form was retained and although materiality and detailing added visual interest the overall effect was a built form that is somewhat regimented without significant variety in general form.
- 8.104. Assessing the design approach of the previous scheme holistically, officers were mindful that the site is located within a specific development area that has been highlighted as being able to accommodate tall buildings and as such it is expected that the character of the area will undoubtedly change over time. It was also noted that the scheme would deliver a significant amount of much needed new homes. It was considered that given the significant historic under delivery of housing within the city in comparison to the Objective Assessed Need (OAN) the need to fully maximise the potential of large brownfield sites such as the application site was compelling. It was finally acknowledged that further reductions in the built form would erode the limited viability of the scheme further, or result in compromises on other important aspects of the development and thus jeopardise the deliverability of the scheme. Overall the general design approach of application BH2018/03697 was accepted by officers.

Consideration of the current application

- 8.105. As originally submitted the key design change in the current application was a reduction to the massing to three of the towers in the care community. This has involved squaring off the elevations of the towers that face in towards the main amenity space. This has reduced the depth (north to south) of the towers by 1.6m and has increased the central gap between the towers by 3.2m. Whilst these alterations have been undertaken ostensibly to improve the daylighting within the scheme, these alterations also serve to slightly

reduce the bulk of the towers and provide increased visual permeability through the scheme in views from east to west.

- 8.106. During the life of the current scheme the applicant engaged with officers (Including the council's Urban Designer) with the aim of exploring whether alterations to the architectural expression and materiality of the scheme could be made to more strongly ground the development within the local vernacular.
- 8.107. Subsequent to these discussions, alterations were made to Blocks C, D and F and the care community. In respect of Block C there were concerns that the large area of champagne metal cladding on the tower of Block C appeared very flat and expansive. The newly proposed profiled cladding system of darker tone presents additional relief, texture and depth to the appearance of this elevation and is welcomed.
- 8.108. The most significant alterations are to Block D. The western elevation of Block D which forms the primary view up the stepped access from Sackville Road had previously presented a somewhat unfriendly appearance with narrow, vertical recesses and a corporate aesthetic. However, these concerns have also been addressed by breaking up the elevation to create a more layered, permeable aesthetic, reducing the perceived mass. The introduction of red brick tones responds well to the contextual material palette of Sackville Road brings warmth to the appearance, and heightens the profile of this building as the focal point of the scheme.
- 8.109. Similar alterations to block F, where a red brick has replaced the previous grey brick again results in a warmer, more friendly appearance.
- 8.110. Revisions have also been proposed to the inset bronze metal panelling on the towers of the care community. The increased articulation in the panelling in conjunction with alterations in the fenestration help break up and enliven what were somewhat flat and featureless sections of cladding and improve the appearance of this part of the scheme.
- 8.111. Comments from the Urban Designer set out that, 'generally, the material palette is positive, varied and textural; and presents an improvement to the previously refused scheme.'
- 8.112. Overall the height, massing and scale of the proposed development are ostensibly unchanged from application BH2018/03697 and as such the scheme still remains a very high density development with a number of design compromises which were highlighted in the assessment of the previous scheme. Notwithstanding that the fundamental form of the scheme

in unchanged, the current revisions do represent a clear improvement to the appearance of the scheme and result in a friendlier, more residential feel to the proposals and do serve to more successfully ground the development in the local context.

- 8.113. Notwithstanding the design improvements in the current scheme it is acknowledged that the first reason for refusal (in application BH2018/03697) includes excessive height, scale, massing and design. This reason for refusal specifically relate to the impact on the 'designated and non-designated heritage assets' and is not a more general 'design' reason for refusal encompassing streetscene, more localised townscape impacts and the appearance of the scheme. Whilst it is acknowledged that general design impacts cannot be entirely separated out from the heritage harm it is clear that there is a significant distinction between the two.
- 8.114. In summary, the design of the current scheme represents an improvement over the previously refused scheme and whilst some concerns remain, including the heritage impact outlined later in the report, considering the significant 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.
- 8.115. 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.
- 8.116. During the application process details were provided as to how potential development could come forward on the northern and eastern boundaries of the site. Gaps have been left whereby routes through to the east to Newtown Road could potentially be added in the future. Whilst the height and form of future development on adjoining sites are likely to be restricted to a degree it is considered that there would be sufficient spacing to 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

- 8.117. The site lies immediately to the north west of the Hove Station Conservation Area and has a clear historic relationship with this area. The special character of the Hove Station Conservation Area derives from the relationship between the station itself and the surrounding late Victorian buildings which connect the station with the main part of Hove along Goldstone Villas. This is a busy, tree-lined road with terraced properties to the north and more domestic, lower scale property to the south. The most

significant features of Goldstone Villas are two long terraces close to the railway station and the public house at the north end. Around the corner in Station Approach the space is defined to the north and west by the station and to the south by the Ralli Memorial Hall. The locally listed Dubarry building is sited immediately to the north of the station. The locally listed Hove Park is sited to the north east of the site and to the north of the Old Shoreham Road.

- 8.118. 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.
- 8.119. Case law has held that the desirability of preserving a listed building or its setting must be given “considerable importance and weight”.
- 8.120. 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.
- 8.121. 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.*
- 8.122. The first reason for refusal on application BH2018/03697 set out that the excessive height, scale, massing and design of the scheme had a detrimental impact on designated and non-designated heritage assets.
- 8.123. The applicant has set out that in line with the Heritage information that they have submitted with the application that they do not agree their scheme would result in heritage harm and that undertaking significant revisions to remove the necessary height off Blocks C, E and F to satisfy the concerns of B&HCC Heritage Team would result in an unviable and undeliverable scheme due to very limited possibilities to add further massing on other parts of the site.
- 8.124. As such, whilst there have been changes in the current scheme to the detailing and materiality of some of the blocks the fundamentals of the

heights, scale, massing and design are unchanged from the refused scheme. The Heritage Team have reviewed the current scheme, including the additional viewpoints in the TVIA which show that in closer views to the listed Station that the proposed development would not be visible. Their overall response is unchanged from the position on the refused application.

- 8.125. The Heritage Team response sets out that the scheme would impact upon the designated heritage assets of the listed building of Hove Station and the Hove Station Conservation Area, as seen from Station Approach. The development would directly impinge upon the outline of the 1879 Station building and the adjacent Edwardian forecourt canopy, which together present a distinctive silhouette of hipped and gabled roof forms against the sky. Instead there would be a series of long flat rooflines either side of the ridge of the Station roof. The Heritage Team state that the Station is, by its function, scale and design, intended to be a highly legible and architecturally distinct building in the street scene and this is part of its significance and it is therefore considered that there would be clear harm to the Station's setting.
- 8.126. The Heritage team response states that the Station, the public house and the adjacent Victorian terrace have a very clear historic relationship and the Station has historically been the dominant architectural element in the area, as befits its use and status, It remains a key focal point, both visually and functionally, in the approaches, especially from the east along Station Approach. It is therefore considered that there would be clear harm to the setting of the Hove Station conservation area.
- 8.127. The Heritage Team consider that the scale of the proposal would also result in some harm to the setting of the Dubarry building, to the north of the station and would diminish its role as a locally listed landmark.
- 8.128. The Heritage Team is satisfied that whilst the proposal will be highly visible in views from the locally listed Hove Park that the built form would generally sit within the existing tree canopy and that it would not result in harm in heritage terms to the park.
- 8.129. In respect of the impact on Hove Park, whilst the Heritage Team did not identify any specific harm it was acknowledged that the proposal would 'substantially change views southwards and would make these views much more visibly urban in place of the Park's existing suburban setting, the development would though just about sit within the maximum height of the tree canopy in these views and would provide a counterpoint to the shallow bowl of the park at its southern end.'

- 8.130. Notwithstanding the consultee response from the Heritage Team, the reason for refusal on the previous scheme set out more generally that there was harm to 'designated and non-designated heritage assets'. It is understood that Members considered that this 'heritage harm' also included an impact on the locally listed Hove Park which would experience significant changes in views out towards the application site.
- 8.131. A long distance view from Three Cornered Copse from within the Woodland Drive conservation area, shows that the development would be similar to the existing large scale 20th century development that breaks the skyline in an undulating manner and would not detract from the foreground of the copse and as such the Heritage Team are satisfied that there would be no harm to the setting of the Woodland Drive Conservation Area.
- 8.132. The Heritage Team set out that the identified harm to the settings of the designated heritage assets referred to above would be demonstrable but would be less than substantial in each case under the terms of the NPPF. It must nevertheless be given great weight in the decision-making process, as the legislation and paragraph 193 of the NPPF both require. The Heritage Team conclude that there are no heritage benefits to the proposed development that may be weighed against that harm.
- 8.133. It is noted that the Conservation Advisory Group (CAG) has also objected to the scheme, outlining concerns about the impact on views from the Hove Station Conservation Area, the Dubarry Building and from Hove Park.
- 8.134. The applicant's Heritage Statement has considered each of the heritage assets affected and the contribution that setting makes to their significance. It is concluded that overall the proposed development will result in change within the setting of the assets but overall that their significance will be sustained.
- 8.135. In addition to the Heritage Statement by Turley Heritage the applicant has submitted a further Heritage Review of the scheme by Chris Miele, Montagu Evans LLP. This review is in agreement with the applicant's original Heritage Statement and sets out that in the respect of all of the impacted heritage assets that their significance would not be harmed and thus would meet the tests in the relevant paragraphs of the NPPF and would not conflict with section 66 the Listed Buildings and Conservation Area Act 1990.
- 8.136. The Heritage Team has considered the Heritage Review by Chris Miele and overall has concluded that it does not alter the harm that they have identified.

- 8.137. Whilst it is disappointing that the applicant has not attempted to address the identified heritage harm set out in the first reason for refusal of application BH2018/03697 it is also recognised that the southern part of the application site, adjacent to the railway has less constraints in respect of residential amenity and localised streetscene impacts than the north of the site and this has to be considered with a view to maximising the potential capacity of the site. Given the proposed high density of the scheme it is not considered that additional height or massing could easily be accommodated to the north and west of the site without introducing negative impacts on amenity and also design, including potentially increased impact on Hove Park.
- 8.138. It is acknowledged that to solely reduce the heights significantly to blocks C, E and F to mitigate the heritage concerns on Hove Station and the Conservation Area would further reduce the viability and deliverability of the scheme.
- 8.139. The Heritage harm which has been assessed as 'less than substantial' has to be weighed against the public benefits of the scheme in line with Paragraph 196 of the NPPF.
- 8.140. In this instance there are considerable public benefits associated with the redevelopment of key brownfield site which would deliver a significant level of residential accommodation for a number of different user groups and significant amount of employment, commercial and community floorspace. This weighs strongly in favour of the scheme.
- 8.141. To conclude, it is considered that the proposal does result in clear harm to the setting of the Grade II Listed Hove Station, the Hove Station Conservation Area and the locally listed Dubarry Building, contrary to saved policies HE3, HE6 and HE10 of the B&H Local Plan. Members concerns on the setting of the locally listed Hove Park are also noted. The heritage harm that has been identified above weighs against the scheme. Whilst the proposed scheme does not result in any specific heritage benefits the redevelopment of the site does bring wider public benefits and when taking a holistic assessment of the overall scheme and the heritage harm, which is assessed as 'less than substantial' in the terms set out in the NPPF, the harm is not considered so significant as to warrant the refusal of the application.

Landscaping / public realm

- 8.142. 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

8.143. The general layout of the site and public realm was progressed through the pre-application process and the overall approach is generally supported. There is a clear separation of the more public elements of the scheme, including the main boulevard and the square to the south west with the more private spaces to the far south of the site. Whilst the height and siting of the built form will impact upon the sunlight penetration into much of the public areas, 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. Increasing separation distances between buildings to improve sunlighting can also result in less defined spaces, which bleed into each other and as such it is not necessarily the most appropriate design solution to create high quality public spaces.

8.144. Earlier schemes at pre-application stage included either underground or undercroft parking to the south of the site allowing a greater amount of amenity space rather than the surface car parking in the application scheme. The level of surface parking over more useable amenity space is disappointing and is discussed later in the amenity section of the report.

8.145. The applicant has set out that the complexity and cost of providing hidden parking throughout was such that it was not possible to undertake whilst achieving a viable scheme. Whilst the level of surface parking provided is regrettable and has had an impact upon the quality of the spaces between the buildings, the landscaping, in the form of trees and planters is such that the parking provision is not overly dominant and with the deliverability of the scheme a significant consideration the overall approach is considered acceptable.

- 8.146. The proposed pedestrian access to the site to the south, adjacent to the railway bridge is considered to be successful in enlivening this section of the Sackville frontage and creating a sense of arrival to the site. The landscaped steps are leading up to the main square provide both a functional and attractive entrance to the site. The delivery of a public square is in accordance with the council's future aspirations of the site as set out in policy SSA4 of the draft City Plan Part 2 and this is welcomed.
- 8.147. Whilst ideally the layout of the site would have included a greater level of public and private amenity space, the proposed high quality palette of materials and the significant number of trees and planting proposed are considered to provide a good quality public realm throughout the site.

Artistic Component

- 8.148. 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.
- 8.149. 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 £450,000. 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.
- 8.150. It is recommended that an overall Artistic Component Strategy is sought allowing phased delivery of the artistic component elements where required which should consider consistent principles across the whole site.
- 8.151. 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 that 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 proposed plans.

8.152. The applicant has indicated a keen willingness to involve ward councillors, schools and the wider local community in the process of developing an artistic uplift to the site and this is welcomed. It is considered that an Artistic Component Strategy has the potential to offer significant design and public realm benefits that can increase the distinctiveness of the scheme help and ground the development within the local community.

Open Space and amenity / sports provision

- 8.153. 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.
- 8.154. 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.
- 8.155. 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.
- 8.156. 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. So a certain degree of informal activity is envisaged in them and it should be of the size and scale to accommodate that activity. The combined Hub Sun Lawn and Moda Works Hub and the Mounded Sunbathing and Play Lawn appear to satisfy that. The main external amenity area in the care community is also considered to satisfy the requirements. These areas outlined above provide a total of 2680sqm and these have been discounted from the overall open space contribution.
- 8.157. The children's play areas on-site appear smaller than the minimum size 400 sqm (+ buffer) for formal provision. Whilst off site provision for older children is acceptable, there is a concern over the accessibility of off-site provision for 0-5 year olds. Whilst it recognised that the proposed play areas provided do still provide an amenity function a fully policy compliant children's play area would have been preferable. The proposed allotments provide some value to the future occupiers but again are below the 500sqm required to make a

policy compliant contribution and as such an off-site contribution for allotments and children's play has been sought.

- 8.158. It is acknowledged that there is limited space on site for significant indoor or outdoor sport provision and as such a full contribution has been sought.
- 8.159. It is welcomed that the applicant has agreed to fully meet the financial contribution of £1,742,647.68 towards enhancement of outdoor/indoor sports, parks and gardens, children's play space, allotments, amenity greenspace and semi-natural space in accordance with the requirements of policies CP7, CP16 and CP17 and the Developer Contributions Technical Guidance.

Impact on Neighbouring Amenity

- 8.160. 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.
- 8.161. There is not considered to be any significant changes to the current scheme in comparison to the previously refused scheme which would alter the impact on the amenity of neighbouring properties.
- 8.162. The main impacts will be to the properties on the western side of Sackville Road, directly opposite the site and also to the south of the site to properties sited to the northern side of Conway Street.
- 8.163. A sunlight and daylight assessment by GIA has been provided with the application which assesses the impact on neighbouring properties.
- 8.164. The Council commissioned an independent review of this assessment which was completed by the Building Research Establishment (BRE) as part of the previous planning application. In respect of the impact on neighbouring properties the BRE stated,
- 8.165. "Even numbered houses in Sackville Road would face towards the proposed development across the road. Numbers 126-138, 144 and 146 would have a moderate adverse impact on their daylight, and of these numbers 126, 130 and 134 would also have a moderate adverse impact on sunlight. Numbers 124, 140, 142, 148-156 and 162-176 would have a minor adverse impact on daylight. Loss of daylight and sunlight to other houses on Sackville Road would be within BRE guidelines.

- 8.166. For many of the houses the residual levels of daylight would not be far below the BRE recommendations. The windows are mostly fairly large, and there are similar houses elsewhere in Brighton with higher levels of obstruction.
- 8.167. Loss of daylight to nineteen windows at The Courtyard, a block of flats across the railway line to the south, would be outside the BRE guidelines. This is assessed as a minor adverse impact, in most cases the daylight levels with the new development in place would be only just below the recommended value. Loss of sunlight would not be an issue for these windows as they face north.
- 8.168. There are no other dwellings that could be significantly affected.”
- 8.169. As set out above the BRE review indicates that the proposed development will result in harm to the amenity of a number of properties on the western side of Sackville Road in respect of a loss of daylight and sunlight. Of these properties there are 9 specifically which would have a moderate adverse loss of daylight and a further 16 with a minor adverse impact. Three properties would have a moderate adverse loss of sunlight.
- 8.170. Whilst the loss of daylight and sunlight for the affected properties on Sackville Road is regrettable, it is acknowledged these properties currently have very limited impediments to light, with low rise buildings to the east across the highway. They generally also have large windows and also benefit from rooms to the rear with outlook onto gardens to the west. Whilst the loss of light will be clearly noticeable for some properties the overall daylight and sunlight provision would still be considered reasonable for an urban location and overall the harm is not considered so significant as to warrant the refusal of the application.
- 8.171. The Courtyard is a purpose built block of flats to the south of the railway line. The majority of the flats in the building have aspects to the south with communal corridors running to the north of the buildings. Loss of daylight to the Courtyard would be relatively minimal and the application is considered to be acceptable in this regard.
- 8.172. There would be a degree of overlooking from the proposed residential units fronting Sackville Road towards the properties on the western side of the road, opposite the site. There would though be sufficient separation from the development and these properties across a busy public road and it is not considered that the proposal would result in any significant loss of privacy to the neighbouring occupiers. Similarly, whilst there would be views afforded from Blocks D, E and F towards properties to the south of the site, the separation distances involved, which also includes the railway line is such

that again, any loss of privacy to neighbouring occupiers would not be considered significant and the application is acceptable in this regard.

- 8.173. The separation distances between the development and neighbouring residential properties, both to the west over Sackville Road or across the railway line to the south in conjunction with the spacing between the taller blocks is such that the proposal is not considered to result in a detrimental enclosing or overbearing impact or result in a loss of outlook to neighbouring occupiers.
- 8.174. All other residential properties south of the railway and those to the north on Old Shoreham Road are considered to be sited sufficient distance away for there to be any significant loss of amenity as a result of the proposed development.
- 8.175. Noise and disturbance from the proposed development, be it from future occupiers or transport related impacts can be controlled via either a Servicing and Delivery 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.
- 8.176. 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).
- 8.177. Impacts in respect of the loss of daylight and sunlight to the neighbouring commercial occupiers to the northern and eastern boundaries of the site have not been assessed by the applicant. Due to the height and siting of the built form adjacent to these boundaries there will be some degree of impact in respect or loss of sunlight, daylight and outlook and in some cases a somewhat overbearing 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.
- 8.178. It is noted that concerns were raised by adjoining commercial operators on application BH2018/03697 that the siting of residential development in close proximity to commercial uses could result in noise complaints which could threaten the ongoing viability of their businesses. It is considered that a condition for further acoustic testing will identify which parts of the proposed development will require upgraded sound insulation and as such this approach is considered to provide mitigation in respect of this concern.
- 8.179. Notwithstanding the above, consideration must be given to the councils future aspirations for the site, which includes a significant amount of

residential development. 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

Built to rent

- 8.180. 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.
- 8.181. The proposed units have been designed to accord with the Nationally Described Space Standards other than the standard one bedroom units which average 45.6sqm rather than the 50sqm set out in the standards. The applicant submission sets out that these units have been designed to be open plan, without a central hallway and set out that these units would have a larger habitable space than a standard 52sqm one bedroom unit. The proposed layout inevitably has led to some compromises, for example the bathroom is only assessed from the bedroom which places some limits on the usability of the units. Overall this approach is not considered to detract significantly from the quality of these units and the accommodation throughout the BTR scheme provides acceptable standards in respect of size, layout and circulation space.
- 8.182. The originally submitted daylight and sunlight reports for this element of the scheme sets out that there are good levels of daylight and sunlight throughout. This includes 95% of the scheme achieving the required Annual Daylight Factor (ADF). The built form is generally orientated from north to south which minimises the number of north facing units with the taller elements of the scheme especially are largely uninterrupted from the impacts of adjoining buildings. The information in respect of the original scheme has been reviewed by the BRE who are satisfied that the modelling is robust and that the scheme would provide good levels of daylighting for a high density scheme of this type and also reasonable levels of sunlight throughout.
- 8.183. In respect of the current scheme the BRE set out due to revisions to the internal housing mix and layout that whilst the daylighting and sunlighting was likely to be similar (to the original scheme) there could be some variation and suggested that new information was to be provided for the lower floors of the current scheme. This information was submitted during the life of the application and the LPA is satisfied that this shows that the daylight and

sunlight to be comparable to the originally submitted scheme and as such the proposal is acceptable in this regard.

- 8.184. Some concerns were raised with the original application in respect of compliance with Local Plan Policy HO5 which requires private useable amenity space in new residential development where appropriate to the scale and character of the development.
- 8.185. The relatively low level of private amenity formed part of the second reason for refusal on application BH2018/03697.
- 8.186. The revised plans show a marginal increase in the proportion of new BTR homes with private balconies or defensible private space at ground floor or podium level (from 32.4% to 33.7%) compared to the previously refused scheme.
- 8.187. It is acknowledged that the amenity offer also includes a number of private communal roof terraces and other semi-private communal amenity areas and more public amenity areas within the site that do add to the overall amenity offer. These include the Hub building which has been revised in the current application to provide a more useable and sheltered shared amenity area for residents of the site.
- 8.188. Whilst the larger terraces do provide a welcome communal amenity benefit they do provide a different offer than is provided by a more private balcony, terrace or defensible space which can bring a greater sense ownership to a home within a high density scheme.
- 8.189. Although it is recognised that the community offer is key within the BTR model it is not considered that private and communal amenity offers should be mutually exclusive.
- 8.190. In addition, it is considered that the high level of surface car parking has been at the expense of usable external amenity areas for future occupiers.
- 8.191. Overall, considering the scale and density of the scheme the level of private amenity space provision in its totality (including balconies, communal roof terraces and semi-private amenity areas) is somewhat disappointing and whilst the need to maximise the potential of the site is acknowledged this does weigh against the scheme to a degree.
- 8.192. There will be a significant level of mutual overlooking between the windows and balconies of the respective blocks and the external communal areas. 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 to be acceptable in this regard. Whilst there are a number of ground floor units and units adjacent to raised terraces / amenity areas that have the potential to be compromised in respect of privacy and noise disturbance there is sufficient space for acceptable boundary treatments and or screening to ensure an acceptable standard of amenity will be provided for and this will be secured via the landscaping condition.

Care Community

- 8.193. This element of the scheme as revised is made up of 260 units set around an inner courtyard opening onto Sackville Road and containing the entrance to the scheme and a larger amenity space enclosed on three sides. The units all exceed the nationally described minimum space standards and are considered acceptable in respect of size and circulation space.
- 8.194. The residents of the care community are also afforded a number of communal facilities which adds to the overall offer and weighs in favour of the scheme.
- 8.195. The applicant submitted a daylight and sunlight report with the original scheme which was assessed by the BRE.
- 8.196. The submitted assessment set out that, extrapolated out across the scheme 84% of the rooms (and an estimate of 80-85% of the living areas) would meet the British Standard target with the rooms failing the target situated on the lower floors (0-3 inclusive). The BRE considered that this was a poor standard of daylighting, especially considering the scheme is for older people who are likely to be spending more time indoors than occupiers of regular housing.
- 8.197. In respect of sunlight provision the relatively high number of single aspect north facing units impacted on the 'overall compliance' rate for Annual Probable Sunlight Hours (APSH) which for the entire scheme stands at 51%. This was not considered a particularly good level of sunlight provision considering the limited existing constraints of the site.
- 8.198. The poor level of daylighting in the care community formed part of the second reason for refusal in application BH2018/03697 and is an area that the applicant has looked to address in the current application.
- 8.199. In the current revised scheme there have been some revisions to the massing of the taller tower elements of the scheme, revisions to internal layouts to remove separate kitchens to create open plan living areas (with

kitchen / diners) and also alterations to the siting of balconies and extent of the fenestration.

- 8.200. The applicant's Daylight and Sunlight assessment sets out that 99% (733 out of 742) of the habitable rooms within the scheme will see levels of ADF that either meet or exceed the BRE recommendations.
- 8.201. The BRE have assessed the care community element of the scheme and agree that the applicant's methodology and results are robust. They conclude that, 'overall, this represents a good level of daylight provision, much better than for the previous design for the building.'
- 8.202. Overall there have been significant improvements to the daylighting to the care community which would result in a good level for a scheme on this type and as such it is considered that the applicant has fully addressed the previous concerns in this regard.
- 8.203. Out of the 260 living rooms analysed, 204 (78.5%) would meet both the annual and winter sunlight recommendations. Another three would meet the annual recommendation but not the winter one, and four would meet the winter recommendation but not the annual one. 49 living rooms, 18.8% of the total, would not meet either recommendation. These mostly face north towards Old Shoreham Road.
- 8.204. The BRE commented that 'this represents a reasonable level of sunlight provision overall in a large flatted development.'
- 8.205. The main external amenity will inevitably be overshadowed to some degree due to the height of proposed built form, though from spring to autumn it is considered to have reasonable levels of sunlight. The proposed woodland amenity area to the northern boundary of the site, whilst providing a useful buffer with the development to the north will be shaded for most of the year and is considered to have limited amenity value.
- 8.206. 138 of the care community apartments (51%) have private balconies or defensible spaces on roof terraces, which again represents a very small increase on the 136 in the previously refused scheme.
- 8.207. Whilst the level of private amenity space is mitigated to some extent by the provision of the main central external amenity area and three further raised terraces these communal areas cannot fully compensate for the lack of private balconies / spaces to some of the units.
- 8.208. It is noted that the ground floor units on the west and south facing elevations of the scheme are single aspect with frontages onto Sackville Road and the

entrance to the site. This is not ideal in respect of privacy and noise / disturbance and landscaping / screening will have to be carefully considered to ensure acceptable living conditions for future occupiers.

- 8.209. Similar to the certain elements of the BTR development there will be a level of mutual overlooking and loss of privacy between some of the units. It has been noted that some of the internal layouts of the units have been designed to provide some mitigation in reducing direct views. Further details will be required to be provided via the landscaping condition to ensure that there is adequate screening built into amenity spaces (including the raised terraces) to ensure that there is sufficient privacy afforded to future occupiers.
- 8.210. Overall, when considering the standard of accommodation of the scheme as a whole the concerns in respect of daylighting to the care community have fallen away and there are significant improvements in both daylight and sunlight for this element of the scheme which has raised the quality of the standard of accommodation.
- 8.211. Notwithstanding the above, in attempting to maximise the quantum of development on the site this has resulted in some deficiencies in the amenity for future occupiers. This includes a high quantum of single aspect units throughout and a relatively low proportion of private amenity space.
- 8.212. Whilst there have been marginal improvements to the level of private amenity space the Planning Policy Team set out that, 'concerns over the low level of private amenity space provision remain.'
- 8.213. Whilst the deficiencies in the provision of private amenity space is noted it is acknowledged that the built to rent and care community models both put a significant onus on the wider communal benefits which include communal internal and external amenity areas of both a private and a semi private nature in addition to the more public amenity areas of the wider site.
- 8.214. Overall, in the context of the wider public benefits and the need to provide a deliverable scheme the under provision of private amenity space on its own is not so significant as to warrant the refusal of the application and the application is considered acceptable in this regard.

Noise Impacts for future occupiers

- 8.215. The site is surrounded with a number of potential noise sources. This includes busy highways to the west and north (Sackville Road and Old Shoreham Road), the railway line to the south and the commercial / industrial units which abut the site to the north and to the east.

- 8.216. 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.
- 8.217. A Noise and Vibration Assessment (dated 28/11/18) by Vanguardia was submitted with the previous application and resubmitted with the current application. 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.
- 8.218. A condition is recommended requiring further noise assessment of the revised scheme and then a later assessment taking into account the potential noise sources within the development along with necessary mitigation to ensure acceptable noise conditions for future occupiers.
- 8.219. 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.
- 8.220. Further conditions are required in respect of deliveries / servicing, hours of use for specific commercial operations, soundproofing and noise and odour measures for plant.
- 8.221. 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:

- 8.222. 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.
- 8.223. The third reason for refusal on the previous scheme, BH2018/03697 related to the proposed housing mix which was considered to be too heavily weighted towards studio provision and smaller units.
- 8.224. The previous scheme was for 581 residential units and 10 live/work units and had the following housing mix;
- 114 x studio (19%)
 - 203 x one bed (34%)
 - 241 x two bed (41%)
 - 33 x three bed (6%)

- 8.225. The applicant had set out that the nature of BTR schemes and flatted developments in general are such that a mix more in favour of smaller units is required.
- 8.226. Policy CP19 does not set specific requirements for housing mix, but expects 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 of the refused scheme was strongly focused towards smaller units with limited numbers of 3 or more bedroom units.
- 8.227. In the assessment of BH2018/03697 it was noted that studios lack the flexibility of one bed units which can be used by a couple and overall the proposed level of studio provision was considered disappointing and there was conflict with Policies CP19 and SA6 which encourage developments to provide a housing mix that will help create mixed and sustainable communities.
- 8.228. The applicant has sought to address the reason for refusal in respect of housing mix in the current scheme which is made up of 564 residential units containing the following;
- 52 x studio (9%)
 - 202 x one bed (36%)
 - 268 x two bed (48%)
 - 42 x three bed (7%)
- 8.229. The current revised scheme is a significant improvement on the previously refused application with the amount of studios reduced by over half. Furthermore, significantly over half (55%) of the units now proposed are either two or more bedroom units.
- 8.230. The Planning Policy Team has set out that the significant reduction in the number of studio units and the increase in the proportion of two bedroom units represents a better housing mix and responds well to previous comments that the council would wish to see, as a minimum, a much better balance between the studio/one and two bedroom units. Although the number of three bedroom flats remains low compared to the demographic analysis of demand/need set out in para. 4.213 of the supporting text to City Plan Policy CP19, it is noted that the applicant considers that the proposed unit size mix reflects the nature of the Build to Rent market.

- 8.231. Notwithstanding that the current proposal still contains a limited number of larger three or more bedroom units, it is acknowledged that the location of the site, close to transport hubs, and the nature of flatted developments do not lend itself as well to larger, family sized units. It is further noted that the addition of the care community does broaden the types of occupiers that the overall development would support.
- 8.232. Overall the Policy Team conclude, 'the changes to the housing mix are considered to be a satisfactory response to previous concerns and no objection is now raised on this issue.'
- 8.233. Within the care community the housing mix is as follows is made up of 223 two bedroom units and 37 one bed units. The proposed mix is predominantly for two bedroom units and the applicant has set out that they are expecting approximately 1.5 occupants per residential unit. The additional bedroom allows for a future occupier with care needs living with a spouse the flexibility to have separate bedrooms if care needs were such that this was required or otherwise would allow for a guest bedroom so family and friends were able to visit.
- 8.234. Overall, the housing mix has improved significantly in comparison to the refused application and it is now considered that the proposal delivers a satisfactory housing mix in accordance with policy CP19.

Sustainable Transport:

- 8.235. 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.
- 8.236. It is noted that there have been objections from local residents raising concerns over increased parking pressures in the vicinity, localised traffic congestion and highway safety concerns and all of these issues have been thoroughly assessed by the Local Highway Authority.
- 8.237. 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.
- 8.238. The current scheme follows a very similar approach to application BH2018/03697. The general approach to application BH2018/03697 is set out below.

- 8.239. In accordance with the aims of DA6 the site layout has been designed to enable future links to Newtown Road should development on the eastern boundary of the site come forward in the future.
- 8.240. The existing vehicular access to the trading estate, off Sackville Road has been retained whilst a further pedestrian access has been added to the southern end of the site, adjacent to the railway bridge. The gradient of the site is such that this access is formed of a wide landscaped set of steps. It is not feasible to provide a ramped access due to the land level changes and as such a lift is proposed that is large enough to accommodate cyclists, children's buggies and any disabled or less mobile persons. This will be operational on a 24 hour basis and will be secured for use by all in perpetuity within the s106 agreement.
- 8.241. In respect of the originally submitted application the Highways Team raised a number of queries during the application process. These included;
- Further clarification required on trip generation, distribution and modelling,
 - The potential for parking overspill from the development and the impact of this on surrounding areas,
 - The layout of the new streets and spaces within the site. Particular concerns have included how to accommodate the needs of all users given the predominantly shared space proposals, and suitable arrangements for parking and deliveries/servicing,
 - The quantity and quality of cycle parking provision,
 - The compliance of the proposed care community component with SPD14 maximum car parking standards.
- 8.242. Further information was submitted by the applicant during the life of the original application and subject to relevant conditions and obligations the Highways Team were satisfied that the proposed development was acceptable in respect of highways impacts and transport policy requirements.
- 8.243. In highways terms the proposed scheme is very similar to application BH2018/03697. The key difference in the current application is an increase in B1 office floorspace, the omission of the live/work units and a reduction in the overall numbers of residential units. The submitted Transport Assessment sets out that these alterations will result in a marginal increase in vehicular trips to and from the site of 25 per day.
- 8.244. The Sustainable Transport Team are satisfied with the information submitted in respect of the trip generation, distribution and modelling. Whilst the existing trading estate is only partially in operation it is acknowledged that the site could be lawfully, fully occupied at any point in the future and as such the applicant's approach of comparing the proposed scheme against a fully

occupied trading estate is accepted. A comparison between the proposed scheme and the existing, under occupied site has also been carried out by the applicant for information.

- 8.245. Overall, the current application is considered to result in a relatively minor increase in the number of vehicular trips when compared to both the previous application and also to a hypothetical fully occupied site. There would be a significant increase though in trips by sustainable modes (pedestrians / cyclists / public transport) in comparison to existing.
- 8.246. The likely impact of the development on various local road junctions has been modelled within the TA with the latest additional trips not making a significant impact. This includes the existing site access junction (with proposed changes) and the junction of Neville Road/Old Shoreham Road/Sackville Road, amongst others. Some of these are already over saturated and experience significant queues. This remains true whether or not the existing site is assumed to be partly or fully occupied. The addition of the proposed development traffic in the current scheme is not forecast to exacerbate this to any significant level (again, whether or not the existing site is considered as partly or fully occupied). As such the proposal would not result in an unacceptable impact on highway safety, or a severe impact on the road network as set out in the terms of NPPF.
- 8.247. The uplift in trips (for sustainable modes) results in a sustainable transport contribution of £637,000. This has been reduced to £477,000 to allow the difference to be used to fund highway improvements that can be undertaken by the developer alongside their site junction works on Sackville Road. The remaining sustainable transport contribution may be allocated to one or more of a range of schemes to enhance sustainable movement associated with the site, including:
- Introducing advanced signals and 'early starts' for cyclists to the Neville Rd/Old Shoreham Rd/Sackville Rd junction,
 - Public realm enhancements to the local centre around the above, including repaving and decluttering works,
 - Improving the signalised junctions south of the development by introducing intelligent signal control equipment to improve journey times for sustainable modes,
 - Improvements to pedestrian access and amenity en-route to Hove Station along Clarendon Rd,
 - Improvements for pedestrians and cyclists to local schools and centres,
 - Introducing BTN Bike Share Hubs and cycle parking hangars to other local streets in the vicinity of the development,
 - A lighting and appearance scheme for the railway bridge over Sackville Rd.

- 8.248. The Sustainable Transport Team originally outlined a number of concerns relating to the access to the site from Sackville Road for pedestrians and cyclists. Amongst other things, bus stops are not close enough and a crossing is required to make getting to/from these safe and convenient, along with associated accessibility improvements to footways. The existing road layout is unsuitable for the significantly increased number of cyclists who will be accessing the site. This can be addressed by a highway improvement scheme for Sackville Road, which is to be secured as a s106 obligation.
- 8.249. Whilst the roads within the site are not proposed to be adopted it is important that the public realm is a safe place for all types of users. Some concerns have been raised as to how the proposed shared surfaces would operate and whether they would be safe for all users. Whilst some revisions were made to the internal site layouts during the assessment of the previous application to address these concerns the Sustainable Transport Team have set out that further alterations are required in a number of areas and these will be secured via a street design condition.
- 8.250. 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, along with two on-site car club bays and Bike share hubs. Further car club bays are proposed in the surrounding streets.
- 8.251. The following parking provision, totalling 289 spaces is proposed on the site as set out in the text within the TA. The overall number of spaces is unchanged. The only difference is an additional 7 spaces for the office (taken from the C3 allocation) representing the increased office floorspace on site.
- C2 retirement village: 74 spaces (staff and visitor)
 - A1/A3/D1 uses: 13 spaces (including 3 dual use loading area)
 - B1 Office: 52 spaces (staff and visitors)
 - C3 residential: 150 spaces (resident and visitor)
 - Car Club: 2 spaces
- 8.252. The Transport Team have noted that not all of the parking demand profiles for all of the proposed uses is matched with appropriate on-site parking provision. The application site sits within Controlled Parking Zone R. Parking surveys indicate that neighbouring streets, including those within Zone R of the CPZ are, as existing above over-stressed during the night time, whilst streets to the north around Orchard Street are also over-stressed during the day time as well.
- 8.253. The Transport Team have set out that without mitigation there is the potential for overspill parking of 102-112 vehicles from a variety of different uses on surrounding streets. Whilst it is noted that much of the overspill would be

concentrated on different times of the day depending on the use, reducing the impact, it is still considered that a number of mitigation measures are required to ensure that there would not be unacceptable levels of overspill parking from the scheme and these are discussed below.

- 8.254. It is proposed that the entitlement for parking permits is removed from all of the future occupiers within the care community and the BTR residences to control overspill parking and in addition visitor parking permit entitlement removed from the care community as sufficient visitor parking is provided on-site.
- 8.255. Existing residential occupiers within the controlled parking zones close to the site are permitted between 50 and 100 visitor permits each year (depending on the zone). As there is some visitor parking proposed in the current scheme on site for the BTR units it is considered that this entitlement should be reduced significantly to only 25 visitor permits per dwelling (rather than either 50 or 100 per resident) but it is not considered that it would be justified to remove visitor parking entitlement completely.
- 8.256. Further mitigation measures are the use of car club bays, two on neighbouring streets and two within the site.
- 8.257. Despite the mitigation set out above the Sustainable Transport Team consider that there would still be an unacceptable level of overspill to the Artist's Corner area which is already significantly overstressed in the late evening / overnight without further measures. As such, the Sustainable Transport Team is recommending a condition whereby minimum and maximum motor vehicle parking spaces are set on site, including the allocation of a number of on-site visitor parking spaces for the BTR residential development. Subject to compliance with this condition it is considered that the proposed scheme would be able to provide sufficient parking provision for a range of different uses throughout the day to ensure that there would be no harmful overspill parking within neighbouring streets and the application is acceptable in this regard.
- 8.258. Disabled parking provision is in accordance with the standards set out in SPD14.
- 8.259. Cycle parking provision has been provided for residents in stores either at ground floor level or basement level with further visitor cycle parking provision within the public realm. Additional provision for the increased office use has been provided for.

- 8.260. Concerns were raised during the previous application by the Sustainable Transport Team in respect of the quantum and quality of this provision. Discussions between the applicant and the Council have resulted in significant improvements to the cycle parking provision now the stores contain predominantly Sheffield stands with an upper tier system of racks above. Provision has also been made for oversized and adapted bikes and increases in rack spacing and aisle widths in the stores has improved the accessibility and convenience of the offer in line with the aims of Policy TR14. Whilst it is noted that the low height of the upper tier of the racks will make them somewhat awkward to use for some users overall the changes are welcomed as significant improvements on the original proposal. Notwithstanding the above, the improvements in quality have come at the expense of the overall quantity of cycle parking provision which has now dropped below the minimum standard set out in SPD14. Whilst this is disappointing, the Transport Team have outlined that overall the quantity and quality of the cycle parking provision is considered to be acceptable.
- 8.261. A delivery hub is proposed within the site to coordinate deliveries and this is welcomed. The exact details of this and other servicing arrangement will be secured within a Delivery and Service Management Plan.
- 8.262. A Demolition and Environment Management Plan (DEMP) and a Construction and Environmental Management Plan (CEMP) will be required as part of the Section 106 obligations to ensure the demolition and construction of the scheme does not result in any adverse environmental health or transport impacts.
- 8.263. In summary, the highways impacts associated with the current proposal have not altered significantly from the previous application and are considered acceptable. Assessing the scheme as a whole the transport / highway impacts of the application are considered to be in accordance with the development plan and in compliance with the terms of the NPPF.

Sustainability:

- 8.264. 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.
- 8.265. Relevant local priorities in policy DA6 include;
- 8.266. 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.

- 8.267. 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.
- 8.268. Whilst the One Planning Living approach to the development is welcomed the Sustainability Team are disappointed that green roofs and walls are not included in the scheme as these can help mitigate against the heat island effect, moderate internal temperatures as well as improve biodiversity.
- 8.269. The extensive soft landscaping, which includes a 250 trees and allotments to the north west of the site are welcomed, improving the sustainability and biodiversity credentials of the scheme.
- 8.270. Photovoltaic panels are proposed for a number of the flat roofs. The exact quantum and siting will be secured via a proposed condition.
- 8.271. 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.
- 8.272. 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.
- 8.273. Overall, subject to compliance with the suggested conditions the proposal is considered to have an acceptable impact in respect of sustainability.

Ecology

- 8.274. There are no sites designated for their nature conservation interest that are likely to be impacted by the proposed development.
- 8.275. The site is currently predominantly covered in buildings and hardstanding and is of relatively low biodiversity value. The proposed scheme includes a significant amount of soft landscaped areas, circa 250 trees and as such will result in an uplift in respect of biodiversity.
- 8.276. An ecology plan has been submitted which includes details on bird and bat boxes. Further details of these are required by the County Ecologist and as

such this will be conditioned. It is suggested that bird boxes, swift bricks, bat boxes and also bee bricks / bug boxes are provided throughout the scheme.

- 8.277. Further nature enhancements to the scheme will be secured via an Ecological Design Strategy condition and overall subject to compliance with these conditions the proposal is considered to be in accordance with development plan policies in respect of ecology.

Arboriculture:

- 8.278. The existing development site is predominantly made up of hard surfacing and this has left little room for planting. The most prominent is upon the western boundary including a large area of hedging and trees above a high retaining wall, an important line of street trees, and some rowan trees to the north-west boundary. The two most prominent trees along this section, a London Plane near the entrance and an ash, further to the south are to be retained and this is to be welcomed.
- 8.279. Within the site itself there are 25 trees to be removed, none of these are worthy of a tree protection order. A landscape public realm general arrangement plan has been supplied with the application which includes over 250 trees to be planted at ground level, in addition to other planting at ground and at various altitudes, including roof levels.
- 8.280. Two council street trees have been proposed for removal within Sackville Road to enable the development, opposite Prinsep Road. One is a small dead elm sapling T30 and the other is a London Plane T31. The arboriculture team are satisfied with the removal of these two poor specimens subject to the planting of replacement street trees within hard surfaces close to the site or within the ward if this is not possible.
- 8.281. The Arboriculture Team are satisfied that the current scheme has not altered significantly in respect of tree issues and their previous comments are still valid.
- 8.282. The Arboriculture Team assessed the original application and whilst they welcomed the much improved potential tree cover on the site over the existing situation there was a concern that a large number of trees will find it difficult to establish and thrive due to sunlight deprivation for long periods of the day caused by the proposed high-sided buildings. It was set out initially that the most problematic areas were on the eastern and northern boundaries of the site where trees will be shaded for large periods of time during the year and directly to the north of blocks D, E and F.

- 8.283. Whilst revisions to the original scheme provided increased variation in the height of the buildings and reduces the total shading throughout the site the 'Sun Hours on Ground Report' submitted with the revised drawings still sets out that 55 individual trees are sited in locations which receive less than 2 hours direct sunlight during the day on 21 March.
- 8.284. The Arboriculture Team have recommended further information is required by condition outlining specific trees species and planting specifications to ensure those trees in the most shaded areas are able to survive given the harsh conditions. Whilst the number of trees in shaded locations is disappointing it is acknowledged that in order to achieve sufficient development density to provide a viable scheme that this will inevitably involve taller buildings and thus impacts in respect of shading.
- 8.285. Overall, notwithstanding the reservations in respect of the shading which will impact a significant number of trees it is considered that the overall site condition in respect of trees cover would be improved significantly and subject to satisfactory conditions to ensure the trees become well established the application is considered to be acceptable in respect of arboriculture.

Contaminated Land

- 8.286. The east and south sides of the site has some history of contaminative use and this is referenced in the land contamination report by RSK dated 4/8/17 submitted with the application. This report forms a desk-top study and further work is required when the cover is removed during the demolition enabling further sampling and surveys would be 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.

Health Impact Assessment

- 8.287. A Health Impact Assessment has been submitted as required by City Plan Policy CP18 for strategic scale developments. The HIA has used a recognised methodology and as such the different dimensions expected to be assessed have been included. Based on the evidence submitted, it is noted that there are potential beneficial effects with regards to active travel including cycling facilities for residents and visitors, intergenerational connections and interactions, and opportunities for social cohesion, opportunities for food growing and the employment opportunities the proposed development may create. Overall it is considered the application scheme adequately addresses policy CP18.

Sustainable Urban Drainage / Flood Risk

- 8.288. 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.
- 8.289. 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.
- 8.290. 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.
- 8.291. Southern Water had initially raised concerns that the proposal would be built over an existing public sewer and water main and that the proposal would increase the risk of surface water flooding. The applicant has set out that the existing sewerage system on the site will be divested and removed as part of the scheme.
- 8.292. Southern Water has 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.
- 8.293. Southern Water do not object subject to the imposition of a number of specific conditions.
- 8.294. The previous use of the proposed development site as a railway yard and 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 a source protection zone 1 and, as well as being located upon a principal aquifer.
- 8.295. The site rests upon superficial head deposits (Secondary A Aquifer) which are underlain by the Tarrant Chalk Member (Principal Aquifer). The site is located within Source Protection Zones 1 and 2 associated with the Goldstone Public Water Abstraction. This abstraction is located 640m North of the site. The Environment Agency sets out that the applicant's submission assumes that groundwater flow (within Principal Aquifer) is southerly,

however, the abstraction will have a significant influence on groundwater flow. Furthermore the EA states that 'given the unpredictable and heterogeneous secondary porosity and permeability of chalk aquifers we feel that there is an appreciable risk to the Goldstone Abstraction.'

- 8.296. 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

- 8.297. 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.
- 8.298. 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.
- 8.299. For Hove and Goldstone areas, ambient air quality is well within national limits and complies with the Air Quality Assessment Levels (AQAL) for nitrogen dioxide (NO₂) and particulate matter (PM). In recent years air quality has improved in the area.
- 8.300. The contribution of road traffic emissions to Sackville Road (north) has been considered. As residential quarters are set back from the kerb, road traffic emissions are not deemed to be significant at this location. At diffusion tube monitor West 21, NO₂ levels have been recorded at less than 40 µg/m³ (AQAL) for more than two years. Other roadside monitoring sites in the City Centre or Portslade that recently recorded exceedance of the AQAL are more than 2km from the site. Traffic travelling to and from the site is likely to disperse before it reaches these AQMAs.
- 8.301. Given the proposed size of the development with potential to introduce road traffic emissions and residential in an extant AQMA, the applicant has submitted an Air Quality Report with their planning application. Traffic

generation is relatively low given the number of residential units. The site is close to public transport links and has a number of sustainable travel initiatives.

- 8.302. The air quality report assesses air quality at the development site and potential impacts on the nearest Air Quality Management Area (AQMA) including along Sackville Road and the junction with Old Shoreham Road.
- 8.303. Based on the traffic generation figures provided, the air quality consultant predicts that the developments contribution of NO₂ along the Sackville Road part of the AQMA is negligible. Given the improvement in recent years this is likely to remain the case. It is noted that the additional vehicle movements are not significantly different from the previously proposed application which was also considered acceptable in respect of its impact on air quality.
- 8.304. The Air Quality Officer is satisfied that subject to suggested conditions in regard to boiler emissions, electric charging points for car parking and adequate flue termination / siting and a CEMP that includes measures in relation to air quality the proposal is considered to be acceptable in respect of air quality in accordance with policy SU9.

Wind Microclimate

- 8.305. The application submission includes a Wind Microclimate Study and further Supplementary Statements by BMT Group which were submitted as part of the original application. The overall height, massing and site layout of the current scheme is unchanged from the previously refused scheme and as such the assessment remains valid.
- 8.306. The wind tunnel 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.
- 8.307. 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 safety and comfort around the site.
- 8.308. The study set out that with the introduction of soft landscaping proposals and wind mitigation measures in place the safety criteria and all met and comfort levels improve considerably.
- 8.309. The council appointed an external consultant RWDI Consulting Engineers and Scientists to independently assess the applicant's Wind Microclimate

Study (and subsequent further information). It is considered that the impact of the development in terms of wind speeds has been robustly assessed. RWDI raised a number of questions in respect of the assessment which applicant adequately responded to.

- 8.310. It is noted that whilst the proposed mitigation ensures a safe development some of the outdoor amenity areas have relatively poor comfort levels for occupiers wishing to spend longer periods sitting outside. Given the importance of the outdoor amenity areas given the limited amenity space of the site a condition is required to revisit the landscaping / screening with a view of achieving higher comfort levels in some of the key areas within the site.

Archaeology

Although the proposed development is not located within an Archaeological

- 8.311. Notification Area, the site lies within an area of recognised prehistoric and Roman archaeological potential. An Archaeological Notification Area defining the site of a probable Roman villa lies just c. 60m to the north-east of the proposal site, and a Roman aisled building/villa has also been excavated to the north-west of the site.
- 8.312. The archaeological potential has been considered in detail in a comprehensive *Archaeological Desk Based Assessment* submitted as part of this application. This has concluded that the site has a high potential for the 19th century and later, a moderate potential for the prehistoric and Roman periods, and a low potential for the Anglo-Saxon, medieval and earlier post-medieval periods. The County Archaeologist concurs with this assessment and recommends and 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 to conditions requiring a programme of archaeological works in accordance with the NPPF and policy HE12.

Conclusion and planning balance

- 8.313. 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.
- 8.314. 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 must be applied.

- 8.315. 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.
- 8.316. It is acknowledged that as no significant alterations are proposed to the scale, height and massing of the scheme, in comparison to the refused application that the harm to heritage assets previously identified and which formed the first reason for refusal on the earlier scheme still remain. It is noted that great weight should be given to the protection of designated heritage assets. The heritage harm to the setting of the listed Hove Station and to the Hove Station Conservation Area, in addition to the harm to the locally listed Dubarry building and the impact identified by Members on the locally listed Hove Park, weigh against the scheme. Notwithstanding this harm, as set out earlier in the report the public benefits associated with the redevelopment of this brownfield site, including a significant delivery of housing are considered to be such that they outweigh the heritage harm identified.
- 8.317. It is acknowledged that the nature of the BTR and 'care community' models is such that the provision of communal amenity spaces for residents are a key element of these schemes. It is considered that communal amenity whilst a positive benefit should be in addition and not as a substitute for more private types of amenity space for residents and as such the deficiencies in the amount of private amenity space to be provided across the site weighs against the scheme to a degree.
- 8.318. In addition, the detrimental impact on neighbouring amenity in respect of the loss of light and sunlight for a number of properties on Sackville Road has been highlighted as another concern.
- 8.319. Whilst it is disappointing that the high density of the scheme has contributed in part to some deficiencies in the amenity for future occupiers and some harm to neighbouring residents the LPA is mindful of the need to maximise this important brownfield site and achieve a viable and deliverable scheme and these impacts must also be weighed against the positive benefits of the scheme which are set out later in the conclusion.
- 8.320. Outlining the positives of the scheme, the public benefits include the contribution of 581 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 would make a very significant contribution towards this shortfall and

this weighs strongly in favour of the scheme. Notwithstanding that the scheme has been independently assessed as being unable to viably provide affordable housing the applicant has agreed to provide for 56 affordable homes, equivalent to 10% of the total provision and this also weighs in favour of the scheme. In addition to the 581 residential units the scheme provides for 260 care community units, creating a total of 841 residences, catering for a range of different tenures, occupiers and age groups.

- 8.321. The application also provides for modern and flexible office floorspace and whilst the proposed development is not considered to be solely an 'employment focussed' scheme in line with the aspirations of policy DA6 it does contain an increase of circa 700sqm of office floorspace over the previously refused application and as such meets the Planning Policy Team's minimum expectation for employment floorspace. It is also recognised that any further increase in employment floorspace would likely have to come at the expense of residential floorspace, thus further eroding the viability of the scheme. In addition, it is noted that the modern floorspace proposed is of a significantly higher employment density and quality than existing whilst the other non-residential uses proposed will increase the overall employment offer and add variety and vitality to this mixed use scheme.
- 8.322. The redevelopment of the site will also result in the creation of active frontages along Sackville Road and within the site, improved public realm, including a public square, significant tree planting and a number of commercial and community uses all accessible to the public and this is considered a further positive benefit of the scheme.
- 8.323. The design of the scheme has evolved positively during the application and is considered to be an improvement on the previously refused scheme. Whilst some design issues still remain, 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.
- 8.324. Subject to the proposed conditions and obligations the Local Highway Authority are satisfied that the proposal will have an acceptable impact on the local road network, would support the use of sustainable modes and would not result in highway safety concerns or any significant parking stress within the surrounding area.
- 8.325. Other factors including impacts relating to ecology, sustainability, arboriculture, archaeology, landscaping, flood risk, land contamination, wind and air quality have been assessed and have been considered acceptable.

- 8.326. Overall, the proposal is considered to be marked improvement when compared with the previously refused scheme with a much improved housing mix, an increase in overall employment floorspace and potential jobs, excellent levels of daylight within the care community, some marginal improvements to the private amenity offer and improvements to the appearance and design.
- 8.327. it is considered that the public benefits of the scheme as a whole which includes the provision of a significant amount of housing are such that they outweigh the heritage harm, any shortfall in private amenity space, and the limited harm to the amenity of neighbouring occupiers.
- 8.328. 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. This includes an accessible pedestrian / cyclist lift from the southern end of Sackville Road. Wheelchair accessible housing (5%) and disabled car parking is to be incorporated throughout.

10. S106 AGREEMENT

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 viability of the scheme and subsequent level of affordable housing has been based on the scheme being Build To Rent and in the absence of any Section 106 Agreement mechanisms which covenant the housing as Build to Rent only, and which secure an element of affordable housing, the development fails to satisfactorily meet the identified housing needs in the city or provide satisfactorily mixed balanced housing scheme, contrary to policies CP7, CP19 and CP20 of the Brighton and Hove City Plan Part One.
2. 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.

3. 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.
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 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 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.
6. 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.
7. 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.
8. The proposed development fails to provide a mechanism in the legal agreement whereby a specified level of access to the identified community resource with the care community is secured or fails to provide for an acceptable eligibility criteria, or minimum care package to ensure the care community operates in accordance with a C2 use class, contrary to policy HO19 of the Brighton and Hove Local Plan and policies CP19 and CP20 of the Brighton and Hove City Plan Part One.

Cllr. Samer Bagaeen
BH2019/03548 - Sackville Trading Estate And Hove Goods Yard

17th January 2020

Stance: Customer objects to the Planning Application

Comment Reasons:

- Poor design
- Traffic or Highways

Comment: I am sending this also on behalf of Councillor Brown. There are several positive aspects to this proposal with respect to the previous one. The team from Moda has positively engaged with both of us and we have (as of 17 January 2020) the start of positive engagement with the residents of Artists Corner. We expect this positive engagement to continue until all of the concerns of the residents are addressed.

Having listened to residents in my ward, I am objecting to highlight the pollution that will ensue as an outcome of this development. The community has ideas and I hope that these will be listened to. Part of the mitigation around this is that a substantial part of the S106 monies has to be invested in this part of the ward. This is the message from the community. There are other concerns around transport & these primarily stem from the fact that council requested documents for sites that affect the ward, such as the transport safety audit and the other piece being undertaken by Atkins, have not been submitted and examined yet. Until these are seen and scrutinised by an expert, we cannot support the proposals. The community also has an issue with the number of visitor permits that officers are insisting be issued to the development. Moda has informed us that they do not need these but the officers' intransigence is proving problematic. Until all of these permits are rescinded, or the request to issue them is, we will not be able to support the application.

We are also objecting to the application on the grounds of design. Given the climate emergency declaration, and the city's net zero target for 2030, declared by the current administration, we do not feel that the development in its current form contributes to the city administration meeting its obligations. We do not believe that stipulating conditions such as the use of paper straws is effective and certainly is mere scratching at the surface.

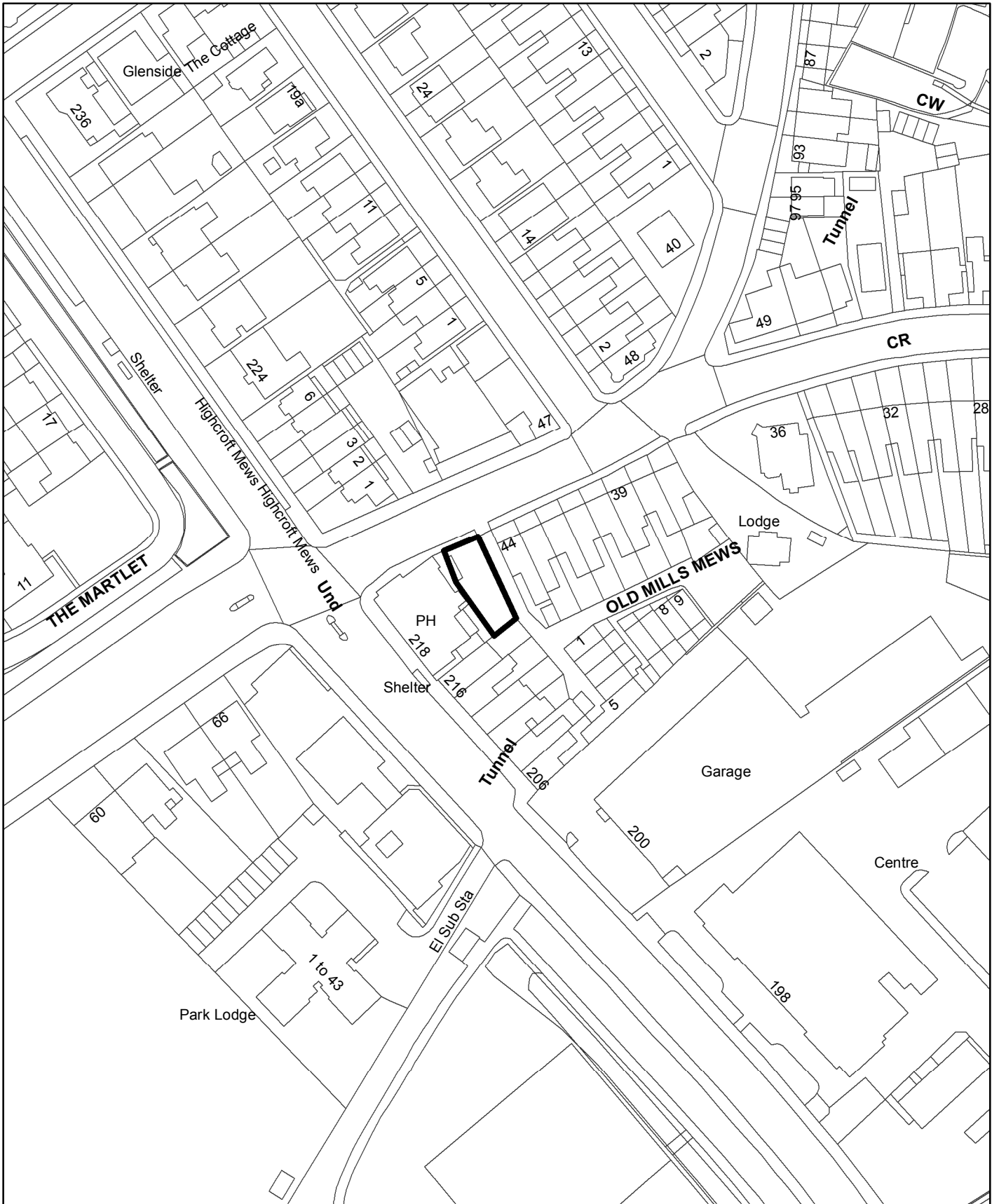
I want to speak at committee when this application is heard.

ITEM C

**218 Dyke Road
BH2019/02289
Full Planning**

DATE OF COMMITTEE: 4th March 2020

BH2019 02289 - 218 Dyke Road



N



Scale: 1:1,250

<u>No:</u>	BH2019/02289	<u>Ward:</u>	Preston Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	218 Dyke Road Brighton BN1 5AA		
<u>Proposal:</u>	Erection of 1no two storey three bedroom dwelling house (C3) on land to rear including excavation, landscaping and access via Highcroft Villas & Old Mills Mews.		
<u>Officer:</u>	Jonathan Martin, tel:	<u>Valid Date:</u>	01.08.2019
<u>Con Area:</u>		<u>Expiry Date:</u>	26.09.2019
<u>Listed Building Grade:</u>	Listed	<u>EOT:</u>	
	Building Grade II		
<u>Agent:</u>	CMK Planning 11 Aymer Road Hove BN3 4GB		
<u>Applicant:</u>	LAN Estates LTD 27 Palmeira Mansions Church Road Hove BN3 2FA		

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	TA 1151-01	F	29 January 2020
Proposed Drawing	TA1511/40	B	29 January 2020
Proposed Drawing	TA1511/41	B	29 January 2020
Proposed Drawing	TA1511/42	B	29 January 2020
Proposed Drawing	TA1511/43	B	29 January 2020
Proposed Drawing	TA1511/44	B	29 January 2020
Proposed Drawing	TA1511/45	B	29 January 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. The development hereby permitted shall not be commenced until a survey report and a method statement setting out how the existing boundary walls are to be protected, maintained, repaired and stabilised during and after demolition and construction works, and including details of any temporary support and structural strengthening or underpinning works, shall have been submitted to and approved in writing by the Local Planning Authority. The

demolition and construction works shall be carried out and completed fully in accordance with the approved method statement.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

4. No development above ground floor slab level of any part of the development hereby permitted shall take place until 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 and tiling
- b) samples of all hard surfacing materials
- c) details of the timber framed windows

Reason: To ensure the satisfactory preservation of the adjacent listed building and to comply with policy HE1 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

5. No works shall take place to the windows until full details of all new windows and their reveals and cills including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

6. No works shall take place to the roof until full details of the bargeboards, including 1:20 scale elevational drawings, have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

7. The rooflight(s) hereby approved shall have steel or cast metal frames colour-finished black or dark grey, fitted flush with the adjoining roof surface and shall not project above the plane of the roof.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

8. The new gate to the boundary wall fronting Highcroft Villas must be tongue and groove timber boarded gates with a painted finish.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

9. The development hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants of, and visitors to, the development 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 SPD14: Parking Standards.

10. Within 6 months of commencement of the development hereby permitted or prior to occupation, whichever is the sooner, a scheme shall be submitted to the Local Planning Authority for approval to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit. The approved scheme shall be implemented before occupation.
Reason: This condition is imposed in order to allow the Traffic Regulation Order to be amended in a timely manner prior to first occupation to ensure that the development does not result in overspill parking and to comply with policies TR7 & QD27 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One and SPD14: Parking Standards.
11. 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.
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. No extension, enlargement, alteration of the dwellinghouse 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, Class[es 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 including the setting of the adjacent Listed Building and for this reason would wish to control any future development to comply with policies HE6 and QD27 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

15. The proposed windows on the west elevation of the development hereby permitted shall be non-opening and thereafter permanently retained as such.
Reason: To safeguard the privacy of the occupiers of the property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
16. 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.
17. No cables, wires, aerials, pipework, 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 CP15 of the Brighton & Hove City Plan Part One.
18. 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.
19. 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.

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 Listed Building Consent is required for the creation of an opening in the wall onto Old Mill Mews.
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); 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 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. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
6. The applicant is advised that the scheme required to be submitted by Condition 10 should include the registered address of the completed development; an invitation to the Council as Highway Authority (copied to the Council's Parking Team) to amend the Traffic Regulation Order; and details of arrangements to notify potential purchasers, purchasers and occupiers that the development is car-free.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application site relates to an area of land to the north-east of 218 Dyke Road, land that was previously used as a garden for the Dyke Pub which occupied the building which is located to the south of the site.
- 2.2. 218 Dyke Road is a grade II listed building. Whilst historically used as a Public House, following the closure of the pub the property was converted to an A1 premises under permitted development. However in June of 2019 an application was approved by the Local Planning Authority for the partial change of use of the ground floor from A1 to A4. The site plan for this earlier application excluded the former garden area of the pub and as a result of this previous approval the garden area was severed from the pub.
- 2.3. This application seeks to the erection of 1no storey two storey three bedroom dwelling (C3) on land to rear including excavation, landscaping and access via Highcroft Villas & Old Mills Mews.

3. RELEVANT HISTORY

- 3.1. **PRE2018/00325** Pre-application for a proposal to convert and extend the upper parts of the premises to create two additional flats, and to erect a new dwelling to the rear.

The response summary regarding the conversion was as follows:

- The proposed new dwelling in the rear garden area of the property would not cause harm to the Listed Building and there are no in principle objections from a heritage perspective,
- However as currently proposed, it is considered that the scale of the property being built over two storeys would be an overdevelopment of the site, causing harm to the existing character of the street scene by substantially closing the gap between the rear of the former pub and the adjacent residential property at 44 Highcroft Villas, and
- In the current position within the site, a two storey property would be in too close proximity to the proposed rear windows of the extended main building, and would limit the outlook from these dwellings

- 3.2. **BH2019/02290** - Conversion of existing 2no flats at first floor level to create 2no two bedroom flats & 1no one bedroom flat incorporating part two storey & part first floor rear extensions with gable roofs, front & rear terraces and associated alterations. Approved 13.01.2020.
- 3.3. **BH2019/02273** - Internal alterations and the erection of a two storey rear extension, with associated works. Approved 13.01.2020.
- 3.4. **BH2019/01912** - Application for approval of details reserved by conditions 3, 4 and 5 of application BH2019/00914.
- 3.5. **BH2019/00915** - Interior alterations to form new cellar and refurbishment of kitchen and bar. Approved 07/06/2019

- 3.6. **BH2019/00914** - Partial change of use of existing retail unit (A1) to public house (A4), including interior alterations to form new cellar and refurbishment of kitchen and bar. Approved 07/06/2019
- 3.7. **BH2010/00601** - Erection of ground floor rear kitchen and cold store extension with associated extension of kitchen extract ducting. Approved 12/05/10.
- 3.8. **95/1320/FP** - Elevation alterations and rear extension to the public house. Erection of pergola in rear garden area. Approved 17/01/1996

4. REPRESENTATIONS

- 4.1. **Seventy One (71)** letters have been received, objecting to the proposed development for the following reasons:
- Impact on Listed Building
 - Traffic, Parking and Congestion
 - Impact on the Dyke Pub
 - Rubbish and litter
 - Overdevelopment
 - Loss of privacy/overlooking
- 4.2. **Councillor Brown** - objects to the proposal on the following grounds:
- property is a grade II Listed Building and some of its original features, including the original wall, are under threat from the proposal.
 - The garden is registered as an Asset of Community Value and yet this proposal is to build a three bedroomed house there.
 - Site is adjacent to a very busy crossroads which will make entrance and egress to and from the property very difficult and dangerous. There is also a school very close by and therefore many children trying to cross this busy road.
 - Overdevelopment of the site.
- 4.3. **Ward Councillors Heley and Hugh-Jones** objects to the proposal, a copy of their joint letter is attached to the report.
- 4.4. **Re-consultation** Following the receipt of amended plans on 29th January 2020, a 14 day re-consultation period took place which notified neighbours of the proposed changes to the scheme. A further **fifty four (54)** letters were received objecting to the proposal on the same grounds summarised out above.

5. CONSULTATIONS

5.1. **Heritage First Comment 02/09/2019: Requested Amendments:**

The current garden area contributes positively to the setting of the listed building. Nevertheless, there would be no objection in principle to a modest new house on the site of the garden, given the current large gap in the street frontage and the somewhat unsightly nature of the existing view from

Highcroft Villas. The scale and simple design approach as shown would be appropriate in giving the appearance of a 'coach house' type building subservient to the public house and the adjacent Edwardian Terrace and partly screened by the high boundary wall. The design of the house should be of high quality with careful proportions, detailing and use of materials that make reference to the historic setting of the pub and the wider street scene. The roof pitch should be steeper, the elevations should be a suitable red-brown brick - instead of render - and the gables should have decorative projecting bargeboards.. The gates to the wall should be tongue and groove boarded gates with a painted finish. It is considered that such a revised approach would preserve the setting of the listed building.

- 5.2. However, it is noted that the siting of the house would result in the demolition of a large section of the original and distinctive boundary wall to Old Mills Mews, which (as noted above) forms part of the curtilage of the listed building. Such loss would cause considerable harm to the listed building and its setting. It is therefore advised that the footprint of the house should be amended in order to fully retain the wall.
- 5.3. **Heritage Comment 06/12/2019** following receipt of amendments: Approve with Conditions. The amended plans have satisfactorily addressed the previous concerns and approval is therefore now recommended, subject to conditions. These conditions relate to survey report, samples, approved details, window details, roof, rooflights and boundary wall.
- 5.4. **Heritage Final Comment 17/02/2020** following receipt of amendments: Approve with Conditions. The amended plans submitted on 29 January 2020 would not have any significant impact on the relationship of the proposed development to the setting of the listed building as previously assessed. It is therefore considered, as per the previous comments, that (subject to detail) the development would cause no harm to the setting of the listed building, as the scale and simple design approach would be appropriate in giving the appearance of a 'coach house' type building subservient to the public house and the adjacent Edwardian Terrace and partly screened by the high boundary wall. The additional windows now proposed would not alter that assessment.
- 5.5. The significance of the listed building lies mainly in its street frontages and roof and in its internal layout and features as a an 'improved' public house with residential accommodation above. Whilst the garden does contribute positively to the setting of the listed building, there is no evidence that a public garden formed part of the original public house; indeed the original plans showed no public access to the garden area from within the pub. The 1930s changes did add a dining room with doors opening onto a small rear terrace but with no apparent access to the wider garden area that forms the subject of this application. It is considered that the garden's main contribution to the setting of the listed pub is the visual 'breathing space' it provides between the pub and the Edwardian Terrace; the small house proposed would not greatly change the way in which this visual break is experienced. There would be an impact on views of the rear of the listed pub from

Highcroft Villas, but that elevation is much plainer and somewhat altered and does not hold the same architectural significance as the front and side elevations.

- 5.6. **Transport** Comment on 29/08/2019: Approve with Conditions.
The Highway Authority has no objections to this application subject to the inclusion of conditions relating to Cycle parking, car free housing and refuse and recycling.
- 5.7. **Conservation Advisory Group:** No Objection but provide the following comments;
This proposed building fits well into the rear of the site, mimicking a stable block when viewed from the road. Though subservient to the main building its proposed rendered walls visually do not connect that with the former building. Suggests a good facing brick be used similar to the high quality brickwork of the host building.
- 5.8. Concern over the "non period" style gable window to the façade facing Highcroft Villas, which will be seen from Highcroft Villas. It is suggested that either a 2/2 or 1/1 sash configuration would be more suitable.

6. RELEVANT POLICIES & GUIDANCE

- 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 (JAPP) 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.

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
CP12	Urban design
CP15	Heritage

CP19 Housing Mix

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

TR14	Cycle and Access Parking
QD5	Design
QD27	Protection of amenity
HO5	Provision of Private Amenity Space in Residential Development
HE1	Listed buildings
HE3	Development affecting the setting of a listed building

Supplementary Planning Document:

SPD09 Architectural Features

Asset of Community Value (ACV)

- 6.4. Since December 2018 the ground floor and garden of 218 Dyke Road, the Dyke Pub, has been listed as an Asset of Community Value, under reference ACV/APP/2018/003.
- 6.5. The fact that the ground floor and garden is listed as an ACV is capable of being a material planning consideration in the determination of planning applications relating to that land. Whether it is, in any given circumstance, and the weight to be attached, is a matter of planning judgment for the Local Planning Authority.
- 6.6. It should be noted that a listing as an ACV gives no public right of access to the land concerned: the only right that follows from a listing is the right of a community interest group to bid to purchase the listed land should the owner intend to sell.
- 6.7. Following the closure of the pub the ground floor of the property was converted to an A1 premises under permitted development. However in June of last year an application was approved by the Local Planning Authority for the partial change of use of the ground floor from A1 to A4. The site plan for this earlier application excluded the former pub garden area and as a result of this previous approval the garden area was severed from the pub and was linked solely to the retained A1 retail unit.
- 6.8. A subsequent application (BH2019/02290) to extend the building at 218 Dyke Road and to convert the existing first floor 2 residential units into 3 units was approved earlier this year. Under this recently approved application the former pub garden would become the communal amenity space for the 3 residential units. The asset of community value status on the garden however remains.
- 6.9. Within application BH2019/02290 it was not considered that the loss of this relatively small section of the ACV would not significantly impact on the local community's enjoyment of the listed Public House. The loss of part of the approved communal amenity space for the recently approved residential units is discussed in more detail below.

7. CONSIDERATIONS & ASSESSMENT

- 7.1. The main considerations in the determination of this application relate to the principle of development, the impacts of the proposal on the setting of the historic character and appearance of the Grade II Listed Building, design and appearance, standard of accommodation, impact on amenity, highways and sustainability.

Principle of Development:

- 7.2. 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.
- 7.3. The Council's most recent housing land supply position is published in the SHLAA Update 2018 (February 2019). The figures presented in the SHLAA reflect the results of the Government's 2018 Housing Delivery Test which was published in February 2019. The Housing Delivery Test shows that housing delivery in Brighton & Hove over the past three years (2015-2018) has totalled only 77% of the City Plan annualised housing target. Since housing delivery has been below 85%, the NPPF requires that a 20% buffer is applied to the five year housing supply figures. This results in a five year housing shortfall of 576 net dwellings (4.5 years supply). In this situation, when considering the planning balance in the determination of planning applications, 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).
- 7.4. City Plan Policy CP1 outlines that at least 13,200 new homes will need to be built over the plan period 2010-2030, which equates to an annual average rate of provision of 660 dwellings. The proposed development seeks to create a new residential unit and will therefore contribute to the Council's housing target.
- 7.5. The Local Planning Authority has no objections to the principle of the development subject to the compliance with local and national policies as discussed below.

Design, Appearance, Heritage and Impact on Listed Building:

- 7.6. As set out previously, 218 Dyke Road is a Grade II Listed Building.
- 7.7. Policy CP15 of the Brighton & Hove City Plan Part One states how the Council will ensure that the city's built heritage guides local distinctiveness for new development in historic areas and heritage settings. Policy HE3 states that development will not be permitted where it would have an adverse impact on the setting of a listed building.
- 7.8. 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. Case law has held that the desirability of preserving the setting of a listed building or any features of special architectural or historic interest it possesses should be given "considerable importance and weight".

- 7.9. City Plan Policy CP12 expects all new development to raise the standard of architecture and design in the city, establish a strong sense of place by respecting the character of existing neighbourhoods and achieve excellence in sustainable building design and construction.
- 7.10. The current curtilage of the application site, the former public house garden area, appears to pre-date the current building at 218 Dyke Road and appears to have been the curtilage of the previous pub on the site. The former pub garden area contributes positively to the setting of the listed building and forms clear space between it and the Edwardian housing in Highcroft Villas, with the historic lane of Old Mill Mews (that originally led to the windmill) in between. Along the boundary with Old Mill Mews is a distinctive wall formed of coursed bricks laid at an angle in lime mortar. This wall likely dates from the time of the windmill and is now listed as a curtilage structure to the pub.
- 7.11. The significance of the Listed Building lies mainly in its street frontages and roof and in its internal layout and features as an 'improved' public house with residential accommodation above. Whilst the garden does contribute positively to the setting of the Listed Building, there is no evidence that a public garden formed part of the original public house; in fact the original plans showed no public access to the garden area from within the pub. The 1930s changes did add a dining room with doors opening onto a small rear terrace but with no apparent access to the wider garden area that forms the subject of this application. It is considered that the garden's main contribution to the setting of the listed pub is the visual 'breathing space' it provides between the pub and the Edwardian Terrace; the small house proposed would not greatly change the way in which this visual break is experienced. There would be an impact on views of the rear of the listed pub from Highcroft Villas, but that elevation is much plainer and somewhat altered and does not hold the same architectural significance as the front and side elevations.
- 7.12. The proposed development of a new dwelling in the former pub garden was considered by the Officers when this scheme was submitted as part of pre-application enquiry. The applicant has sought to take on board the comments that were raised in order to make the scheme in this application acceptable.
- 7.13. No objections to the principle of a modest house on the site of the former pub garden are raised in heritage terms, given the large gap in the street frontage and the somewhat unsightly nature of the existing view from Highcroft Villas. During the course of the application revised plans have been submitted in order to address comments raised by the Heritage Officer and the following changes have been made:
- the roof has been increased to 45 degrees

- matching red/brown brick facades are now proposed in lieu of render;
 - the gables have now been shown with decorative projecting barge boards to match the existing pattern of the adjacent buildings;
 - The timber gate will be painted tongue and groove boarded; and
 - The existing boundary wall to Old Mill Mews has now been retained with the house relocated to accommodate.
- 7.14. The applicant has also responded to the concerns raised by the Local Planning Authority at pre-application stage relating to the property being built over two storeys and how it would lead to overdevelopment causing harm to the character of the street scene. The applicant has altered the scheme in light of these comments and the amended plans now show a proposal giving the appearance of a 'coach house' type building which is subservient to 218 Dyke Road and the adjacent Edwardian terrace.
- 7.15. The ground floor level of the dwelling would be positioned lower than the adjacent pavement level of Highcroft Villas and the front building line would retain the building line of existing properties to the east in Highcroft Villas. The siting, scale and simple design of the proposed dwelling results in dwelling that does not appear dominate within the Highcroft Villas streetscene and which now sits more comfortably within the wider street scene than that proposed at pre-application stage. The proposed dwelling would be partly screened by the high boundary wall which would be retained to the east and north of the proposed dwelling. The style of the dwelling is not considered to be pastiche and does not seek to make a statement or act as a focal point. The finish materials will be a tiled roof, red/brown brick walls and timber framed windows.
- 7.16. The proposed roof form is similar to that of the Listed Building, the Dyke Pub, and the scale of the dwelling is considered to be appropriate to ensure the Listed Building remains the focal point.
- 7.17. Since submission of the application additional windows have been included in the elevation facing 218 Dyke Road in order to improve the proposed standard of accommodation. These additional windows are not considered acceptable on design terms.
- 7.18. It is acknowledged that under application BH2019/02290 approval was granted for an extension to the rear of 218 Dyke Road. As part of this current application additional plans have been submitted which shows the relationship of the proposed dwelling in context with the approved extension to show the overall development of the site should both developments be built. It is considered that a sufficient visual gap would still be retained between 218 Dyke Road and the Edwardian Terrace even with the new dwelling and rear extension to no. 218 Dyke Road being constructed and the combination of both developments would not have a harmful impact upon the setting of the Listed Building. As set out previously the significance of the listed building lies mainly in its street frontages and roof and in its internal layout which the combined applications would not adversely impact upon.

7.19. Overall, the proposal is considered to be of good design which will raise the standard of architecture and design within the area and will not have a detrimental impact on the Listed Building in compliance with policies of the Brighton & Hove Local Plan and Brighton & Hove City Plan Part One.

Standard of Accommodation:

7.20. 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.

7.21. 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, they provide a useful guideline on acceptable room sizes that would offer occupants useable floor space once the usual furniture has been installed. The 'Nationally Described Space Standards' establishes the minimum floor space for a single bedroom as measuring at least 7.5m², and a double bedroom should measure at least 11.5m².

7.22. The proposed dwelling would comprise a double bedroom and two single bedrooms and therefore would provide a 3 bedroom/4 person unit with a total floor area of approximately 101m² which far exceeds the NDSS requirement of 84m².

7.23. Since submission amended plans have been received. The relationship between the boundary wall and the retaining wall to the yard area has been reconfigured to improve the levels of light to the dining/kitchen area. Additional windows have also been added to the west elevation to allow more natural light into the property. These windows will be fixed shut in order to reduce noise levels from the Dyke Pub. Additional windows have been added to bedrooms 1 and 2 to allow more natural light into the habitable rooms.

7.24. The internal areas all exceed the guidance set out by the NDDS. The proposed dwelling would offer a good standard of living accommodation in terms of layout, circulation space, storage and access to natural light and ventilation.

7.25. Policy HO5 of the 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. The new dwelling would provide a terraced area and a number of private gardens which added together provide over 100sqm of amenity space. Overall, the proposal would provide a good level of private amenity space which is considered appropriate to the dwelling.

- 7.26. Overall it is considered that the proposed scheme would provide a good standard of accommodation and provide appropriate levels of private amenity space and therefore the proposal is compliant with Policies QD27 and HO5 of the Local Plan.

Impact on Amenity for flats in relation to previously approved BH2019/02290

- 7.27. Policy HO5 of the 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.
- 7.28. As set out previously, in June of last year, an application was approved by the Local Planning Authority for the partial change of use of the ground floor from A1 to A4. The site plan for this earlier application excluded the former garden area of the pub and as a result of this previous approval the garden area was severed from the pub. Subsequent applications BH2019/02290 and BH2019/02273, for extensions and the conversion of the first floor of 218 Dyke Pub, to provide 3 residential units, granted consent for the former pub garden area becoming communal amenity space for the approved first floor residential units. The approved plans showed two distinct garden areas for the proposed flats.
- 7.29. Flat 1 in the scheme approved under applications BH2019/02290 and BH2019/02273 would have access to a terrace of 9.5m², whilst Flat 2 would have use of a terrace of 3.6m². A communal garden area was also approved for the residential units, clearly shown in the approved plans as being split into two distinct areas.
- 7.30. It is acknowledged that the current application, to provide a new dwelling, would result in the loss of the eastern part of the communal space recently approved for the first floor flats within 219 Dyke Road. Should the new dwelling be approved and built the flats would retain use of the smaller garden area to the rear of 218 Dyke Road (approximately 42m²). It is also noted that the existing residential units at 218 Dyke Road do not have access to any part of the rear amenity space and therefore the retention of some of the garden area creates a better living environment for future occupiers of the first floor residential units at 218 Dyke Road compared to the existing situation.
- 7.31. Overall, it is considered that the proposal would provide a good level of private amenity space for both the proposed new dwelling and the 3 flats approved under the recent applications set out above and as such the proposal is considered to be compliant with policy HO5 of the Local Plan.

Impact on Amenity:

- 7.32. 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.

- 7.33. At pre-application stage officer's raised concern that the position of the property would be in too close proximity to the proposed rear windows of the extended main building and that it would limit the outlook from the existing flats above the Dyke Pub. In response to these comments, the dwelling has been moved further back from the rear of 218 Dyke Road. Due to the separation distance and the lowering of the levels of the dwelling, the proposed dwelling would not result in any detrimental impact to the outlook to the rear of the flatted units.
- 7.34. As discussed previously the proposed scheme received has been revised in order to increase the number of windows on the western side of the proposed property to improve the amount of daylight received into habitable rooms. The presence of windows has the potential to create a sense of overlooking or loss of privacy to surrounding neighbours. However, these new windows have been sensitively located on the western side of the property in order to avoid overlooking onto Old Mill Mews and towards the side elevation of no. 44 Highcroft Villas. As such, the proposal will not result in a loss of privacy to the residents along Old Mill Mews or Highcroft Villas. It is however recommended that permitted development rights are removed via a condition as further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area.
- 7.35. Overall it is considered that the proposed dwelling would not result in significant harm to neighbouring properties in terms of overlooking, loss of privacy, overshadowing or loss of light, including for the future occupiers of the flats approved under recent applications should both development be built.

Sustainable Transport:

- 7.36. It is noted that a high number of objections have been made against the proposal relating to parking and traffic congestion. The following section will seek to address these concerns.
- 7.37. The proposed development will have pedestrian access as existing from Highcroft Villas and this is considered to be acceptable. Concerns were originally raised regarding the provision of a double gate that was in place at Old Mills Mews. The applicant has submitted revised plans and the double gate has been removed and replaced with a single gate.
- 7.38. The applicant is proposing 2 cycle parking spaces, in line with SPD14. Further details of the cycle parking will be requested via a condition to ensure the spaces are covered and secure.
- 7.39. No on-site parking provision to be associated with this development is proposed. The proposed development may generate additional car(s) that will likely be parked on the highway. The site is within Controlled Parking Zone (CPZ) Q. There is concern that there are existing parking difficulties

within this CPZ and that this potential parking overspill may exasperate the current conditions.

- 7.40. SPD14 explains that, where there is a concern that developments within CPZs may generate overspill parking, then the acceptability of proposals will be considered in relation to various factors. These include the capacity of on street parking in the vicinity "which should be demonstrated by the applicant through an on-street parking survey". Based on this consideration the Council may restrict future occupants' eligibility for residents parking permits.
- 7.41. The applicant has not provided a parking survey to demonstrate the existence of sufficient on-street capacity to absorb this level of overspill. Recent records show the average percentage permit uptake to total permit allocation to be 95-100%. The Highway Authority considers that these levels of uptake demonstrate that the CPZ is likely to be over-capacity (80% uptake being a typical threshold - noting the potential for actual values to be higher on some streets given that the value represents an average across each zone).
- 7.42. The Highway Authority therefore considers that this site should be made "car free" by restriction of on-street parking permits by condition. The proposal is therefore considered to be acceptable in relation to car parking.
- 7.43. One of the main objections to the proposal is that it will lead to an increase in traffic in the area and create greater congestion problems. The transport officer is of the opinion that there may be an increase in trips to the site due to this proposal however these are unlikely to have a significant enough impact on the local highway network to warrant a reason for objection.
- 7.44. The proposal is therefore compliant with paragraph 109 of the NPPF which states "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."
- 7.45. In relation to bin and recycling storage, an area has been added to the front area adjacent to the access gate on Highcroft Villas. This location is considered to be acceptable.

Sustainability:

- 7.46. Policy CP8 of the Brighton & Hove City Plan Part One requires new development to demonstrate a high level of efficiency in the use of water and energy. These measures can be secured via a suitably worded condition and do not form a reason for refusal.

8. EQUALITIES:

- 8.1. 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. A condition will be applied to ensure the development

complies with Requirement M4(2) of the optional requirements in Part M of the Building Regulations.

Cllr. Amy Heley & Cllr. Siriol Hugh-Jones
BH2019/02289 - 218 Dyke Road

28th August 2019:

Comment reasons:

- Adversely affects conservation area, status as a listed building
- Overdevelopment
- Additional traffic/pollution
- Noise
- Potential impact on an asset of community value

We believe this development should not be granted and would like it to go to Planning Committee for the following reasons:

This proposal constitutes unacceptably dense development in an already densely populated area. This proposal would result in overdevelopment and damage to the street scene that includes a listed building.

As ward councillors, we are deeply concerned by the multiple issues being raised by our residents in Old Mills Mews. This proposal would add a significant amount of noise and disruption to an already busy area, as well as potentially causing further problems with lack of parking spaces in the area. Residents on Highcroft Villas already live with overflowing bins and even rats on the street due to the amount of household rubbish left on the street, and the present proposal could exacerbate this problem.

This proposal would result in extra construction traffic on an already extremely busy junction. This would make this junction and popular school walking route more dangerous. Disruption to the traffic flow in an already over-congested area while works are underway would be deeply detrimental to air quality. Residents who already struggle to enter or leave properties and businesses between 8am - 9.30am and 3pm-6pm would have to contend with problems throughout the day, from 8am – 6pm. Moreover, traffic congestion during and following works could also impede or prevent access by emergency services to surrounding properties, putting existing residents in danger.

This proposal also jeopardises the survival of the pub, which has been the subject of a 3-year community campaign. This was a much-loved pub, as demonstrated by the hard work and dedication of the community campaign to reinstate it, and was awarded Asset of Community Value status in 2016. Through their two applications to have the pub placed on the ACV register, its listing and a 3-year campaign supported by hundreds of people (and the biggest ACV petition ever submitted), as well as by raising thousands of pounds to support the campaign and just under £25k to support the new pub, the community have clearly demonstrated a need and demand for this building to be reinstated as a pub. The campaigning has taken dedication, time, effort and finance from a very large group of people that deserves to be recognised by the local authority. The pub's ground floor and garden are protected by its ACV status.

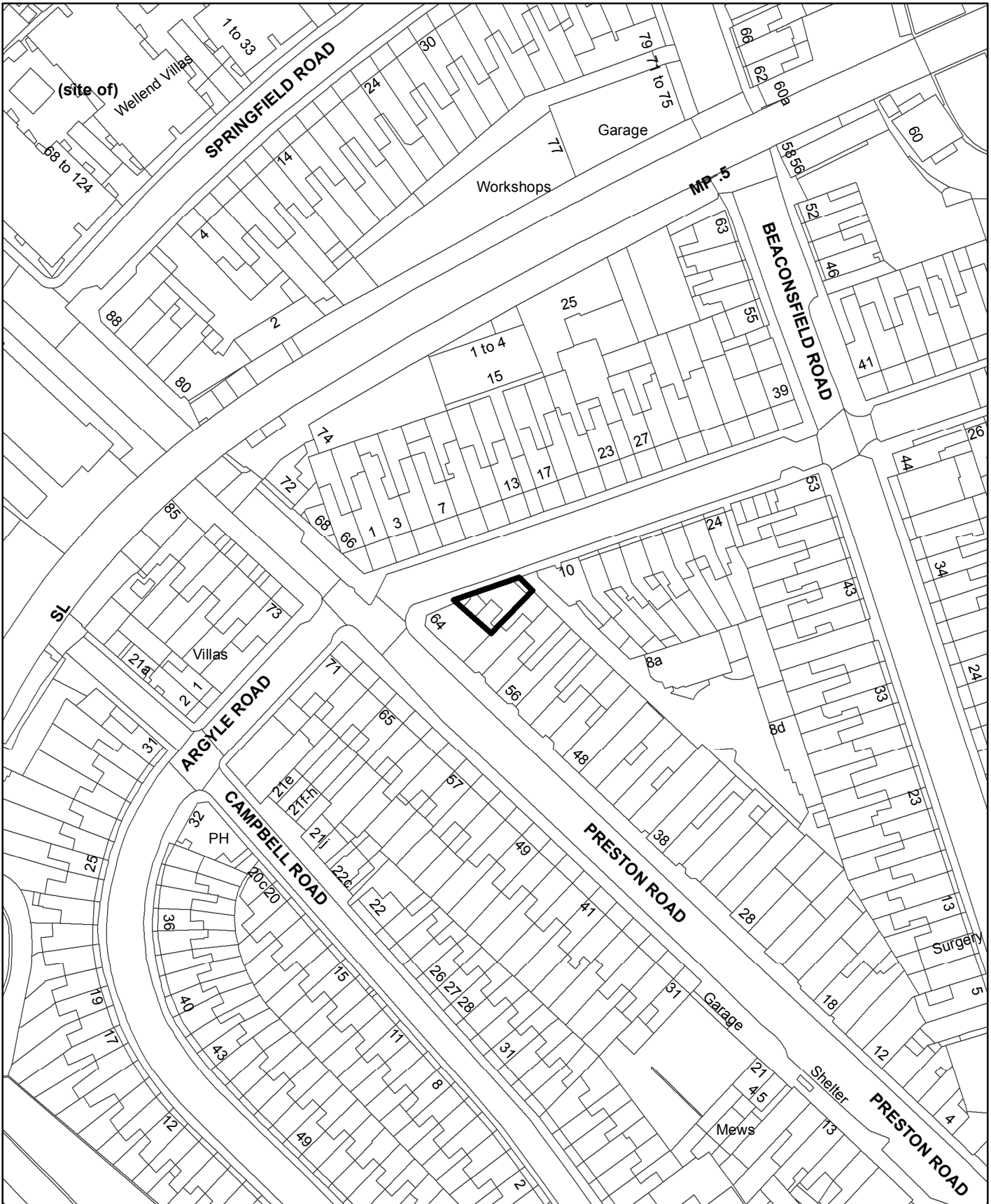
There have been multiple cases locally of pubs that have closed down following the development of the space around them. The overdevelopment which this planning proposal represents again jeopardises the survival of an asset of community value. Given the history, passion and local support for this building, it would be unreasonable to put the community's campaigning efforts and the building's ACV status to waste by granting this planning proposal.

ITEM D

**Land to Rear of 62-64 Preston Road
BH2019/03339
Full Planning**

DATE OF COMMITTEE: 4th March 2020

BH2019 03339 - Land To Rear Of 62-64 Preston Road



Scale: 1:1,250

<u>No:</u>	BH2019/03339	<u>Ward:</u>	Preston Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Land To Rear Of 62-64 Preston Road Brighton BN1 4QF		
<u>Proposal:</u>	Conversion of existing basement & erection of three storey extension to rear comprising 3no one bedroom flats and 1no studio flat (C3) with associated alterations.		
<u>Officer:</u>	Emily Stanbridge, tel: 293311	<u>Valid Date:</u>	02.12.2019
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	27.01.2020
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Bold Architecture Design Ltd 14 Gladys Road Hove BN3 7GL		
<u>Applicant:</u>	Mr R Little Mulberry House 1A Surrenden Crescent Brighton BN1 6WE		

This application was considered by the Planning Committee at the last meeting on 5th February 2020. The Committee resolved to refuse the application. Following the Committee meeting, but prior to the issuing of the formal decision notice, the decision to allow the appeal against the refusal of the previous application, BH2019/01610, was received. This is now a material consideration in the determination of this current application, which is now recommended for approval. Further details are set out in the report.

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	GA01		7 November 2019
Proposed Drawing	GA05		7 November 2019
Proposed Drawing	GA06		7 November 2019
Proposed Drawing	GA08		7 November 2019
Proposed Drawing	GA09		7 November 2019
Proposed Drawing	GA10		7 November 2019
Proposed Drawing	GA11		7 November 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 above ground floor slab level of any part of the development hereby permitted shall take place until details 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) details of the proposed window, door and balcony treatments
 - d) details of all other materials to be used externallyDevelopment 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 upper floor windows in the southern elevation of the development hereby permitted shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
5. 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 and policy CP8 of the Brighton and Hove City Plan Part One.
6. The development hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants of, and visitors to, the development 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 SPD14: Parking Standards.
7. Within 6 months of commencement of the development hereby permitted or prior to occupation, whichever is the sooner, a scheme shall be submitted to the Local Planning Authority for approval to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit. The approved scheme shall be implemented before occupation.

Reason: This condition is imposed in order to allow the Traffic Regulation Order to be amended in a timely manner prior to first occupation to ensure that the development does not result in overspill parking and to comply with policies TR7 & QD27 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One and SPD14: Parking Standards.

8. 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.

9. 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.

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 the scheme required to be submitted by Condition 7 should include the registered address of the completed development; an invitation to the Council as Highway Authority (copied to the Council's Parking Team) to amend the Traffic Regulation Order; and details of arrangements to notify potential purchasers, purchasers and occupiers of the restrictions upon the issuing of resident parking permits.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application site is located on the rear yard to the rear of 62 - 64 Preston Road which is on the corner with Ditchling Rise. 62 - 64 Preston Road is a three storey building with a basement.
- 2.2. The building has a shop within the basement and ground floor with residential accommodation on the upper floors which is similar to the adjoining building at 60 Preston Road. The site is not within a Conservation Area.
- 2.3. The application seeks to erect a three storey building with an extended basement forming three one bedroom flats and one studio unit following the demolition of the current projection to the rear of 62 Preston Road.

2.4. This application follows the approval of a similarly sized and designed scheme for 3 units in June 2018 which was approved at Planning Committee.

3. RELEVANT HISTORY

3.1. BH2019/01610: Excavation and erection of three storey building comprising 4no residential units (C3) with associated alterations. Refused 07.10.2019. Allowed on appeal 04.02.2020

3.2. BH2018/00854 Excavation and erection of three storey building comprising 3no. residential units (C3) with associated alterations. Approved 11.06.2018

3.3. BH2017/04186 Erection of a 5no storey extension to rear of existing building incorporating excavations for basement enlargement and alterations to provide 4no flats (C3) and bin store. Refused 13.03.2018. Appeal dismissed 15.02.2019.

3.4. BH2017/02137 Excavation and erection of four storey building comprising 4no residential units (C3) with associated alterations. Refused 08.11.2017

3.5. BH2016/06407 Excavation and erection of four storey building to facilitate creation of 4no residential units (C3) with associated alterations. Refused 21.04.2017

4. REPRESENTATIONS

4.1. **Seven (7)** letters of representation have been received supporting the proposed development for the following reasons:

- The scheme will benefit the area and community
- The proposal will remove the existing old yard
- Good design
- The run down yard will be put to good use
- The proposal will provide an additional home
- Good layout
- More homes are needed
- Good use of the property

4.2. **Three (3)** letters of representation have been received objecting to the proposed development for the following reasons:

- Overshadowing
- Loss of privacy and overlooking
- Loss of sunlight
- Over-development
- Impact on the character of the area
- The external appearance of the building is overbearing and the scale of the development is out of keeping with neighbouring properties
- Additional parking issues
- Lack of provisions for waste
- The projecting porch roof would obstruct the narrow pavement

- 4.3. **Councillor Amy Heley** supports the application. Please see attached comments.

5. CONSULTATIONS

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

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
CP1	Housing delivery
CP8	Sustainable buildings
CP9	Sustainable transport
CP12	Urban design
CP14	Housing density
CP19	Housing mix

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

TR4	Travel plans
TR7	Safe Development
TR14	Cycle access and parking
QD14	Extensions and alterations
QD15	Landscape design
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
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 effect on the street scene as well as the impact on the host building, the residential amenity of the neighbouring residents, the residents within the proposed development and the well-being of the residents in the host building's upper levels.
- 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 is published in the SHLAA Update 2018 (February 2019). The figures presented in the SHLAA reflect the results of the Government's 2018 Housing Delivery Test which was published in February 2019. The Housing Delivery Test shows that housing delivery in Brighton & Hove over the past three years (2015-2018) has totalled only 77% of the City Plan annualised housing target. Since housing delivery has been below 85%, the NPPF requires that a 20% buffer is applied to the five year housing supply figures. This results in a five year housing shortfall of 576 net dwellings (4.5 years supply). In this situation, when considering the planning balance in the determination of planning applications, 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).

History of the site

- 8.4. Four similar schemes have recently been considered by the Planning Committee, in June 2018, March 2018, November 2017 and April 2017. Whilst the principle of development was not rejected at the site when these applications were determined, the first 3 applications raised concerns regarding the appearance of the development and the impact on amenity of existing and future residents.
- 8.5. An application was approved on the site by Planning Committee in June 2018. This application reduced the height of the previously refused extensions to three storeys and had a reduction in the overall total number of flats being created. The resultant approved scheme provided a three storey extension incorporating a basement extension to allow for the creation of 2no 1 bedroom units and 1no two bedroom maisonette.

- 8.6. An application was refused in October 2019 which sought predominantly internal changes to subdivide the approved two bedroom maisonette, under application BH2018/00854, at ground floor and basement level into 2no one bedroom units.
- 8.7. This application was refused on the following grounds:
'The proposed development represents a material diminution of the quality of development previously approved and by virtue of the resulting scheme only offering one-bedroom units, the limited cycle parking and the basement flat having limited outlook with future occupiers likely to experience a strong sense of enclosure, the development represents a poor standard of accommodation which would adversely affect the amenity of future occupiers. Accordingly, the proposal is considered to be contrary to Policies QD27 and TR14 of the Brighton and Hove Local Plan and Policy CP19 of the Brighton and Hove City Plan.'
- 8.8. The main difference between the previously refused scheme (BH2019/01610) and the application currently under consideration is that the previous application sought to provide a one bedroom unit with a basement extension whilst under the current scheme the existing basement is proposed to be converted into a studio unit.
- 8.9. The current planning application raised concerns regarding the proposed housing mix and the standard of accommodation proposed to the basement studio unit. Subsequently, given the number of neighbour representations which support the scheme, the application was considered by the Planning Committee on 5th February 2020. In accordance with the officer recommendation, the Committee resolved to refuse the application for the following reason:
'The proposed development represents a material diminution of the quality of development previously approved and by virtue of the resulting scheme only offering one-bedroom units/studio units and the basement flat having limited outlook with future occupiers likely to experience a strong sense of enclosure, the development represents a poor standard of accommodation which would adversely affect the amenity of future occupiers. Accordingly, the proposal is considered to be contrary to Policies QD27 and TR14 of the Brighton and Hove Local Plan and Policy CP19 of the Brighton and Hove City Plan Part One.'
- 8.10. Following the committee meeting but prior to the formal decision notice being issued, the local planning authority received a copy of the appeal decision of application BH2019/01610 which allowed this scheme. Given the similarities of the two schemes, this decision notice forms a material consideration in the determination of this application and therefore a re-assessment of the scheme has been undertaken in line with the Planning Inspector's comments.

Design and appearance

- 8.11. The building remains largely identical to the application that was previously permitted with alterations to this scheme mainly concerning boundary treatment, access and internal layouts, and basement window arrangements.
- 8.12. A new boundary wall treatment is proposed to the property at no.60. This will consist of a 1.2m solid masonry wall with 0.7m of timber slatted fencing above. The materials proposed are considered acceptable given the variety of materials existing to the rear of properties on Preston Road.
- 8.13. Given the additional unit, a new access is proposed to basement level from the rear of the property. The application now proposes a sliding timber gate to the proposed access of the basement unit. The proposed gate will have a similar appearance to the previously approved cycle store and as such this alteration is not considered to materially impact upon the character and appearance of the scheme.
- 8.14. The proposed fenestration to the building largely remains as previously approved however some minor changes are proposed to the basement. The previously approved scheme (BH2018/00854) featured three sets of sliding doors to the basement bedrooms. The current scheme features a combination of sliding doors and full height fixed panes which result in a slightly higher area of glazing. The additional glazing is marginal and would be readily visible from within the street scene as such there is no objection to this design element.
- 8.15. No external changes are proposed to the north (front) elevation of the property from the previously approved scheme BH2018/00854.
- 8.16. Given the minor scale in changes to the approved scheme, the proposals are considered acceptable and in accordance with Policy CP12. Furthermore the proposed external works are similar to those proposed under the previous scheme that was allowed on appeal.
- Impact on Amenity:**
- 8.17. 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.
- 8.18. Given the revisions to the scheme from previous proposals and the advice provided by members during previous meetings, the previous officer report of application BH2018/00854 stated that any potential amenity impact to neighbouring occupiers was not so significant to warrant the refusal of the application. Given that the current application is of the same scale, form and massing of the previously approved scheme, no alternative view is taken.
- 8.19. Whilst this proposal is for 4 units, the number of future occupiers of the scheme is likely to remain the same given that the previous ground and basement floor unit would have accommodated 4 persons and that the 1

bedroom unit and studio unit would again allow for occupation of 4 persons in total.

- 8.20. The previously refused application, was which subsequently allowed on appeal, proposed 4 units albeit of a different layout to that currently proposed, however this application did not raise any specific objection to the number of units to be provided.

Standard of accommodation

- 8.21. The current proposals seek to increase the number of units proposed within the development from 3no units to 4. This change is facilitated by dividing the approved two bedroom ground floor and basement unit into 2no units comprising of 1no one bedroom unit and 1no studio unit. The units on the first and second floor remain unchanged to the previously approved scheme.
- 8.22. The proposal for a studio unit at basement level has been considered on the basis that the bedroom area proposed, adjacent to the kitchen, has not been fully partitioned off and is not entered via a door, the access to this room is instead open.
- 8.23. 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.
- 8.24. The LPA must consider both the quantitative and the qualitative issues raised by the proposal and this includes the overall amenity and outlook for future residents and whether the accommodation is of a sufficiently high standard overall. Indeed, the updated NPPF requires that all developments provide a high standard of amenity for future occupiers, which is a high bar that goes beyond amenity being merely 'adequate' or 'acceptable'.
- 8.25. The ground floor unit now comprises a 1no bedroom unit with an open plan kitchen/living area, double bedroom, bathroom and utility room. The proposed units measures 56sqm and provides a double bedroom with a floor space of 13.5m which exceeds the measurements as set out within the NDSS. In addition both habitable living spaces feature sufficient useable floor area and could accommodate furniture items likely to be required by future occupiers.
- 8.26. The primary living area is dual aspect whilst the bedroom proposed has views to the south of the property. It is noted that the bedroom window will have outlook towards the shared boundary, however the height of this boundary has been reduced from the previous scheme and as a result views over the timber slatted boundary treatment will now be had. As such the light and outlook from this room is deemed acceptable.

- 8.27. Furthermore the layout of this ground floor unit is identical that proposed under application BH2019/01610. Within the appeal decision relating to that application the appeal inspector noted that the ground floor unit would provide adequate internal space and daylight and was considered acceptable. It is therefore considered that this unit would provide an acceptable standard of accommodation.
- 8.28. At basement level the scheme would provide a studio unit with a bedroom area, kitchen/living room and bathroom. The studio unit has an internal floor area of 43sqm.
- 8.29. The proposed basement unit and its external amenity space would suffer from a lack of outlook in addition to a sense of enclosure, owing to the height of the shared boundary wall with No.60 and the position of the external access stair to this unit. The application differs from the approved scheme (BH2018/00854) given that the application proposes a self-contained basement unit with single outlook onto a high boundary wall. The unit would therefore represent a poor standard of accommodation contrary to Policy QD27.
- 8.30. However within the recent appeal decision of the previous application (BH2019/01610) the appeal Inspector stated:
- 8.31. 'The basement flat would have a confined outlook from windows looking out from its main habitable rooms. Whilst otherwise offering reasonable living conditions to future occupiers, the confined outlook would give rise to conflict with LP Policy QD27. This is due to a reduced level of amenity compared to the previously permitted scheme, where the duplex unit had just bedroom windows at basement level. However, given the otherwise reasonable living conditions provided in the basement flat, and freedom of consumer choice, any harm arising from this policy conflict again attracts only limited weight.'
- 8.32. The current application is not substantially different from that allowed on appeal. The level of glazing proposed to the property is of a similar proportion to that of the previous scheme and is considered to afford a similar level of outlook. Given the assessment made by the Planning Inspector, it is therefore concluded that the standard of accommodation proposed at basement level is acceptable.

Housing Mix

- 8.33. Policy CP19 of the Brighton and Hove City Plan Part One confirms that an important part of the Plan's role is to help achieve a good housing mix and a choice of housing (in terms of types and sizes of accommodation) in order to meet the diverse accommodation needs of the local community over the plan period. In terms of market housing, the greatest demand is likely to be for 2 and 3 bedroom properties and that demographic analysis of the demand/need for all housing indicates that an estimated 65% of the overall need/demand (for both market and affordable homes) will be for two and three bedroom properties. Accordingly, the intention will be to secure,

through new development, a wider variety of housing types and sizes to meet the accommodation requirements of particular groups within the city.

- 8.34. The previously approved scheme (BH2018/00854) helped towards the wider objective of policy CP19 whereas the current proposal seeks to provide only one or studio bedroom units. In terms of helping to deliver a mix of housing to meet the needs of the city, the proposal therefore represents something of a backward step and would be contrary to the aims of Policy CP19.
- 8.35. However within the recent appeal decision of the previous application (BH2019/01610) the appeal inspector stated:
- 8.36. 'The Council's most recent Annual Monitoring Report demonstrates that the delivery of one bed dwellings continues to outstrip that of two-bedroom units, which are reducing. Therefore, compared to the previous scheme, this proposal provides no redress to market supply that in Brighton favours one person flats.
- 8.37. Therefore, this proposal conflicts with CP Policy CP19 in respect of its aims to secure an appropriate housing mix. Given the town centre location, and the nature of the previously allowed apartment accommodation, any harm arising from this policy conflict attracts only limited weight in this decision.'
- 8.38. This forms a material consideration in the determination of the current application. Given that the current application is not substantially different from that allowed on appeal and the assessment made by the Planning Inspector, it is therefore concluded that the housing mix is acceptable.

Sustainable Transport:

Vehicle parking

- 8.39. No additional car parking is proposed for the four units. This would be expected to increase the demand for on-street parking. Based on the 2011 Census, car ownership levels of approximately 0.86 per household could be expected for the Preston Park ward and therefore the proposal has the potential to generate a demand of approximately 4 vehicles.
- 8.40. Where there is potential for overspill parking, a parking survey is normally utilised to determine whether there is capacity on-street for the additional demand within close proximity to the development.
- 8.41. In lieu of a parking survey, we utilise permit uptake data to assess parking occupancy levels within CPZs. Given the potential variance in uptake across a CPZ, where permit uptake is over 85% over the previous 12 months, no additional overspill parking is permitted without a supporting parking survey.
- 8.42. Recent permit uptake within Zone J indicates high demand for parking over 90%. Therefore, if the scheme were otherwise acceptable, a condition would be attached to any permission stating that all of the residential development is made car free and that future occupiers have no entitlement to residents parking permits.

Cycle Parking

- 8.43. In terms of cycle parking provision, SPD14 requires 1 long stay space to be provided per dwelling. Therefore, it is required for 4 cycle spaces to be provided to serve the development. 6 spaces are proposed which is in accordance with SPD14 guidance.

Trip generation

- 8.44. The proposed development would result in four additional dwellings. It is not considered the additional dwellings would result in a significant uplift in person and vehicle trips.
- 8.45. Therefore, it is not considered that the development to have a severe impact on the highway and surrounding Transport network.

Sustainability:

- 8.46. Policy CP8 of the Brighton and Hove City Plan Part One require 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. It is noted that the applicant has requested that these conditions not be attached to any permission approved, however given that the extension forms new build accommodation and that these conditions were sought by the planning inspector in the allowed appeal these conditions are sought.

- 9. EQUALITIES**
None identified.



PLANNING COMMITTEE LIST
COUNCILLOR REPRESENTATION

Cllr. Amy Heley
BH2019/03339 - Land To Rear Of 62-64 Preston Road

17th December 2019:

Please accept this as a letter of support for the planning application BH2019/03339. I see no problem with the proposed changes to the property. As these flats are currently leased to the YMCA, I recognise that this proposed plan provides much needed accommodation for some of the most vulnerable people in our city.

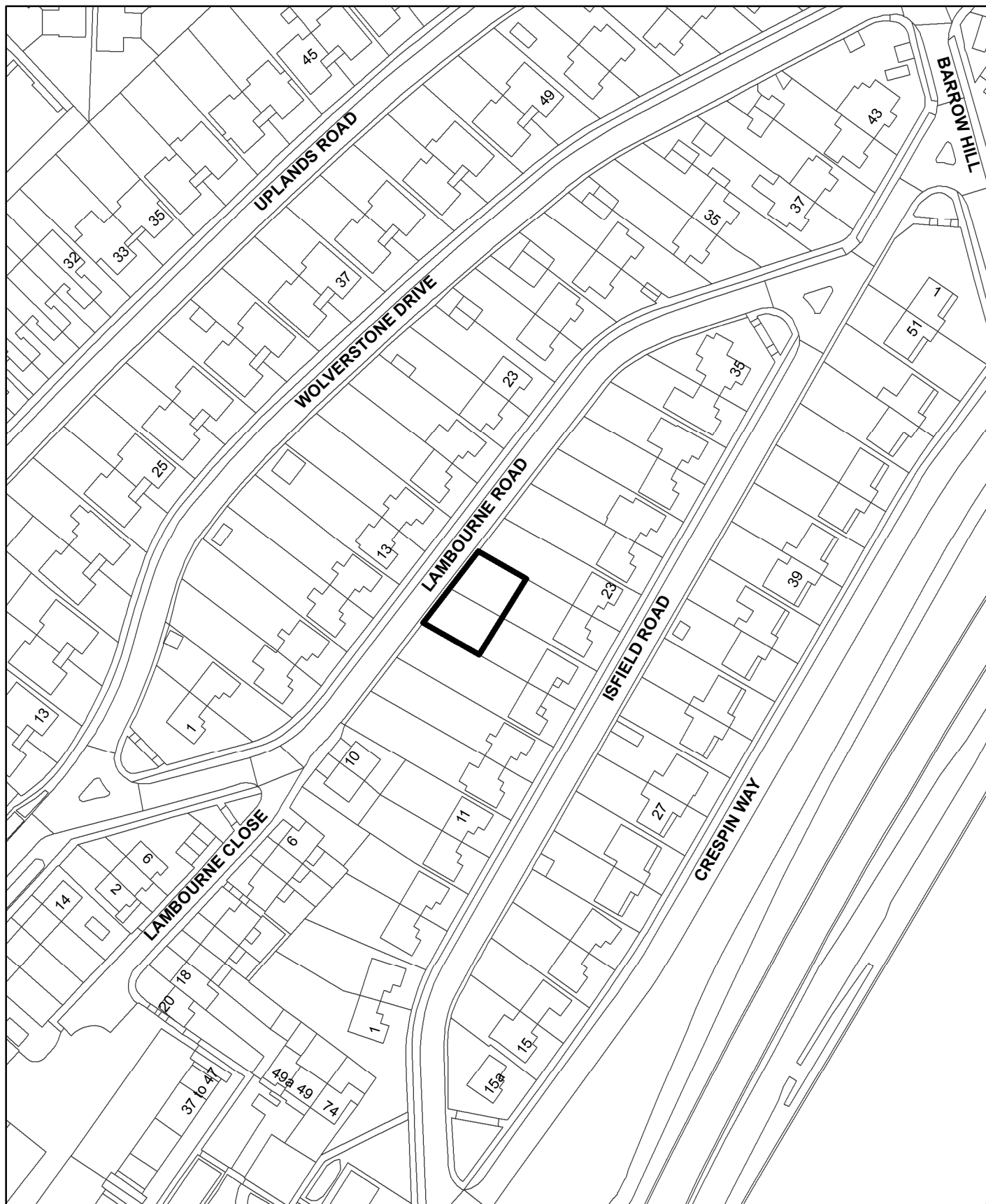
Should this application be recommended for refusal under the powers delegated to council officers, I ask that it be referred to the planning committee for decision and that this letter is included in the application.

ITEM E

**Land to Rear of 19 & 21 Isfield Road
BH2019/02677
Full Planning**

DATE OF COMMITTEE: 4th March 2020

BH2019 02677 - Land Rear Of 19 And 21 Isfield Road



Scale: 1:1,250

<u>No:</u>	BH2019/02677	<u>Ward:</u>	Hollingdean And Stanmer Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Land Rear Of 19 And 21 Isfield Road Brighton BN1 7FE		
<u>Proposal:</u>	Erection of two 4no bedroom semi-detached dwellinghouses (C3) with associated landscaping.		
<u>Officer:</u>	Jonathan Martin, tel:	<u>Valid Date:</u>	09.09.2019
<u>Con Area:</u>		<u>Expiry Date:</u>	04.11.2019
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Lewis _ Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	B G Ward Ltd C/O Lewis & Co Planning 2 Port Hall Road Brighton BN1 5PD		

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out 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	11A		9 September 2019
Proposed Drawing	12A		9 September 2019
Proposed Drawing	13A		9 September 2019
Proposed Drawing	14A		9 September 2019
Proposed Drawing	15A		9 September 2019
Proposed Drawing	16A		9 September 2019
Location and block plan	01		9 September 2019
Block Plan	10 A		9 September 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 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

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.

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 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.

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;

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.

6. No development shall take place until a scheme setting out highway works to provide a 2 metre wide pedestrian footpath with dropped kerbs between the existing footway and carriageway in the verge between 13 and 15 Lambourne Road has been submitted to and approved in writing by the local planning authority. No dwelling comprised within the proposed development

shall be occupied until the approved highway works have been carried out in accordance with the approved scheme.

Reason: To ensure that suitable footway provision is provided to and from the development and to comply with policies TR7, TR11 and TR12 of the Brighton & Hove Local Plan & CP9 of the City Plan Part One.

7. The development hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants of, and visitors to, the development 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 SPD14: Parking Standards.
8. The vehicle parking area(s) 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 and 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 comply with policy CP9 of the Brighton & Hove City Plan Part One and SPD14: Parking Standards.
9. The new/extended crossovers and accesses 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 SA6, CP7, CP9, CP12, CP13 and CP15 of the City Plan Part One.
10. The development hereby permitted shall not be occupied until the dwellings 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.
11. 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.

12. 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.

13. 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.

14. No extension, enlargement or other alteration of the dwellinghouse(s) as provided for within Schedule 2, Part 1, Classes A, B, C, and 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 for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local 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. The planning permission granted includes a vehicle crossover which requires alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle

by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The crossover is required to be constructed under licence from the Head of Asset and Network Management. The applicant is advised to contact the Council's Streetworks Team (permit.admin@brighton-hove.gov.uk 01273 290729) for necessary highway approval from the Highway Authority prior to any works commencing on the adopted highway to satisfy the requirements of the condition.

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); 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 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.
5. The planning permission granted includes an obligation upon the applicant to carry out small scale footway improvements on the adopted (public) highway that is owned by the Highway Authority (in this case Brighton & Hove City Council). Previously the applicant would have been conditioned to enter into a bespoke legal agreement and pay a contribution towards these works being carried out for the benefit of the development but to amongst other reasons reduce the costs of these works for all parties concerned the council is now obligating the applicant to carry out these works. The applicant or their representative is advised to contact the Council's Streetworks team (permit.admin@brighton-hove.gov.uk 01273 290729) who will provide information and if approved, a licence (instead of a bespoke legal agreement) for what, when & where work can be done, who will be permitted to carry out the works, possible contractor contact details to place orders with, design advice, material advice and will check that the footway improvements are built satisfactorily. The emphasis where possible is on minimising what needs to be done to build a satisfactory footway improvement for the benefit of the applicant, future occupants and visitors of the site and the community as a whole, and in particular the mobility and visually impaired of those respective groups. Finally be advised that the applicant or their representative must obtain all necessary highway approval from the Highway Authority prior to any works commencing on the adopted (public) highway to satisfy the law and requirements of condition.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application site relates to the rear garden space of no's 19 and 21 Isfield Road two semi-detached properties. The site backs directly onto the east side of Lambourne Road. The gradient of land on the site slopes down steeply from west to east with the properties of Isfield Road set at a lower

level than those of Lambourne Road. The properties of this part of Lambourne Road are separated from Isfield Road by the rear garden of the properties in Isfield Road with the properties on both roads predominantly facing south east. The separation and the rear gardens is widest at the southern part of the road and narrows towards the north. There is some development within the rear plots of Isfield Road, most notably at the rear of 9 and 11 and to the southern part of the road where back to back development with the southern part of Lambourne Road and Lambourne Close to Isfield Road is established. The immediate area is characterised by semi-detached properties along both Lambourne Road and Isfield Road and due to the fairly steep land levels these can sometimes appear as three storey properties with garages at street level and the ground and first floors of the dwellings above.

- 2.2. The property is not listed and is not situated within a conservation area.
- 2.3. Planning permission is sought for the erection of a single pair of semi-detached houses on land fronting Lambourne Road. This is a revised application following the recent refusal of planning application BH2018/03821 on the 5th June 2019. The previous application proposed four x 2-bedroom houses on the site and was refused on the grounds of overdevelopment, design and materials and overbearing impact on the neighbours to the rear.

3. RELEVANT HISTORY

- 3.1. BH2018/03821: Erection of a terrace of 4no two bedroom houses (C3) with associated landscaping and parking. Refused on 05.06.2019. The reasons for refusal are as follows:
 1. The proposed development, by reason of, the number of dwellings proposed on the site and the subdivision of the garden spaces into six plots would be uncharacteristic of the locality and would represent an overdevelopment of the site, contrary to policies CP8, CP12 and CP14 of City Plan Part One.
 2. The proposed dwellings, by reason of design, materials and substantial height, would create an appearance contrasting heavily with surrounding development, and is considered detrimental to the character of the Lambourne Road street scene. The proposed development would be therefore contrary to policies QD14 of the Brighton and Hove Local Plan and CP12 of City Plan Part One.
 3. The proposed development would, as a result of the three storey height and form of the rear elevation, would as a result of the three storey rear elevation be detrimental to the amenity of the occupiers of no's 17, 19, 21 and 23 Isfield Road by virtue of the imposing built form, overbearing impact and harmful overlooking. The proposed development would therefore be consequently be contrary to policy QD27 of the Brighton & Hove Local Plan.

4. REPRESENTATIONS

- 4.1. **Twenty Five (25)** letters have been received, objecting to the proposed development on the following grounds:
- Traffic
 - Noise
 - Height of the proposed development
 - Overdevelopment of the site
 - Impact on amenity
 - Poor design.

5. CONSULTATIONS

5.1. Transport: Seek Modifications

Although on the planning application, it states that there is not a new or altered pedestrian access proposed to or from the public highway, on the design and access statement, it clearly shows a new pedestrian access. The Highway Authority objects to the proposed tree next to the adopted (public) highway as the Highway Authority owns the verge and it seeks amendments to this application to pave over the proposed front garden and remove any front boundary treatment so that the verge can also be paved over to form paving that will by legal agreement be wide enough to be an adopted (public) footway (minimum width of 1.2m). Any different ownership of paving between neighbouring properties and the Highway Authority can be defined by different types, textures and colour of paving and the proposed soft landscaping on-site can be replaced by planters and benches for example. Also, the Highway Authority seeks amendments to the application to include the installation of a 2m wide paved footway from the existing paved footway in the verge opposite the site between 13 and 15 Lambourne Road to the carriageway with dropped kerbs where it meets the carriageway to avoid refusal.

- 5.2. The Highway Authority has also recommended conditions relating to the new/extended crossover, retention of parking area and cycle parking scheme.

5.3. Design Officer : Refuse/Seek Modifications

The principal of development is acceptable. However, the site has potential to diversify the community and to accommodate a denser housing typology. Further consideration could be given to the appropriateness of the semidetached housing typology on the site, and how innovative design could better respond to the extreme site topography. Consideration could also be given to the garden setting and how the design and material palette could respond sensitively to this.

- 5.4. It should be noted that informal pre-application advice was given to the agent prior to the Design Officer being appointed to the Council and that advice was provided in good faith. The proposed application will be assessed in light of the informal pre-application advice given and in light of the previous refusal scheme and the reasons for refusal that were given.

6. RELEVANT POLICIES & GUIDANCE

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 (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.

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP9	Sustainable transport
CP10	Biodiversity
CP12	Urban design
CP13	Public streets and spaces
CP14	Housing density
CP19	Housing mix

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

TR14	Cycle access and parking
QD16	Trees and hedgerows
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development

Supplementary Planning Document:

SPD 14	Parking Standards
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7. CONSIDERATIONS & ASSESSMENT

7.1. The main considerations in the determination of this application relate to the principle of development, the design of the proposed dwelling, the standard of residential accommodation, its impact on neighbouring amenity and the impact on the highways network.

Principle of Development:

- 7.2. 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.
- 7.3. The Council's most recent housing land supply position is published in the SHLAA Update 2018 (February 2019). The figures presented in the SHLAA reflect the results of the Government's 2018 Housing Delivery Test which was published in February 2019. The Housing Delivery Test shows that housing delivery in Brighton & Hove over the past three years (2015-2018) has totalled only 77% of the City Plan annualised housing target. Since housing delivery has been below 85%, the NPPF requires that a 20% buffer is applied to the five year housing supply figures. This results in a five year housing shortfall of 576 net dwellings (4.5 years supply). In this situation, when considering the planning balance in the determination of planning applications, 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).
- 7.4. City Plan Policy CP1 outlines that at least 13,200 new homes will need to be built over the plan period 2010-2030, which equates to an annual average rate of provision of 660 dwellings.
- 7.5. The proposed development is for the erection of 2 no. 4 bedroom semi detached dwellings with associated landscaping. The application site is in a residential area and therefore the Council has no objections in principle to the proposal of new residential development subject to compliance with local policies and guidance.
- Design and Appearance:
- 7.6. City Plan Policy CP12 expects all new development to raise the standard of architecture and design in the city, establish a strong sense of place by respecting the character of existing neighbourhoods and achieve excellence in sustainable building design and construction.
- 7.7. The previous scheme was refused due to the proposed number of units on site and the subdivision of the two gardens into 6 plots (4 new proposed and two existing) which was considered to be uncharacteristic of the locality and overdevelopment of the site. In light of this reason for refusal, the proposed scheme has reduced the number of proposed houses from 4 to 2. This reduction will give each new dwelling a larger garden area to the rear. Due to the reduction in units, the proposal is not considered to be an overdevelopment of the site. Furthermore, a pair of semi-detached dwellings would be characteristic of the locality which is largely developed by semi-detached pairs of dwellings. Whilst the design officer has noted that the semi-detached nature of the proposal should be re-evaluated given that the area is characterised by semi-detached properties the proposal is considered to be in keeping with the locality and has evolved since the previous refused scheme, which is a material consideration in the application.

- 7.8. A second reason for refusal of the previous scheme was due to the design, materials and substantial height of the proposal creating an appearance contrasting heavily with the surrounding development and considered to be detrimental to the character of the Lambourne Road street scene. The proposed application has significantly reduced the bulk and mass of the dwellings in particular at first floor level. The previous squared off and flat roof design has been abandoned in favour of a traditional pitched roof with small dormers to the front and velux windows to the rear. Although not reducing the overall total height when compared with the previous refusal, the proposal has reduced its bulk and the pitched roof is considered to have less impact and more in keeping with the locality. These changes greatly reduce the bulk of the development and lessens the visual impact from both the front and rear and is not considered to be detrimental to the character of the Lambourne Road street scene.
- 7.9. In addition to reducing the bulk, the design changes have focused on using a more traditional palette of materials. The previous scheme had large areas of white render, timber cladding and zinc to the bay windows whereas the current scheme proposes brick elevations, a pitched tiled roof and lead clad dormers to the front roofslope and small conservation style lead dormers to the rear roofslope. The change in materials is welcomed as the scheme is now considered to be more in keeping with the prevailing character of the locality and the types of materials used on surrounding properties.
- 7.10. The proposal has therefore addressed the reasons for refusal on the previous scheme by way of design and appearance and it is considered that the proposal is now in accordance with policies CP8, CP12 and CP14 of the City Plan Part One and policy QD14 of the Brighton and Hove Local Plan.
- 7.11. A condition is proposed to restrict permitted development at the new dwellings as further extensions at ground or roof level would have the potential to cause harm to local amenity and for this reason the LPA would seek to exercise control over any further alterations.
- Standard of Accommodation:
- 7.12. 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.
- 7.13. 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, they provide a useful guideline on acceptable room sizes that would offer occupants useable floor space once the usual furniture has been installed. The 'Nationally Described Space Standards' establishes the

minimum floor space for a single bedroom as measuring at least 7.5m², and a double bedroom should measure at least 11.5m².

- 7.14. The following schedule of accommodation is proposed:
- Bedroom 1 - 17.4sqm
 - Bedroom 2 - 12.6sqm
 - Bedroom 3 - 14.5sqm
 - Bedroom 4 - 8.7sqm
- 7.15. The total GIA for each unit would be 131sqm which exceeds the NDSS by 10sqm per unit. The internal areas exceed the NDSS guidance and the kitchen/dining/living provides a good level of internal space. Overall the proposed house would offer a good standard of living accommodation in terms of layout, circulation space, storage and access to natural light and ventilation.
- 7.16. Policy HO5 of the 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. The proposed scheme would provide a rear garden and a rear patio for each property. Overall, the proposed dwellings would provide a large portion of private amenity space which is considered appropriate to a four bedroom dwelling house.
- 7.17. The proposed scheme would provide a good standard of accommodation and provide an appropriate level of amenity space and therefore the proposal is compliant with Policies QD27 and HO5 of the Local Plan.
- Impact on Amenity:
- 7.18. 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.
- 7.19. The previous scheme was refused as the height and form of the development as a result of the three storey rear elevation was considered to be detrimental to the amenity of the occupiers of no's 17, 19, 21 and 23 Isfield Road by virtue of the imposing built form creating an overbearing impact and harmful overlooking.
- 7.20. The proposed scheme has removed the flat roof element and now proposes a pitched roof profile as discussed in previous sections. The proposal will still remain 3 storeys in height but the alterations to the form of the rear elevation will greatly lessen the visual impact and sense of overbearing to the existing houses at 19 and 21 Isfield Road. The current proposal introduces a stepped relationship in the design of the rear of the dwellings which, in comparison to the refused scheme, would bring the development slightly closer to the properties in Isfield Road, however, the stepped form and pitched roof design significantly mitigates the impact of the proposal over the stark three storey previous form facing the rear of the properties in Isfield Road and for these

reasons the proposal is not considered to be overbearing on the occupier's of 17,19,21 and 23 Isfield Road.

- 7.21. In relation to harmful overlooking caused by the previous scheme, the rear elevation has been altered accordingly. The proposal has removed the rear windows at first floor level in their entirety and replaced them with Velux windows in the roof slope. Furthermore, internal rearrangements to the design has resulted in two of the four rear facing windows being bathroom windows that will be obscure glazed. When compared with the previous schemes 8 rear facing windows, the proposed development has significantly reduced the direct overlooking to the houses to the rear and whilst a single clear window at ground floor level (serving a bedroom) would remain facing the rear of properties in Isfield Road this, together with a separation distance to those properties of approximately 17m is considered to not cause a level of demonstrable harm through overlooking sufficient to warrant refusal of the application. It is noted that as the plots separating Isfield Road and Lambourne Road narrow towards the north east it is not considered that the development could be replicated (as proposed) along this area of the road due to the narrowing and subsequently increasing impact.
- 7.22. In light of the above, the proposed development is considered to have addressed the reasons for refusal on the previous scheme in regards to amenity and is considered to be compliant with policy QD27 of the Local Plan.
- 7.23. Due to the relatively steep topography of the site a condition is recommended to secure further detail on land level and ordance datum levels in relation to the proposed development in order to safeguard the amenities of future occupiers and ensure the development is constructed in accordance with details as approved.

Sustainable Transport:

- 7.24. It is noted that the highways authority had no objection to the previous scheme although recommended conditions to be applied. The overall response to this application is to seek amendments and recommended conditions to be applied. Given that the previous scheme for a larger density of development (but very similar impact to the highway) had no objection it is considered unreasonable to refuse the current application on this basis. Conditions are recommended in order to overcome the concerns raised.
- 7.25. In specific regards to this scheme the Highways Authority have objected to the proposed tree to the front of the development site as it may limit the ability for the installation of an appropriate footpath. However, the proposed tree is considered to be acceptable in planning terms and would not be considered as a planning reason for refusal. Similarly the Highway Authority seeks the front gardens to be paved over and removed. However, the proposal as it currently stands is acceptable in planning terms and an entirely paved front area would be harmful to the appearance of the development and character of the area. Notwithstanding this a condition requiring details of all

proposed hard and soft landscaping together with finishes to boundary treatments is recommended in order to address these concerns.

- 7.26. A new vehicle access to the west of the site off Lambourne Road is proposed and a condition will be attached relating to the new/extended crossover. SPD14 states that the maximum car parking standard for 4-bedroom dwellings within the Outer Area is 1 space per dwelling plus 1 space per 2 dwellings for visitors. The applicant is proposing 1 car parking spaces for each 4-bedroom property within the Outer Area and it is considered that the proposed two parking spaces are acceptable in this instance. A retention of parking area condition will be attached to ensure that on-site parking is maintained.
- 7.27. The highways authority have also requested that the application be amended to include the provision of a 2m wide paved footway (with dropped kerbs) from the existing footway opposite the site (between 13 and 15 Lambourne Road) down through the verge where it meets the highway. It is considered that this can be secured through a grampian condition and such a condition is proposed in order to address this concern.
- 7.28. In relation to cycle parking, SPD14 states that for a 4 bedroom house, 2 cycle parking spaces should be provided. Cycle parking details are not proposed within the application but can be sufficiently secured via a condition.
- 7.29. In light of the above, the proposal is compliant with SPD14.

Sustainability:

- 7.30. Policy CP8 of the Brighton & Hove City Plan Part One requires new development to demonstrate a high level of efficiency in the use of water and energy. These measures are to be secured via a suitably worded condition.

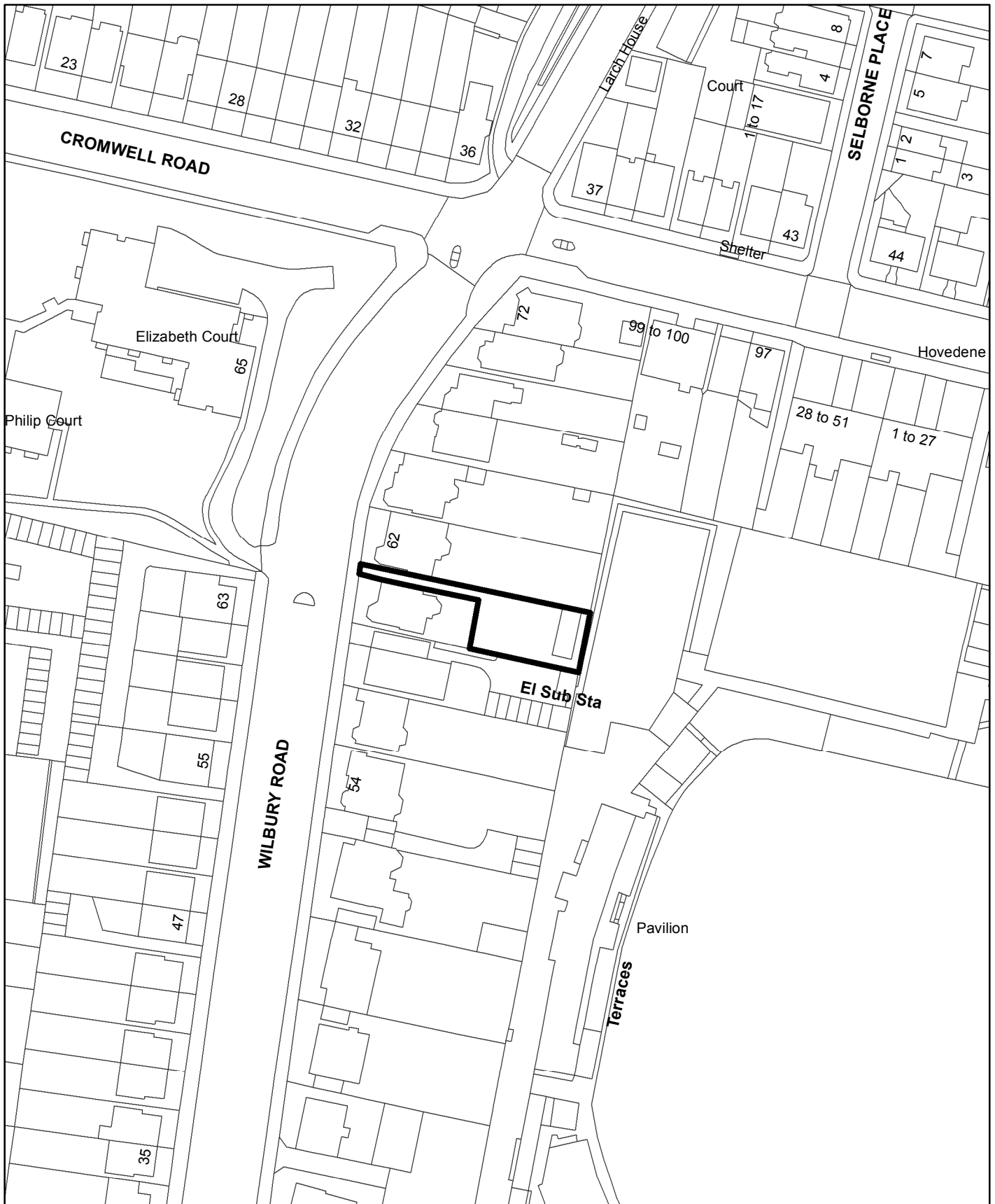
8. EQUALITIES
None identified

ITEM F

**Rear of 60 Wilbury Road
BH2019/03066
Full Planning & Demolition in CA**

DATE OF COMMITTEE: 4th March 2020

BH2019 03066 - Rear Of 60 Wilbury Road



N



Scale: 1:1,250

<u>No:</u>	BH2019/03066	<u>Ward:</u>	Goldsmid Ward
<u>App Type:</u>	Full Planning and Demolition in CA		
<u>Address:</u>	Rear Of 60 Wilbury Road Hove BN3 3PA		
<u>Proposal:</u>	Demolition of existing outbuilding and erection of 1no three bedroom single storey dwelling (C3)		
<u>Officer:</u>	Jonathan Martin	<u>Valid Date:</u>	15.10.2019
<u>Con Area:</u>	Willett Estate	<u>Expiry Date:</u>	10.12.2019
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Lewis And Co Planning SE Ltd Lewis & Co Planning 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Mr David Moyle C/O Lewis And Co Planning 2 Port Hall Road Brighton BN1 5PD		

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out 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	TA1219/10	B	15 October 2019
Proposed Drawing	TA1219/13	B	15 October 2019
Proposed Drawing	TA1219/12	B	15 October 2019
Proposed Drawing	TA1219/14		15 October 2019
Proposed Drawing	TA1219/11	C	5 February 2020
Location and block plan	TA1219/01	B	15 October 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. Prior to first occupation of the development hereby permitted details of the proposed boundary treatment (meaning fencing and/or soft landscaping) between the two garden areas shall have been submitted to and approved in writing by the Local Planning Authority. The agreed boundary treatments shall be provided in accordance with the approved details prior to first occupation of the development and shall thereafter be retained at all times.

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

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

5. The development hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants of, and visitors to, the development 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 SPD14: Parking Standards.

6. The residential unit hereby approved shall not be occupied until the 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.

7. The residential unit hereby approved shall not 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.

8. 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.

9. The development hereby permitted shall not be occupied until the dwelling 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.

10. No extension, enlargement, alteration or provision within the curtilage of the of the dwellinghouse 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, HE6 and QD27 of the Brighton & Hove Local Plan and CP15 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. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.

3. 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.

4. 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.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application site relates to the rear garden of 60 Wilbury Road, a detached property subdivided into flats located on the east side of Wilbury Road. The existing rear garden is large and features a single storey outbuilding located at the eastern end of the garden. To the rear (east) of the site there is a large indoor squash court that forms part of the County Cricket Ground. The properties to the west of the site on Wilbury Road are mainly detached three storey Victorian Villas. The property adjoining no 60 to the south is a five storey block of flats.
- 2.2. The site lies within the Willett Estate conservation area.
- 2.3. Planning permission is sought for the demolition of existing outbuilding and erection of 1no three bedroom dwelling (C3).

3. RELEVANT HISTORY

- 3.1. **BH2017/03255** - Demolition of existing outbuilding and erection of 2no two bedroom dwellings (C3). refused for the following reasons:
 1. The proposed development by reason of the subdivision of the garden space into three plots and the number of dwellings proposed on the site would be uncharacteristic of the locality and would represent an overdevelopment of the site, contrary to policies CP8, CP12 and CP14 of City Plan Part One.
 2. The proposed dwellings, by virtue of their form and scale, would result in an overdevelopment of the site and would be out of character with the surrounding development, contrary to policies QD14 and HE6 of the Brighton and Hove Local Plan, CP15 of City Plan Part One.

This application was dismissed at appeal.

- 3.2. **BH2017/01016** - Demolition of existing outbuilding and erection of 3no two bedroom houses (C3). Withdrawn 29.06.2017.
- 3.3. **BH2016/05106** - Conversion of existing residential outbuilding to create 1no single storey dwelling (C3), incorporating extension to front and associated alterations, landscaping and car parking. Approved 23.12.2016.

- 3.4. **BH2015/04265** - Certificate of lawfulness for proposed internal alterations to existing letting rooms to create 12no self-contained units (C3). Approved 15.03.2016.
- 3.5. **BH2002/00091/FP** - Conversion of existing offices (use class B1) and residential (use class C3) to supported housing for 12 residents with 24 hour on site staff supervision (use class C2). Approved 14.03.2002.
- 3.6. **BH2000/01558/FP** - Change of use from residential and offices to single dwelling house. Approved 26.07.2000.

4. REPRESENTATIONS

- 4.1. **Seven (7)** letters of representation have been received objecting to the proposal for the following reasons:
- Impact on conservation area
 - Access
 - Additional Traffic
 - Result in overlooking and loss of privacy
- 4.2. **Two (2)** letters of representation have been received supporting the proposal for the following reasons:
- Good Design

5. CONSULTATIONS

- 5.1. **CAG** : Recommended refusal for the following reasons;
- The Group has seen past applications on this site and the present one still does not respect the historic architectural character for a rear development in this part of the Conservation Area
 - The present proposal is even larger than the previously approved scheme
 - It is considered an over development with no reference to the style of the host building's style.
 - A smaller "coach house" styled structure would be more in keeping
 - This if approved could be a precedent to other applications on neighbouring sites
- 5.2. **Heritage:** Approve with conditions
This application proposes a structure of a similar footprint to that approved under application BH2016/05106, (and substantially smaller than the withdrawn scheme), however the current proposal is for a hipped, pitched roof which would be higher at its ridges than the existing/approved flat roofed structure.
- 5.3. It is considered that as currently proposed the new building would be of a scale and form that would be subservient to the main dwelling on the site, as is considered appropriate for rear garden developments.

5.4. **Environmental Health:** No comments received

5.5. **Sustainable Transport:** Approve subject to condition relating to cycle parking

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 (JAAP) 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
CP15	Heritage

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

TR7	Safe Development
TR14	Cycle access and parking
QD14	Extensions and alterations
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

- HE6 Development within or affecting the setting of the conservation area
- HE8 Demolition in conservation areas

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 the development on site, the design of the new building and its impact on the character and appearance of the streetscene and wider area, the impacts on the amenities of adjacent occupiers, the standard of accommodation to be provided, and sustainability and traffic issues.

Principle of Development

- 8.2. The site relates to the rear garden space of no. 60 Wilbury Road, a three storey detached Victorian Villa subdivided into flats. The proposal would result in the subdivision of the land to the rear of no. 60 Wilbury Road and the erection of one single storey dwelling. Access to the site would be from the existing alleyway between no. 60 and 62 Wilbury Road. The properties within the surrounding area are predominantly detached dwellings set in deep plots with large gardens. There are no examples of backland development within the street.
- 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 is published in the SHLAA Update 2018 (February 2019). The figures presented in the SHLAA reflect the results of the Government's 2018 Housing Delivery Test which was published in February 2019. The Housing Delivery Test shows that housing delivery in Brighton & Hove over the past three years (2015-2018) has totalled only 77% of the City Plan annualised housing target. Since housing delivery has been below 85%, the NPPF requires that a 20% buffer is applied to the five year housing supply figures. This results in a five year housing shortfall of 576 net dwellings (4.5 years supply). In this situation, when considering the planning balance in the determination of planning applications, 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).
- 8.5. City Plan Policy CP1 outlines that at least 13,200 new homes will need to be built over the plan period 2010-2030, which equates to an annual average rate of provision of 660 dwellings.

8.6. This application follows the previously approved application BH2016/05106 for the extension and conversion of the existing outbuilding to create a single storey dwelling; therefore the principle of residential development has been established on site. Given that planning permission BH2016/05106 has been implemented due to the digging of the foundations for the extension in association with the conversion to 1 residential unit, the proposal will not result in an uplift of units on this site. The proposal will not contribute to the annual housing target above that previously approved but it does seek to provide a higher quality residential unit to the extant permission.

8.7. Whilst there are no objections in principle to the proposal, the new dwelling must comply with local policies and guidance as discussed below.

Design and Character:

8.8. Policy CP12 of the Brighton & Hove City Plan seeks to ensure that all new development raises the standard of architecture and design in the City. In tandem with this, Policy CP14 of the City seeks to encourage a higher density of development than those typically found in the locality provided developments will, amongst other things, respect, reinforce or repair the character of a neighbourhood and contribute positively to its sense of place.

8.9. When considering whether to grant planning permission for development which affects a conservation area or its setting the council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area or any features of special architectural or historic interest which it possesses. Case law has held that the desirability of preserving the character or appearance of a conservation area must be given "considerable importance and weight".

8.10. Policy HE8 of the Local Plan explains how proposals should retain buildings or structures that make a positive contribution to the character and appearance of the conservation area. The existing garage is not original to the host property and is of no architectural or historic merit and as such is considered that the existing garage makes no positive contribution to the conservation area, so no special justification is required for its demolition. The existing building can only be glimpsed from the street and is dwarfed by the Cricket Club buildings to the rear.

8.11. Policy HE6 of the Local plan requires proposals to preserve or enhance the character or appearance of the conservation area.

8.12. The previous application for two dwellings on this site was refused as "the proposed dwellings, by virtue of their form and scale, would result in an overdevelopment of the site and would be out of character with the surrounding development, contrary to policies QD14 and HE6 of the Brighton and Hove Local Plan, CP15 of City Plan Part One."

8.13. The new proposal seeks to demolish the existing outbuilding and erect a building which is single storey in height and it will have a pitched roof. The

scheme will use brick and slate for the main elevations, and timber for the doors and windows.

- 8.14. It is noted that CAG has expressed concerns over the proposal and have stated that the proposed scheme is larger than that approved by the extant consent. As shown on the proposed plans the proposal has a sloping pitched roof which is higher than before. However, the previous scheme had a flat roof and as such the structure appeared taller at the buildings edges. This is due to the eaves height being higher on the extant scheme compared with the proposed. The lower eaves height will have less of an impact on the proposed bulk of the new unit and is therefore considered to be acceptable. The proposal also has a slightly larger footprint than the extant permission with the increase in footprint coming from a bay window to the lounge area and a larger central porch. Overall it is considered that the dwelling now proposed is of a better design and scale than the extant permission.
- 8.15. Despite the increase in height, compared to the extant permission, as a result of the proposed hipped/pitched roof and slight increase to the footprint, the proposed dwelling would be of a scale and form that would not result in overdevelopment of the site and would be subservient to the main dwelling on site, which is considered appropriate for rear gardens developments. Officers acknowledge that the proposal would result in the loss of a substantial portion of amenity space available to the host building and a relatively small garden for this property, due to the increase in the amount of development on the site and the loss of part of the remaining garden area to the enjoyment of the residents of the new building. However the proportion of the original plot that would remain undeveloped is reasonable and will continue to provide an open, green setting at the rear that broadly maintains the existing urban grain. Furthermore the principle of the subdivision of the plot has been established via the extant permission.
- 8.16. The proposed development will improve the appearance of the site compared to the existing garage structure and so will benefit the character and appearance of the conservation area, albeit that such benefit will be modest owing to the site's lack of visibility in the streetscene. It is recommended that permitted development rights be removed as it is considered 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 the Local Planning Authority would wish to control any future development of the new dwelling.
- 8.17. The proposal is considered acceptable in relation to the conservation area and its setting and accordingly it is concluded that the proposal will not cause harm to the heritage asset. Overall it is considered that the proposal is in accordance with policies CP12 and CP15 of the Brighton and Hove City Plan and policies HE6 and HE8 of the Local Plan.

Standard of Accommodation

- 8.18. 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 living spaces and bedrooms once the standard furniture has been installed, as well as good access to natural light and air in each habitable room.

- 8.19. 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, they provide a useful guideline on acceptable room sizes that would offer occupants useable floor space once the usual furniture has been installed. The 'Nationally Described Space Standards' establishes the minimum floor space for a single bedroom as measuring at least 7.5m², and a double bedroom should measure at least 11.5m².
- 8.20. The new dwelling would have a gross internal floor space of 74sqm consisting of the following:
- bedroom 1 - 12.8sqm with 3.6sqm en-suite
 - bedroom 2 - 10.7sqm with 1.96sqm en-suite
 - bedroom 3 - 7.7sqm.
- 8.21. This would meet the governments Technical Housing Standards- Nationally described space standards which states that a 3 bedroom, 4 person, 1 storey property should have a minimum gross internal floor area of 74sqm. The property would consist of a double bedroom and two single bedrooms, each of which meets the minimum national space standards. The proposal would provide suitable circulation space within the living spaces and bedrooms and access to natural light is available for each habitable room.
- 8.22. Policy HO5 requires the provision of private useable amenity space in new residential development. The proposal would split the existing rear garden space of 60 Wilbury Road into two plots, providing a garden space for no. 60 and one plot for the dwelling. The size of the garden spaces would be appropriate to the scale of development of the dwelling. The majority of the garden area would be located to the front of the new dwelling, but with the proposed screening thus garden space is considered to be private amenity space.
- 8.23. Policy HO13 requires all new residential dwellings to be built to Lifetime Homes standards whereby they can be adapted to meet people with disabilities without major structural alterations. The requirement to meet Lifetime Homes has now been superseded by the accessibility and wheelchair housing standards within the national Optional Technical Standards. Step-free access to the (new-build) dwellings appears to be achievable; therefore if approval was granted conditions would be applied to ensure the development complies with Requirement M4(2) of the optional requirements in Part M of the Building Regulations.

Impact on neighbouring Amenity:

- 8.24. 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.
- 8.25. Given the existing residential character of the property and surrounding area, it is not considered in principle that the provision of the new residential unit would have a significant adverse impact upon the amenities of neighbouring properties.
- 8.26. The proposal is set in from the boundaries of the neighbour land and it is not considered that the development would have a significant adverse impact upon the amenities of these properties in terms of overshadowing, loss of light, overlooking or loss of privacy.
- 8.27. In the appeal decision for planning application BH2017/03255 (erection of 2 dwellings) the inspector considered that the development would not give rise to "substantial noise or light pollution or intrusive overlooking over and above that to be expected in a developed residential area of his type and, therefore, no resulting harm to living conditions of the occupiers of neighbouring properties." The proposal has a smaller eaves height when compared with the appeal decision application.
- 8.28. In light of the above, the proposal is compliant with Policies QD27 and Policy HO5 of the Local Plan.

Transport:

- 8.29. The proposed development would not result in a significant increase in trip generation and any impact on the highway would be minimal.
- 8.30. In terms of cycle parking, 2 spaces have been proposed to serve the development which is in line with SPD14 guidance and details of the cycle parking will be agreed via a condition.
- 8.31. SPD14 states that the maximum car parking standard for a 3-bedroom dwelling within a Key Public Transport Corridor is 1 space per dwelling plus 1 space per 2 dwellings for visitors. The applicant is proposing 1 car parking space, although the driveway could accommodate more vehicles if needed.
- 8.32. There is potential for displaced parking from the existing garage and dwelling; however, in this case, this would be managed by the surrounding Controlled Parking Zone (CPZ).

Sustainability:

- 8.33. Policy CP8 of the Brighton & Hove City Plan Part One requires new development to demonstrate a high level of efficiency in the use of water and energy. These measures can be secured via a suitably worded condition and do not form a reason for refusal.

- 8.34. There is ample space on the site for the provision of refuse and recycling facilities. Such facilities should be fully implemented and made available for use prior to occupation of the proposed development.

Ecology:

- 8.35. Policy CP10 of the City Plan Part One seeks to ensure that all new development proposals conserve existing biodiversity, protecting it from the negative indirect effects of development including noise and light pollution.
- 8.36. The applicant has submitted a Biodiversity checklist which shows that the existing site does not show signs of any protected species being located on site. The proposal will not result in the loss of any mature trees. Overall, the proposal will not have any negative impacts on existing biodiversity on site.
- 8.37. A bee brick shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.

9. EQUALITIES

- 9.1. 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.

ITEM G

**Garages at 2A Lowther Road
BH2019 01214
Full Planning**

DATE OF COMMITTEE: 4th March 2020

BH2019 01214 - Garages At 2A Lowther Road



N



Scale: 1:1,250

<u>No:</u>	BH2019/01214	<u>Ward:</u>	Preston Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Garages At 2A Lowther Road Brighton BN1 6LF		
<u>Proposal:</u>	Demolition of existing garage & storage sheds and erection of a three storey 4 bedroom single dwelling (C3).		
<u>Officer:</u>	Jonathan Martin	<u>Valid Date:</u>	22.05.2019
<u>Con Area:</u>	Adjoining Preston Park	<u>Expiry Date:</u>	17.07.2019
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	3js Surveyors & Valuers Ltd Sussex House 75 Church Road Hove BN3 2BB		
<u>Applicant:</u>	3js Surveyors & Valuers Ltd Sussex House 75 Church Road Hove BN3 2BB		

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 Plan			23 April 2019
Block Plan			1 May 2019
Proposed Drawing	02/19 REV1		17 July 2019
Proposed Drawing	03/19 REV1		17 July 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 be occupied until details of secure cycle parking facilities for the occupants of, and visitors to, the development 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 SPD14: Parking Standards.

4. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of how the existing red pavers will be reused to pave the forecourt of the new house have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and the pavers shall be retained onsite thereafter.
Reason: To ensure the satisfactory appearance of the building and to comply with policy HE6 of the Brighton & Hove Local Plan and policies CP12 and CP15 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 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 Policy HE6 of the Brighton & Hove Local Plan and Policy CP12 of the Brighton & Hove City Plan Part One.
6. Within 6 months of commencement of the development hereby permitted or prior to occupation, whichever is the sooner, a scheme shall be submitted to the Local Planning Authority for approval to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit. The approved scheme shall be implemented before occupation.
Reason: This condition is imposed in order to allow the Traffic Regulation Order to be amended in a timely manner prior to first occupation to ensure that the development does not result in overspill parking and to comply with policies TR7 & QD27 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One and SPD14: Parking Standards.
7. 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 Brighton & Hove City Plan Part One.
8. 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 and CP11 of the Brighton & Hove City Plan Part One.

9. 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.

10. The new/extended crossovers and accesses 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 SA6, CP7, CP9, CP12, CP13 and CP15 of the Brighton & Hove City Plan Part One.

11. The development hereby permitted shall not be occupied until the dwelling hereby permitted has 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.

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

Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies HE6 of the Brighton & Hove Local Plan and CP12 and CP15 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 the scheme required to be submitted by Condition 6 should include the registered address of the completed development; an invitation to the Council as Highway Authority (copied to the Council's Parking Team) to amend the Traffic Regulation Order; and details of arrangements to notify potential purchasers, purchasers and occupiers that the development is car-free.
3. The planning permission granted includes a vehicle crossover which requires alterations and amendments to areas of the public highway. All necessary costs

including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The crossover is required to be constructed under licence from the Head of Asset and Network Management. The applicant is advised to contact the Council's Streetworks Team (permit.admin@brighton-hove.gov.uk 01273 290729) for necessary highway approval from the Highway Authority prior to any works commencing on the adopted highway to satisfy the requirements of the condition.

4. 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.
5. The water efficiency standard required under 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.
6. In order to be in line with Policy TR14 Cycle Access and Parking of the Brighton & Hove Local Plan 2005 cycle parking must be secure, convenient (including not being blocked in a garage for cars and not being at the far end of a rear garden), accessible, well lit, well signed, near the main entrance, by a footpath/hardstanding/driveway 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.
7. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
8. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website (www.communities.gov.uk).

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The site is upon rising ground to the east side of Lowther Road between a contemporary three-storey dwelling and rear gardens belonging to houses in Preston Drove. Lowther Road in the main comprises of terraced housing constructed at the turn of the 20th Century. The area is primarily residential.
- 2.2. Existing buildings comprise an end garage (bounding Lowther Road), with storage sheds behind and extending the depth of the site. The buildings are all formed along the south boundary. The application site does not lie within the Preston Park Conservation Area but lies immediately north of the designated area boundary.
- 2.3. Planning permission is sought for the demolition of existing garage & storage sheds and erection of a three storey 4 bedroom single dwelling (C3).

3. RELEVANT HISTORY

None.

4. REPRESENTATIONS

- 4.1. **Seven (7)** letters of representation have been received objecting to the proposal for the following reasons:
- Inappropriate height of development
 - Overdevelopment
 - Harm conservation area
 - Residential Amenity
 - Result in overlooking and loss of privacy
 - Additional traffic causing congestion.

5. CONSULTATIONS

5.1. Heritage 05.02.2020 : Approve with conditions

There does appear to be some heritage significance to the site judging by the red brick pavers, which clearly pre-date the garages, but the pavers do not form part of the setting of the conservation area. Nevertheless it would be recommended to retain and reuse these brick pavers on the new forecourt to the house - this could be controlled by condition. One aspect of the application that does not appear to have been picked up on is that the existing trees on the neighbouring site, which are very close to the proposed development, have amenity value in the streetscene and contribute positively to the setting of the conservation area, but are likely to be impacted by the development. The Council's Tree Officer has now provided comments.

- 5.2. In the light of the tree officer's comments there are no outstanding objections to the scheme from a heritage perspective. Any permission should be subject to a condition requiring the existing red brick pavers to be reused to pave the forecourt of the new house, in accordance with details to be submitted to and approved by the LPA before works commence.

5.3. Heritage 19.06.2019 : Seek Further Information

Having reviewed the information provided there appears to be no submitted statement which considers the significance of the designated heritage assets, in this case Preston Road conservation Area and discusses the impact upon the Conservation Area in accordance with para 189 of the NPPF.

5.4. The proposed development site is bounded to the north by a modern infill development of three storeys, whilst to the south; it is bordered by the private garden of 139 Preston Drove. The existing form being low grade single storey structures read as an oddity in the streetscape.

5.5. It is considered that there is potential for sensitive development upon the site that will respect the urban grain and falling topography, which affords views into the Preston Park Conservation Area.

5.6. The proposed new dwelling is a modern contemporary design whose appearance would read as a later infill development, which follows the theme of the site immediately to the north. The choice of materials compliments the colour palette of the local vernacular whilst the architectural detail provides contrast and interest in the street scene.

5.7. I note from the proposed elevations that photovoltaic panels are to be mounted upon the flat roof. Whilst the roof plan does not identify the existing of a parapeted façade to the front elevation this is shown on the as Proposed Elevations, however the roof profile is visible on the side elevation and therefore so to potentially will be the panels in the approaches from the conservation area.

5.8. Transport: No objection subject to conditions.

The Highway Authority has not raised any objection to the proposal subject to conditions relating to the new/extended crossover, hard surfaces, cycle parking scheme, retention of parking area and car free housing.

5.9. Arboriculturalist: No objection

Although there are no trees on site, third party ownership trees within the rear gardens of Preston Drove are in close proximity to the boundary and overhang the current single storey garages. There is likely to be a minor loss of amenity due to the need to prune this back, however these trees are not of a condition to fulfil criteria for Preservation status, as such there is no formal objection from the Arboricultural department

6. RELEVANT POLICIES & GUIDANCE

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 (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.

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP9	Sustainable transport
CP10	Biodiversity
CP12	Urban design
CP13	Public streets and spaces
CP14	Housing density
CP15	Heritage
CP19	Housing mix

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

TR14	Cycle access and parking
QD16	Trees and hedgerows
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Document:

SPD 09	Architectural Features
SPD 12	Design Guide for Extensions and Alterations
SPD 14	Parking Standards

7. CONSIDERATIONS & ASSESSMENT

7.1. The main considerations in the determination of this application relate to the principle of development, the design of the proposed dwelling, the standard of residential accommodation, its impact on neighbouring amenity, sustainability and the impact on the highways network.

Principle of Development:

7.2. 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.

- 7.3. The Council's most recent housing land supply position is published in the SHLAA Update 2018 (February 2019). The figures presented in the SHLAA reflect the results of the Government's 2018 Housing Delivery Test which was published in February 2019. The Housing Delivery Test shows that housing delivery in Brighton & Hove over the past three years (2015-2018) has totalled only 77% of the City Plan annualised housing target. Since housing delivery has been below 85%, the NPPF requires that a 20% buffer is applied to the five year housing supply figures. This results in a five year housing shortfall of 576 net dwellings (4.5 years supply). In this situation, when considering the planning balance in the determination of planning applications, 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).
- 7.4. City Plan Policy CP1 outlines that at least 13,200 new homes will need to be built over the plan period 2010-2030, which equates to an annual average rate of provision of 660 dwellings.
- 7.5. The proposed development is for the demolition of the existing garage and sheds and the erection of a 4 bedroom dwelling house. The proposal will contribute to the Council's housing target. Therefore the Council has no objections in principle to the proposal subject to compliance with local policies and guidance.

Design, Appearance and Impact on Conservation Area:

- 7.6. City Plan Policy CP12 expects all new development to raise the standard of architecture and design in the city, establish a strong sense of place by respecting the character of existing neighbourhoods and achieve excellence in sustainable building design and construction.
- 7.7. When considering whether to grant planning permission for development affecting 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. Case law has held that the desirability of preserving a listed building or its setting or the character or appearance of a conservation area must be given "considerable importance and weight".
- 7.8. The site adjoins a conservation area and as such Policy HE6 of the Local Plan will apply which states proposals to preserve or enhance the character or appearance of the conservation area. It is considered that there is potential for sensitive development upon the site, development that respects the urban grain and falling topography and which affords views into the Conservation Area.
- 7.9. The proposed new dwelling is a modern contemporary design whose appearance would read as a later infill development, which follows the theme of the site immediately to the north. The choice of materials of render and timber cladding compliments the colour palette of the local vernacular whilst the architectural detail provides contrast and interest in the street scene. Importantly the development reads the falling topography and as such retains a mass and scale consistent with the built form. The proposed development is no taller than the existing terrace and steps down in height which limits encroachment to the south.

- 7.10. The front elevation is considered to add architectural merit that would contribute to the street scene. In relation to the side elevation the design is considered to be a blank feature but this is true of the neighbouring property and this elevation would be screened by trees. The proposed solar panels would not be unduly visible from the streetscene and would therefore not have a negative impact on the character and appearance of the setting of the conservation area.
- 7.11. The existing trees within the neighbouring site, which are very close to the proposed development, are considered to have amenity value in the streetscene and contribute positively to the setting of the conservation area, however as set out below these trees are not covered by Tree Protection Orders and no objection to the pruning of these trees has been raised by the Council's Arboriculturist.
- 7.12. Overall it is not considered that the proposal would have a negative impact on the setting of the conservation area. There does appear to be some heritage significance to the site judging by the red brick pavers, which clearly pre-date the garages, but the pavers do not form part of the setting of the conservation area. Nevertheless it would benefit the character of the area to retain and reuse these brick pavers on the new forecourt to the house. The reuse of these pavers could be controlled via a condition should overall the proposal be considered acceptable.
- 7.13. Accordingly, it is considered that the proposal is in accordance with policy CP12 of the Brighton and Hove City Plan. Furthermore The proposal would not harm or impact the setting of the Preston Park Conservation Area and is therefore in accordance with policy HE6 of the Local Plan.

Standard of Accommodation:

- 7.14. 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.
- 7.15. 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, they provide a useful guideline on acceptable room sizes that would offer occupants useable floor space once the usual furniture has been installed. The 'Nationally Described Space Standards' establishes the minimum floor space for a single bedroom as measuring at least 7.5m², and a double bedroom should measure at least 11.5m². The following schedule of accommodation is proposed:
- 7.16. New dwelling (excluding garage) 150sqm
- Bedroom 1 - 16.17sqm (Double)
 - Bedroom 2 - 10.56sqm (Single)
 - Bedroom 3 - 15.90sqm (Double)

- Bedroom 4 - 16.12sqm. (Double)
- 7.17. The proposed internal areas exceed the NDSS guidance which explains that a 4b7p dwelling across 3 storeys should have a minimum GIA of 121sqm. The kitchen/dining/living areas provide a good level of internal space. Overall the proposed house would offer a good standard of living accommodation in terms of layout, circulation space, storage and access to natural light and ventilation.
- 7.18. Policy HO5 of the 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. The proposal will have a balcony which can be accessed via bedroom 2. The proposal will also have a rear yard area and the total private amenity space for this application is 59sqm.
- 7.19. The proposed scheme would provide a good standard of accommodation and provide appropriate levels of amenity space and therefore the proposal is compliant with Policies QD27 and HO5 of the Local Plan.

Impact on Amenity:

- 7.20. 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.
- 7.21. The proposal reads the falling topography and as such retains a mass and scale which is consistent with the existing built form. The proposal will have a flat roof which is lower in height when compared with the neighbouring pitched roof. Furthermore the rear elevation of the new 3 storey element does not project any further out when compared with the existing. It is considered that the proposal is not overdevelopment of the site and that the height is considered to be acceptable and as such it will not give rise to loss of amenity for neighbouring properties and residents.
- 7.22. The proposal is compliant with policy QD27 of the Local Plan.

Sustainable Transport:

- 7.23. The applicant is not proposing changes to pedestrian access arrangements onto the adopted (public) highway.
- 7.24. SPD14 states that a minimum of 1 cycle parking space is required for every residential unit with up to 2 beds and 2 for 3 plus beds and 1 space per 3 units for visitors after 4 units. For this development of 1 residential unit with 4 beds the minimum cycle parking standard is 2 cycle parking spaces in total (2 for residential units and 0 visitor spaces). A condition is recommended requiring cycle parking details.
- 7.25. The applicant is not proposing changes to the existing vehicle access arrangements onto the adopted (public) highway. However it is noted that the existing vehicle crossover of the footway is historic and narrow therefore it might require widening in similar materials. Therefore the Highway Authority requests

that the new/extended crossover condition and informative is attached to any permission granted to seek approval for a (detailed) licence from the Highway Authority to make any necessary changes to the existing vehicle access arrangements onto the adopted (public) highway.

- 7.26. Also the driveway and hardstanding materials should be porous and/or permeable and no surface water should run-off (for example, in heavy prolonged rain) onto the adopted (public) highway.
- 7.27. SPD14 states that the maximum car parking standard for 3 plus bedroom dwellings within the Key Public Transport Corridor (KPTC) is 1 space per dwelling plus 1 space per 2 dwellings for visitors. The applicant is proposing 1 car parking space for the 4 bedroom property within the KPTC, via an integral garage. For this development of 1 residential unit the maximum car parking standard is 1 space (1 per unit and 0 visitor space). Therefore the proposed level of car parking (one space) is in line with the maximum standards and is therefore deemed acceptable in this case. A condition will also be attached to ensure that on-site parking provision is maintained.
- 7.28. SPD14 explains that, where there is a concern that developments within CPZs may generate overspill parking, then the acceptability of proposals will be considered in relation to various factors. These include the capacity of on street parking in the vicinity "which should be demonstrated by the applicant through an on-street parking survey". Based on this consideration the Council may restrict future occupants' eligibility for residents parking permits.
- 7.29. The application has not provided a parking survey to demonstrate the existence of sufficient on-street capacity to absorb this level of overspill. Recent records show the average percentage permit uptake to total permit allocation to be 95-100%. The Highway Authority considers that these levels of uptake demonstrate that the CPZ is likely to be over-capacity (80% uptake being a typical threshold - noting the potential for actual values to be higher on some streets given that the value represents an average across each zone).
- 7.30. The Highway Authority therefore considers that due to the high level of permit uptake and the lack of evidence of parking availability in the area, the proposed development shall be conditioned in order to remove future resident's eligibility for parking permits. The proposal is therefore considered to be acceptable in relation to car parking.

Arboriculture:

- 7.31. The application site does not have any trees but third party ownership trees within the rear gardens of Preston Drive are in close proximity to the boundary and overhang the current single storey garages. There is likely to be a minor loss of amenity due to the need to prune these trees but these trees are not of a condition to fulfil criteria for Tree Preservation Order status and therefore the minor loss is not considered to warrant a reason for refusal.

Sustainability:

- 7.32. Policy CP8 of the Brighton & Hove City Plan Part One requires new development to demonstrate a high level of efficiency in the use of water and energy. These measures can be secured via a suitably worded condition and do not form a reason for refusal.

8. EQUALITIES

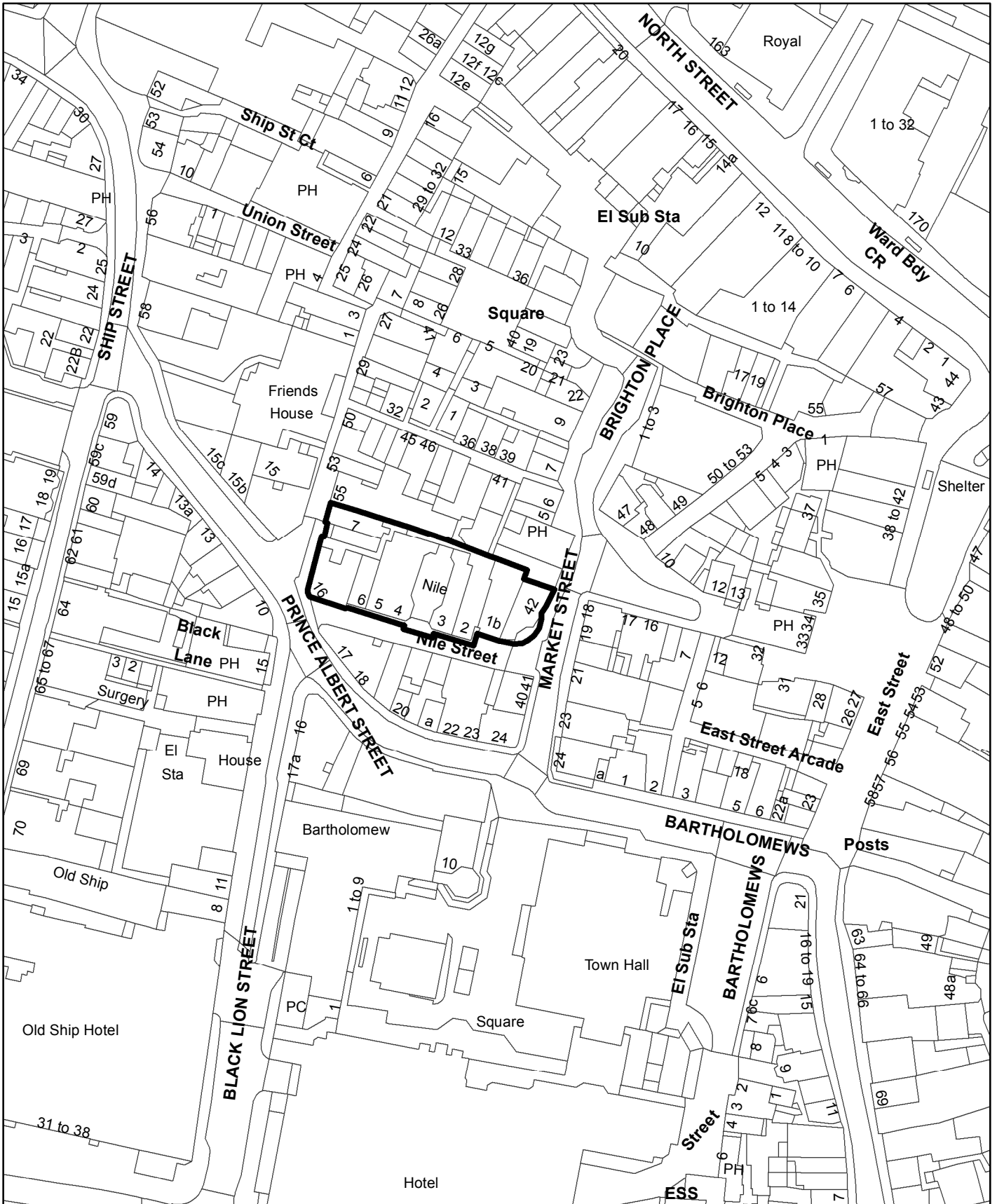
- 8.1. New residential buildings are expected to be built to a standard whereby they can be adapted to meet the needs of people with disabilities without major structural alterations. Conditions will be applied to ensure the development complies with Requirement M4(2) of the optional requirements in Part M of the Building Regulations.

ITEM H

**Nile House, Nile Street
BH2019/02864
Full Planning**

DATE OF COMMITTEE: 4th March 2020

BH2019 02864 - Nile House, Nile Street



N



Scale: 1:1,250

<u>No:</u>	BH2019/02864	<u>Ward:</u>	Regency Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Nile House Nile Street Brighton BN1 1HW		
<u>Proposal:</u>	Formation of additional level to create office space (B1) incorporating replacement roof plant, reinstatement of chimney, balustrade terrace to West elevation, installation of solar panels and associated works.		
<u>Officer:</u>	Jonathan Martin, tel:	<u>Valid Date:</u>	25.09.2019
<u>Con Area:</u>		<u>Expiry Date:</u>	20.11.2019
<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>	Dawn View Ltd C/o Ethos Property	8A Ship Street	Brighton BN1 1AD

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 **REFUSE** planning permission for the following reasons:

- The proposed additional storey, by reason of its awkward relationship with the existing traditional roofline of no. 16 Prince Albert Street and the resulting intrusion of the contemporary development above the traditional and historic roof forms of the surrounding properties when viewed from Black Lion Street and Prince Albert Street, would neither preserve nor enhance the character and appearance of the Conservation Area and would harm the appearance and setting of the listed building of no. 16 Prince Albert Street and the setting of Listed Buildings at nos. 15, 15B and 17-18 Prince Albert Street. The proposal therefore fails to comply with policy CP12 and CP15 of the Brighton & Hove City Plan and policies HE1 and HE6 of the Brighton & Hove Local Plan and would result in negative visual impacts sufficient to outweigh any identified public benefits of the scheme.

Informatives:

- 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.
- This decision is based on the drawings received listed below:

Plan Type	Reference	Version	Date Received
Proposed Drawing	1855-P-027A		25 September 2019
Proposed Drawing	1855-P-028A		25 September 2019

Proposed Drawing	1855-P-029A		16 October 2019
Proposed Drawing	1855-P-030A		16 October 2019
Proposed Drawing	1855-P-018A		25 September 2019
Proposed Drawing	1855-P-019A		25 September 2019
Proposed Drawing	1855-P-020A		25 September 2019
Proposed Drawing	1855-P-021A		25 September 2019
Proposed Drawing	1855-P-022A		25 September 2019
Proposed Drawing	1855-P-023A		25 September 2019
Proposed Drawing	1855-P-024A		25 September 2019
Proposed Drawing	1855-P-025A		25 September 2019
Proposed Drawing	1855-P-026A		25 September 2019
Block Plan	1855-P-003A		25 September 2019
Location Plan	1855-P-001A		25 September 2019

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application site lies within the Old Town Conservation Area and incorporates number 16 Prince Albert Street which is a grade II listed building. Nile House is a large four storey over basement mixed use building in the heart of the Lanes in central Brighton. The building occupies the length of Nile Street, presenting elevations to Prince Albert Street and Market Street. The majority of the building is a post-modern design built in 1989. The late 1980's Nile House development integrated no. 16 Prince Albert Street into its floorplate. 16 Prince Albert Street is the elegant curved, red-brick corner building, which is Grade II listed.
- 2.2. Nile House is an important commercial building in central Brighton, providing approximately 2,300m² of commercial floor space. At ground floor there is a collection of shops and cafes along Nile Street and onto Market Street and Prince Albert Street. The upper three floors provide (B1) office space. There is an underground car park and store rooms at basement level.
- 2.3. The site is located within the regional shopping centre (SR4), outside the prime retail frontage (SR4, SR5 and CP4), the hotel core zone (CP6) and Central Brighton (SA2).
- 2.4. This application seeks planning permission for the formation of additional level to create office space (B1) incorporating replacement roof plant, reinstatement of chimney, balustrade terrace to West elevation, installation of solar panels and associated works.

3. RELEVANT HISTORY

- 3.1. **PRE2018/00326** Pre-application for a proposal seeking the erection of roof extension replacing existing roof plant to provide additional commercial space (200sq.m approx) with associated alterations and extensions to circulation cores to connect to new roof level accommodation.

The following response summary was given:

- The proposed additional office floorspace (B1) is supported.

- Concerns have been raised with regards to the roof extension and roof terrace in design terms and amendments to the scheme are required (see details below in the report).
 - The proposed terrace area should be reduced in size and set back with potential screening to avoid harmful overlooking.
- 3.2. **BH2019/02765** - Listed Building Application for formation of additional level to create office space (B1) incorporating replacement roof plant, reinstatement of chimney, balustrade terrace to West elevation, installation of solar panels and associated works.. Pending Consideration.
- 3.3. **BH1997/01495/FP** - Installation of 1 metre diameter satellite antenna on a flat roof mount. Approved.

4. REPRESENTATIONS

- 4.1. **One (1)** letter has been received objecting the proposed development relating to noise and overshadowing.
- 4.2. **One (1)** letter has been received supporting the proposed development which outlines how the current demand for office space outweighs the current availability and that the refurbishment of Nile House and the additional floor space is a much needed addition to the Brighton office market.
- 4.3. **Councillor Tom DrUITT** supports the proposal, a copy of the letter is attached to the report.

5. CONSULTATIONS

- 5.1. **Heritage: 22/10/2019 Refuse:**
This application follows on from pre-application advice. It is for a roof top extension to the centre and western end of the building. The contextual analysis of the site and the heritage assessment are considered to be helpful and the design approach has responded carefully to this analysis and has clearly sought to minimise the visual impact of the proposed roof extension on the surrounding townscape of the Old Town conservation area. The key viewpoints appear have been identified as agreed at pre-application stage.
- 5.2. Despite the design evolution of the scheme and the bid to address the pre-application concerns, the intrusion of the new contemporary development above the traditional roofs in the views from Black Lion Street and Prince Albert Street would detract from the clean lines of the historic roof forms. The reinstatement of the chimney stack to 16 Prince Albert Street is welcome and would provide some mitigation to the harmful impact, but it would provide little actual screening.
- 5.3. The proposed development would therefore cause some harm to the appearance of the conservation area, some harm to the appearance and setting of the listed building on the site and some harm to the settings of the listed buildings at 15, 15B and 17-18 Prince Albert Street. This would be

contrary to policies HE3 and HE6. In each case the harm is less than substantial under the terms of the NPPF but must nevertheless be given great weight in decision taking. The only heritage benefit would be the reinstatement of the chimney stack to but this in itself would not outweigh the identified harm.

- 5.4. **Heritage Comment 14.11.2019** Comments remain unchanged - Refuse
Further documents/artists impressions were submitted as part of the application. Previous comments remain generally unchanged. The submitted artist's impressions only serve to illustrate how visible the roof extension would be above the roofline of the listed buildings and how harmfully overbearing this impact would be on the traditional roofscape of the conservation area.
- 5.5. **CAG: Approve:** Provided the following comments;
- The application was well planned with the additional floor set back thus not interfering with the views north up Black Lion Street nor east along Prince Albert Street
 - Support the reinstatement of the chimney to the westerly listed section with a terracotta pot added. This item is advised to be not short, to be in keeping with those originals elsewhere in the CA. A reclaimed item would be preferable.
- 5.6. **Transport: Comment:** Approve subject to condition
In terms of cycle parking, in the application form, it is planned to provide 5 cycle parking spaces with the Design and Access Statement stating that new changing and shower facilities will also be provided. SPD14 guidance requires 1 space plus 1 space per 100m² for a B1 Office. The additional office space proposed is 309m². This therefore means that 4 cycle parking spaces should be provided. The detailed designs of these cycle parking spaces and the changing and shower facilities are also not in the plans.
- 5.7. Therefore require further plans that show the location and detailed plans of the cycle parking and changing and shower facilities. Cycle parking and related facilities should be provided in accordance with the quantity and quality standards in retained Local Plan policy TR14 and SPD14. It is required that a minimum of 25% of cycle parking provision be provided through Sheffield stands.
- 5.8. When considering the need for sustainable transport contribution, the Highway Authority considers the number of person trips together with the need for any off-site developments to serve the proposed development. The Highway Authority recommends the following contribution which adheres to Brighton & Hove City Council Development Contribution Technical Guidance:
- 5.9. Total number of person trips for the proposed 309m² office space: = 54
 $54 \times £200.00 \times 0.5 = £5,400$

- 5.10. In this case the contribution would be allocated towards pedestrian footway and crossing improvements on routes serving the development site including, but not limited to Prince Albert Street and Ship Street.
- 5.11. **Economic Development:** No Objection and welcomes the additional employment floorspace within the city
- 5.12. **Environmental Health:** Approve subject to condition
- 5.13. The assessment has made detailed reference to applicable standards and guidelines.
- 5.14. Background noise levels at representative locations have been measured to establish maximum sound pressure levels for external plant to be installed. The methodology used and calculations made in the assessment are recognised techniques in predicting noise levels and the impact of them.
- 5.15. The findings and recommendations found within the assessment can be secured by attaching by condition if overall the proposal is acceptable.

6. RELEVANT POLICIES & GUIDANCE

- 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); and
 - 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.

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP2	Sustainable Economic Development
CP7	Infrastructure and Developer Contributions
CP8	Sustainable Buildings
CP9	Sustainable Transport
CP12	Urban design

CP15 Heritage

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

TR14	Cycle and Access Parking
QD5	Design
QD27	Protection of amenity
SR4	Regional shopping centres
SR5	Town and district shopping centres
HE1	Listed buildings
HE3	Development affecting the setting of a listed building
HE4	Reinstatement of original features on listed buildings
HE6	Development within or affecting the setting of a conservation area.

Supplementary Planning Document:

SPD09	Architectural Features
SPD12	Design Guide for Extensions and Alterations

7. CONSIDERATIONS & ASSESSMENT

7.1. The main considerations in the determination of this application relate to the principle of development, design and appearance, heritage impact on the grade II listed building and the conservation area, impact on amenity, highways and sustainability.

Principle of Development:

- 7.2. The site is located within Central Brighton (SA2), which is the city's prime office location for B1a offices. Policy CP3 of the City Plan Part One states how the Council will support proposals for the upgrade and refurbishment of existing office accommodation so that they meet modern standards required by business; are more resource efficient and improve the environment and townscape of the site or premises.
- 7.3. The proposal is also in accordance with Policy CP2 of the Brighton & Hove City Plan which states that the Council will positively and proactively encourage sustainable economic growth, by supporting business growth and the diversification of the city's economy.
- 7.4. The amount of development has been derived from a response to the surrounding roofscape and character of the area. The proposal measures a net internal area of 309sqm which is made up of 293sqm in the new roof extension and 16sqm through alterations to the second floor mansard area. The amount is considered to be acceptable in this location.
- 7.5. The increase in commercial floorspace will naturally lead to an uplift in job opportunities generated by the Nile House site. OFFPAT Employment Density Guide suggests between 10m² and 13m² of floorspace is required per employee within a (B1) unit. It is therefore reasonable to suppose the development of 309m² of internal (B1) space would provide for 24 - 31 new jobs within central Brighton.

- 7.6. In light of the above, the Council do not object to the principle of development subject to the compliance with other local and national policies.

Design, Appearance and Heritage Impact

- 7.7. In considering whether to grant planning permission which affects a Conservation Area and/or a listed building or thier 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. Case law has held that the desirability of preserving a listed building or its setting or the character or appearance of a conservation area must be given "considerable importance and weight".
- 7.8. Policy CP15 of the Brighton & Hove City Plan Part One states how the Council will ensure that the city's built heritage guides local distinctiveness for new development in historic areas and heritage settings. Policy HE1 of the Local Plan explains how proposals involving the alteration or extensions of a listed building will only be permitted where the proposal would not have any adverse effect on the architectural and historic character or appearance of the interior or exterior of the building or its setting. Policy HE6 of the Local Plan requires proposals within or affecting the setting of a conservation area to preserve or enhance the character or appearance of the area.
- 7.9. Policy CP12 of the Brighton and Hove City Plan Part One expects all new development to raise the standard of architecture and design in the city, establish a strong sense of place by respecting the character of existing neighbourhoods and achieve excellence in sustainable building design and construction.
- 7.10. This application follows on from pre-application advice. The proposal is for a roof top extension to the centre and western end of the building. The existing lift machine room and plant enclosure would be demolished at the current upper floor level to accommodate the proposal and new plant would be moved to the existing roof terrace at first floor level.
- 7.11. The proposal would comprise medium grey roof tiles, semi-transparent glass balustrades, light grey balustrading screening, medium grey aluminium walls, light grey aluminium windows and doors and single ply membrane flat roofing.
- 7.12. As previously mentioned the proposal was subject to a pre-application (PRE2018/00326). Key viewpoints have been identified and these 4 views are from Brighton Place, from Brighton Square, from Black Lion Street and from Prince Albert Street.
- 7.13. The proposal would not have any significant impacts in views from Brighton Place and the view south from Brighton Square is not considered to be a sensitive one. The views from Black Lion Street and Prince Albert Street, however, are considered to be very sensitive. The varied but generally traditional roofscape is very important in these views and comprises the roofs

of several listed buildings around the junction of Black Lion Street, Prince Albert Street and Nile Street.

- 7.14. Parapets are a strong feature within the area. Whilst the roofscape is varied, these are all traditional roof forms and materials, with parapets, ridges and details silhouetted against the sky. This includes the roof to the listed building at 16 Prince Albert Street, which has been incorporated into Nile House and forms part of the application site. This roof itself is not original but generally mimics the appearance of the original roof. In these views the new extension would be clearly visible as a contemporary addition and would significantly alter the roofline and skyline in these views.
- 7.15. It is considered that the main flat-roofed post-modern element of the building, the central section, could accommodate an additional storey that subsumes the roof-top plant enclosure as shown, and that the interesting design of the roof extension would respect and complement the building. However, where the angled sloping overhang extends over the listed building it would jar with the traditional roofline and would make the fact that the listed building is now simply a façade more obviously apparent.
- 7.16. The presence of a roof terrace, despite being set back behind a planted area, the visual impact of people moving around above the ridgeline/historic roof form would not be appropriate to the historic roofscape. The angled parapet and balustrade would add to the undue 'visual weight' of the existing roof of the listed building, which is very prominent on the corner.
- 7.17. Despite the design evolution of the scheme and the bid to address the pre-application concerns, it is considered that the intrusion of the new contemporary development above the traditional roofs in the views from Black Lion Street and Prince Albert Street would adversely detract from the clean lines of the historic roof forms.
- 7.18. The submitted artist's impressions only serve to illustrate how visible the roof extension would be above the roofline of the listed buildings and how harmfully overbearing this impact would be on the traditional roofscape of the conservation area.
- 7.19. It is acknowledged that the proposal includes the reinstatement of the false chimney stack above 16 Prince Albert Street, as requested at pre-application stage, which would restore a traditional feature and which would act as a vertical focal point to counter the long horizontal ridgeline as well as providing some screening.
- 7.20. Overall it is considered that the proposed development would cause harm to the appearance of the conservation area, harm to the appearance and setting of the listed building on the site and harm to the settings of the listed buildings at 15, 15B and 17-18 Prince Albert Street.
- 7.21. Therefore in light of the above, the proposal is considered to be unacceptable on Heritage grounds and is contrary to policies CP15 of the City Plan Part

One and HE1, HE3 and HE6 of the Local Plan. In accordance with paragraph 196 of the NPPF the less than substantial harm on the heritage assets must be weighted against the public benefits of the proposal, this is set out in more detail below.

Impact on Amenity:

- 7.22. 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.

Roof Terrace

- 7.23. The roof terrace to the western end has been sited and designed to minimise any potential overlooking. As noted, in response to pre-application advice the planting screen has been increased to move users away from the edge of the roof. As such it would predominantly be wider views of the roofscape available from here. The design of the sloping overhang structure will afford closer views to the west over Prince Albert Street and south over Black Lion Street.

- 7.24. The new office space at Nile House will have an acceptable impact on the amenity of nearby occupiers and is compliant with Policy QD27 of the Local Plan.

Impacts on Daylight and Sunlight on Neighbouring Properties

- 7.25. The area around Nile House is predominantly non-residential in character but a few nearby residential properties were identified via Valuation Office Agency records. Of these, the neighbouring properties most likely to be affected by the proposed changes are:

1. 49 Meeting House Lane
2. 2 Nile Street
3. 17 Prince Albert Street
4. 6 Brighton Place

- 7.26. These have been analysed for loss of daylight, and loss of sunlight where relevant and the applicant has submitted a Daylight and Sunlight Assessment.

- 7.27. Although 50 Meeting House Lane is also listed as containing residential accommodation, it would be less affected than 49 due to the presence of other buildings between its windows and Nile House. Residential properties at 18-19, 20 and 23 Market Street would also have little to no view of it due to the presence of other buildings and/or the domed section of Nile House between them and the proposed additional floor.

- 7.28. The windows analysed at these four locations would lose a very small amount of vertical sky component and would be well within the BRE guidelines for loss of daylight in all cases. Windows at 49 Meeting House Lane were also analysed for loss of sunlight as they face within 90° of due

south. The losses would be small and also well within the BRE guidelines in all cases.

- 7.29. Overall, loss of light as a result of the proposed additional floor would be small and within the guidelines in the BRE Report. The formation of an additional level will have an acceptable level of reduction in light levels to neighbouring properties and the proposal is compliant with Policy QD27 of the Local Plan.

Noise Impact

- 7.30. An Acoustic Report (Plant Noise Assessment) has been prepared and submitted by the applicant. The report has been reviewed by the Council's Environmental Health Officer. The methodology used and calculations made in the assessment are recognised techniques in predicting noise levels. The Environmental Health Officer has confirmed that the findings in the noise report are acceptable and that a condition should be added to ensure that noises shall not exceed a level of 5dB(A) below the existing representative L90 background noise level.
- 7.31. In light of the above, the proposal is compliant with policies SU10 and QD27 of the Brighton and Hove Local Plan.

Sustainable Transport:

- 7.32. The existing car parking is located in the basement and it is noted that the planning application does not state that there will be any additional parking proposed. In accordance with SPD14, a site containing B1 floorspace that is located in the central area is not permitted to provide any car parking except disabled parking spaces and therefore there are no objections in this instance.
- 7.33. In terms of cycle parking, in the application form, it is planned to provide 5 cycle parking spaces with the Design and Access Statement stating that new changing and shower facilities will also be provided. SPD14 guidance requires 1 space plus 1 space per 100m² for a B1 Office. The additional office space proposed is 309m². This therefore means that 4 cycle parking spaces should be provided. The detailed designs of these cycle parking spaces and the changing and shower facilities are also not in the plans.
- 7.34. If overall the proposal was considered acceptable a condition could be added requiring further plans that show the location and detailed plans of the cycle parking and changing and shower facilities. Cycle parking and related facilities should be provided in accordance with the quantity and quality standards in retained Local Plan policy TR14 and SPD14. It is required that a minimum of 25% of cycle parking provision be provided through Sheffield stands.
- 7.35. When considering the need for sustainable transport contribution, the Highway Authority considers the number of person trips together with the need for any off-site developments to serve the proposed development. The Highway Authority recommends that a contribution of £5,400 be sought if

overall the proposal is acceptable. In this case the contribution would be allocated towards pedestrian footway and crossing improvements on routes serving the development site including, but not limited to Prince Albert Street and Ship Street This is to provide for the increase in person trips expected to the site and improve access between the development and neighbouring facilities. This is in accordance with Brighton & Hove City Plan Part One policies CP7 and CP9.

Sustainability

- 7.36. Policy CP8 of the Brighton & Hove City Plan Part One requires new development to demonstrate a high level of efficiency in the use of water and energy. As set out by Policy CP8 all non residential schemes that are non-major in size will have to provide a BREEAM rating of Very Good. The applicant has prepared and submitted a SRE BREEAM NC 2018 Pre Assessment which shows how the scheme will achieve a BREEAM rating of Very Good, which could be secured via a condition, if overall the application was recommended for approval.
- 7.37. The proposed development will deliver passive and active energy demand reduction measures along with low and zero carbon technologies in order to reduce energy demand and associated CO2 emissions. The proposal will also implement an all-electric heating strategy which will provide space heating through ASHP technology and hot water through instantaneous hot water heaters to all areas of the extension and existing floors below.

Planning balance and conclusion:

- 7.38. The City needs to retain and attract new B1 office accommodation. Over the past few years the decline in floorspace has been significant and policies that seek to prevent the loss of offices have been upheld successfully at appeal as a result of this decline. The provision of additional office accommodation therefore weighs in favour of the scheme. However, as set out above concerns are raised regarding that the proposal will lead to less than substantial harm to the conservation area, No.16 as a listed building and neighbouring listed buildings. The less than substantial harm on the heritage assets will be weighed against the public benefits of the proposal.
- 7.39. Paragraph 196 states:
"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 including, where appropriate, securing its optimum viable use."
- 7.40. Whilst this harm is less than substantial it appears that the public benefits arising from this proposal would relate to the additional office space that would be provided within a key business location. The proposal also seeks to reinstate the chimney stack but this is considered to be of limited public benefit.
- 7.41. When considering whether to grant planning permission for development in this situation the council has a statutory duty to pay special attention to the

desirability of preserving or enhancing the character or appearance of the conservation area. This must be given considerable importance and weight.

- 7.42. As previously stated the proposed additional storey, although acceptable in principle, would cause harm to the appearance of the conservation area, harm to the appearance and setting of the listed building on the site and harm to the settings of the listed buildings at 15, 15B and 17-18 Prince Albert Street. Accordingly, it is considered that in this particular instance the provision of additional office floorspace and reinstatement of the chimney stack does not outweigh the harm which will occur to the heritage assets and the proposal is therefore recommended for refusal. The proposal would cause less than substantial harm to the designated heritage assets and in view of Paragraph 196 of the NPPF the harm caused to these assets would not be outweighed by the public benefits the scheme would create.

8. EQUALITIES:

None.



PLANNING COMMITTEE LIST
COUNCILLOR REPRESENTATION

Cllr. Tom Druitt
BH2019 02864 - Nile House, Nile Street

21st October 2019

I understand you're the case officer for the Nile House rooftop application. I am writing to support the application and ask that it comes to planning committee so that it can be properly discussed.

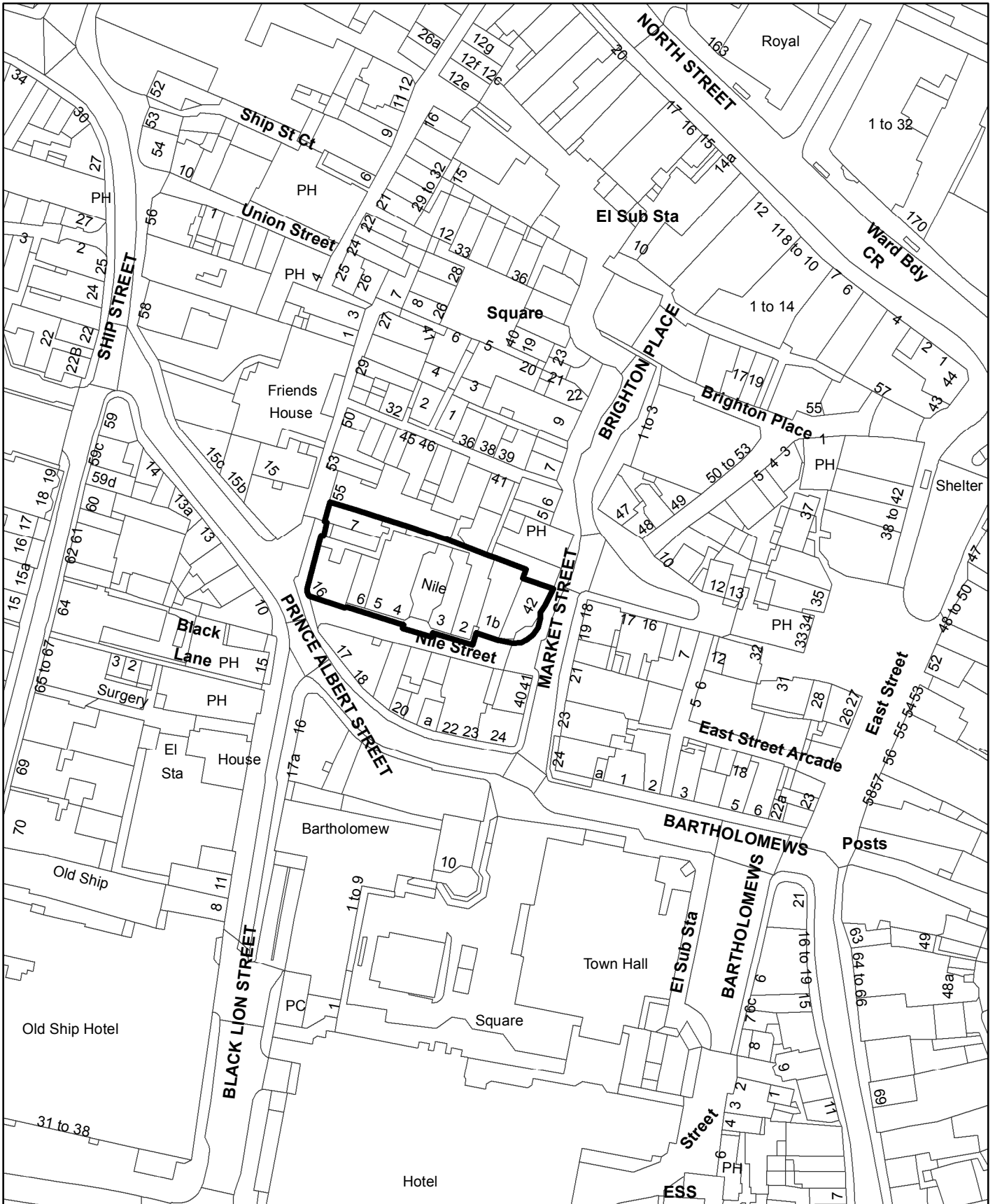
The building in question requires renovation to bring it up to modern standards and the only way that is possible is to incorporate an enabling development. The applicant has worked hard to incorporate the views 2 of the council's Heritage team and has come up with a design that is very sympathetic to the conservation area. It will improve the availability of high quality office space in the city centre and support the local economy.

ITEM I

**Nile House, Nile Street
BH2019/02865
Listed Building Consent**

DATE OF COMMITTEE: 4th March 2020

BH2019 02865 - Nile House, Nile Street



N



Scale: 1:1,250

<u>No:</u>	BH2019/02865	<u>Ward:</u>	Regency Ward
<u>App Type:</u>	Listed Building Consent		
<u>Address:</u>	Nile House Nile Street Brighton BN1 1HW		
<u>Proposal:</u>	Formation of additional level to create office space (B1) incorporating replacement roof plant, reinstatement of chimney, balustrade terrace to West elevation, installation of solar panels and associated works.		
<u>Officer:</u>	Jonathan Martin, tel:	<u>Valid Date:</u>	25.09.2019
<u>Con Area:</u>		<u>Expiry Date:</u>	20.11.2019
<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>	Dawn View Limited C/o Ethos Property BN1 1AD	8A Ship Street	Brighton

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 **REFUSE** planning permission for the following reasons:

1. The proposed additional storey, by reason of its awkward relationship with the existing traditional roofline of no. 16 Prince Albert Street and the resulting intrusion of the contemporary development above the traditional and historic roof forms of the surrounding properties when viewed from Black Lion Street and Prince Albert Street, would neither preserve nor enhance the character and appearance of the Conservation Area and would harm the appearance and setting of the listed building of no. 16 Prince Albert Street and the setting of Listed Buildings at nos. 15, 15B and 17-18 Prince Albert Street. The proposal therefore fails to comply with policy CP15 of the Brighton & Hove City Plan and policies HE1 and HE6 of the Brighton & Hove Local Plan and would result in negative visual impacts sufficient to outweigh any identified public benefits of the scheme.

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. This decision is based on the drawings received listed below:

Plan Type	Reference	Version	Date Received
Proposed Drawing	1855-P-027A		25 September 2019
Proposed Drawing	1855-P-029A		16 October 2019

Proposed Drawing	1855-P-030A		16 October 2019
Proposed Drawing	1855-P-019A		25 September 2019
Proposed Drawing	1855-P-020A		25 September 2019
Proposed Drawing	1855-P-021A		25 September 2019
Proposed Drawing	1855-P-022A		25 September 2019
Proposed Drawing	1855-P-023A		25 September 2019
Proposed Drawing	1855-P-024A		25 September 2019
Proposed Drawing	1855-P-025A		25 September 2019
Proposed Drawing	1855-P-026A		25 September 2019
Proposed Drawing	1855-P-027A		25 September 2019
Location Plan	1855-P-001A		25 September 2019
Proposed Drawing	1855-P-028A		25 September 2019
Block Plan	1855-P-003A		25 September 2019

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application site lies within the Old Town Conservation Area and incorporates number 16 Prince Albert Street which is a grade II listed building. Nile House is a large four storey over basement mixed use building in the heart of the Lanes in central Brighton. The building occupies the length of Nile Street, presenting elevations to Prince Albert Street and Market Street. The majority of the building is a post-modern design built in 1989. The late 1980's Nile House development integrated no. 16 Prince Albert Street into its floorplate. 16 Prince Albert Street is the elegant curved, red-brick corner building, which is Grade II listed.
- 2.2. Nile House is an important commercial building in central Brighton, providing approximately 2,300m² of commercial floor space. At ground floor there is a collection of shops and cafes along Nile Street and onto Market Street and Prince Albert Street. The upper three floors provide (B1) office space. There is an underground car park and store rooms at basement level.
- 2.3. The site is located within the regional shopping centre (SR4), outside the prime retail frontage (SR4, SR5 and CP4), the hotel core zone (CP6) and Central Brighton (SA2).
- 2.4. This application seeks listed building consent for the formation of additional level to create office space (B1) incorporating replacement roof plant, reinstatement of chimney, balustrade terrace to West elevation, installation of solar panels and associated works.

3. RELEVANT HISTORY

- 3.1. **PRE2018/00326** Pre-application for a proposal seeking the erection of roof extension replacing existing roof plant to provide additional commercial space (200sq.m approx) with associated alterations and extensions to circulation cores to connect to new roof level accommodation.
- 3.2. The following response summary was given:
 - The proposed additional office floorspace (B1) is supported.

- Concerns have been raised with regards to the roof extension and roof terrace in design terms and amendments to the scheme are required (see details below in the report).
 - The proposed terrace area should be reduced in size and set back with potential screening to avoid harmful overlooking.
- 3.3. **BH2019/02764** - Planning permission for formation of additional level to create office space (B1) incorporating replacement roof plant, reinstatement of chimney, balustrade terrace to West elevation, installation of solar panels and associated works. Pending Consideration.
- 3.4. **BH1997/01495/FP** - Installation of 1 metre diameter satellite antenna on a flat roof mount. Approved.

4. REPRESENTATIONS

- 4.1. **Councillor Tom Druitt** supports the proposal, a copy of the letter is attached to the report.

5. CONSULTATIONS

- 5.1. Heritage 22/10/2019 : Refuse:
This application follows on from pre-application advice. It is for a roof top extension to the centre and western end of the building. The contextual analysis of the site and the heritage assessment are considered to be helpful and the design approach has responded carefully to this analysis and has clearly sought to minimise the visual impact of the proposed roof extension on the surrounding townscape of the Old Town conservation area. The key viewpoints appear have been identified as agreed at pre-application stage.
- 5.2. Despite the design evolution of the scheme and the bid to address the pre-application concerns, the intrusion of the new contemporary development above the traditional roofs in the views from Black Lion Street and Prince Albert Street would detract from the clean lines of the historic roof forms. The reinstatement of the chimney stack to 16 Prince Albert Street is welcome and would provide some mitigation to the harmful impact, but it would provide little actual screening.
- 5.3. The proposed development would therefore cause some harm to the appearance of the conservation area, some harm to the appearance and setting of the listed building on the site and some harm to the settings of the listed buildings at 15, 15B and 17-18 Prince Albert Street. This would be contrary to policies HE3 and HE6. In each case the harm is less than substantial under the terms of the NPPF but must nevertheless be given great weight in decision taking. The only heritage benefit would be the reinstatement of the chimney stack to but this in itself would not outweigh the identified harm.
- 5.4. **Heritage Comment 14.11.2019** Comments remain unchanged - Refuse

Further documents/artists impressions were submitted as part of the application. Previous comments remain generally unchanged. The submitted artist's impressions only serve to illustrate how visible the roof extension would be above the roofline of the listed buildings and how harmfully overbearing this impact would be on the traditional roofscape of the conservation area.

- 5.5. **CAG 05/11/2019:** Approve: Provided the following comments;
- The application was well planned with the additional floor set back thus not interfering with the views north up Black Lion Street nor east along Prince Albert Street
 - Support the reinstatement of the chimney to the westerly listed section with a terracotta pot added. This item is advised to be not short, to be in keeping with those originals elsewhere in the CA. A reclaimed item would be preferable.

6. RELEVANT POLICIES & GUIDANCE

- 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); and
 - 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.

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

CP8	Sustainable Buildings
CP9	Sustainable Transport
CP12	Urban design
CP15	Heritage

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

HE1	Listed buildings
HE3	Development affecting the setting of a listed building
HE4	Reinstatement of original features on listed buildings

HE6 Development within or affecting the setting of a conservation area.

Supplementary Planning Document:

SPD09 Architectural Features

SPD12 Design Guide for Extensions and Alterations

Old Town Conservation Area Character Statement.

7. CONSIDERATIONS & ASSESSMENT

7.1. The main considerations in the determination of this application relate to the heritage impact on the grade II listed building and the setting of the conservation area.

Heritage

7.2. Policy CP15 of the Brighton & Hove City Plan Part One states how the Council will ensure that the city's built heritage guides local distinctiveness for new development in historic areas and heritage settings. Policy HE1 of the Local Plan explains how proposals involving the alteration or extensions of a listed building will only be permitted where the proposal would not have any adverse effect on the architectural and historic character or appearance of the interior or exterior of the building or its setting. Policy HE6 of the Local Plan requires proposals within or affecting the setting of a conservation area to preserve or enhance the character or appearance of the area.

7.3. 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. Case law has held that the desirability of preserving a listed building or its setting or the character or appearance of a conservation area must be given "considerable importance and weight".

7.4. This application follows on from pre-application advice for a roof top extension to the centre and western end of the building.

7.5. As part of the application a contextual analysis of the site and the heritage assessment have been submitted which are considered to be helpful. The key viewpoints appear have been identified as agreed at pre-application stage.

7.6. The proposal would not have any significant impact in views from Brighton Place and the view south from Brighton Square is not considered to be a sensitive one. The views from Black Lion Street and Prince Albert Street, however, are considered to be very sensitive. The varied but generally traditional roofscape is very important in these views and comprises the roofs of several listed buildings around the junction of Black Lion Street, Prince Albert Street and Nile Street. Parapets area strong feature. Whilst the roofscape is varied, these are all traditional roof forms and materials, with

parapets, ridges and details silhouetted against the sky. This includes the roof to the listed building at 16 Prince Albert Street, which has been incorporated into Nile House and forms part of the application site. This roof itself is not original but generally mimics the appearance of the original roof. In these views the new extension would be clearly visible as a contemporary addition and would significantly alter the roofline and skyline in these views.

- 7.7. It is considered that the main flat-roofed post-modern element of the building, the central section, could accommodate an additional storey that subsumes the roof-top plant enclosure as shown in the submitted plans and that the interesting design of the roof extension would respect and complement the building. However, where the angled sloping overhang extends over the listed building it would jar with the traditional roofline and would make the fact that the listed building is now simply a façade more obviously apparent. The angled parapet and balustrade would add to the undue 'visual weight' of the existing roof of the listed building, which is very prominent on the corner.
- 7.8. Despite the design evolution of the scheme and the bid to address the pre-application concerns, the intrusion of the new contemporary development above the traditional roofs in the views from Black Lion Street and Prince Albert Street would detract from the clean lines of the historic roof forms.
- 7.9. The submitted artist's impressions only serve to illustrate how visible the roof extension would be above the roofline of the listed buildings and how harmfully overbearing this impact would be on the traditional roofscape of the conservation area.
- 7.10. Overall it is considered that the proposed development would cause some harm to the appearance of the conservation area, some harm to the appearance and setting of the listed building on the site and some harm to the settings of the listed buildings at 15, 15B and 17-18 Prince Albert Street. In each case the harm is less than substantial under the terms of the NPPF but must nevertheless be given great weight in decision taking. The only heritage benefit would be the reinstatement of the chimney stack to 16 Prince Albert Street, but this in itself would not outweigh the identified harm.
- 7.11. Therefore in light of the above, overall the proposal is considered to be unacceptable on Heritage grounds and is contrary to policies CP15 of the City Plan Part One and HE1, HE3 and HE6 of the Local Plan.

Other Considerations

- 7.12. It is acknowledged that the City needs to retain and attract new B1 office accommodation. Over the past few years the decline in floorspace has been significant and policies that seek to prevent the loss of offices have been upheld successfully at appeal as a result of this decline. The provision of additional office accommodation therefore weighs in favour of the scheme. However, the Heritage Officer has raised concerns that the proposal will lead to less than substantial harm to the conservation area, No.16 as a listed building and neighbouring listed buildings. The less than substantial harm on

the heritage assets will be weighed against the public benefits of the proposal.

7.13. Paragraph 196 states:

"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 including, where appropriate, securing its optimum viable use."

7.14. Whilst this harm is less than substantial it appears that, in addition to the limited heritage benefit of the reinstatement of the chimney stack to number 16 Prince Albert Street, the public benefits arising from this proposal would relate to the additional office space that would be provided within a key business location.

7.15. As set out earlier when considering whether to grant Listed Building consent for development in this situation the council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a listed building, its setting and the setting of a conservation area. This must be given considerable importance and weight. The proposed additional storey, although acceptable in principle, the resulting appearance would cause harm to the

7.16. Accordingly, it is considered that in this particular instance the provision of additional office floorspace and reinstatement of the chimney stack does not outweigh the harm which will occur to the heritage assets and the proposal is therefore recommended for refusal. The proposal would cause less than substantial harm to the designated heritage assets and in view of Paragraph 196 of the NPPF the harm caused to these assets would not be outweighed by the public benefits the scheme would create.

8. EQUALITIES:

None.

Cllr. Tom Drutt
BH2019 02865 - Nile House, Nile Street

21st October 2019

I understand you're the case officer for the Nile House rooftop application. I am writing to support the application and ask that it comes to planning committee so that it can be properly discussed.

The building in question requires renovation to bring it up to modern standards and the only way that is possible is to incorporate an enabling development. The applicant has worked hard to incorporate the views 2 of the council's Heritage team and has come up with a design that is very sympathetic to the conservation area. It will improve the availability of high quality office space in the city centre and support the local economy.

11th December 2019

I write regarding the Nile House rooftop proposals (app: BH2019/02865). As a Ward Councillor I am concerned about the negative effect on businesses, residents and tourists of empty properties and keen to see progress here. Nile House sits in a key location and when occupied, its large work force will contribute significantly to the local economy and vibrancy of Nile Street. This large office is currently empty awaiting planning to know how to move forward with refurbishment. Three of the ground floor retail tenants have recently vacated, due to the challenging retail market and I am concerned that empty buildings are a magnet for crime and antisocial behaviour.

I have taken a keen interest to ensure the proposals to reinvigorate this c.25,000ft office block are implemented as soon as possible. I write because I have found out that the determination of the planning application is delayed, without a clear deadline. I appreciate officer's pressures but must comment when resourcing decisions will effect local ward issues.

When I requested to see the proposals, I pushed for the best and most sustainable overall outcome for the City. I was pleased to see that the owner and architects are seeking to use a modest roof extension to drive an exciting new vision for the whole building.

The application was validated on 25th Sept 2019, with a determination date of 20th Nov 2019, now passed. I requested that it be called to committee but in all honesty had seen the appropriate range of evidence and expected a delegated approval. A full set of reports were all present, including BREEAM, and a description of the roof extension's role in attracting a new level of tenant (much needed in this area and not many offices big enough to achieve). It was clear that this 'minor' application held the key to a significant building regeneration.

Having sought another update, I now see that the application is to be outsourced, a planning letter (copied to me by the applicant) states the 'application has been assessed as being suitable to benefit from this initiative', it notes that not accepting the process 'could however result in further ongoing delays to the

determination of your application'. I consider this application to be urgent, am concerned by any further delay, and am keen to keep pressure on all involved to deliver the obvious benefits to my ward.

Furthermore, I am comforted that the application has had due consideration and despite an objection from the conservation team (solely roofline from long Prince Albert Street views) has received unequivocal support from CAG (found online and copied here for clarity):

BH2019/02864 and BH2019/02865 Nile House Nile Street Brighton BN1 1HW
OLD TOWN CA part GRADE II

Formation of additional level to create office space (B1) incorporating replacement roof plant, reinstatement of chimney, balustrade terrace to West elevation, installation of solar panels and associated works.

This application was introduced by the Brighton Society

The Group recommended APPROVAL and added the following comments;

- The application was well planned with the additional floor set back thus not interfering with the views north up Black Lion Street nor east along Prince Albert Street
- Support the reinstatement of the chimney to the westerly listed section with a terracotta pot added. This item is advised to be not short, to be in keeping with those originals elsewhere in the CA. A reclaimed item would be preferable.

This application has been carefully formed and surely neared planning officer resolution. Therefore, I respectfully request it stays with the case officer for a timely determination. If it needs to take the time of the planning committee then I have already written (within the consultation period) to request it gets that hearing and confirming my support.

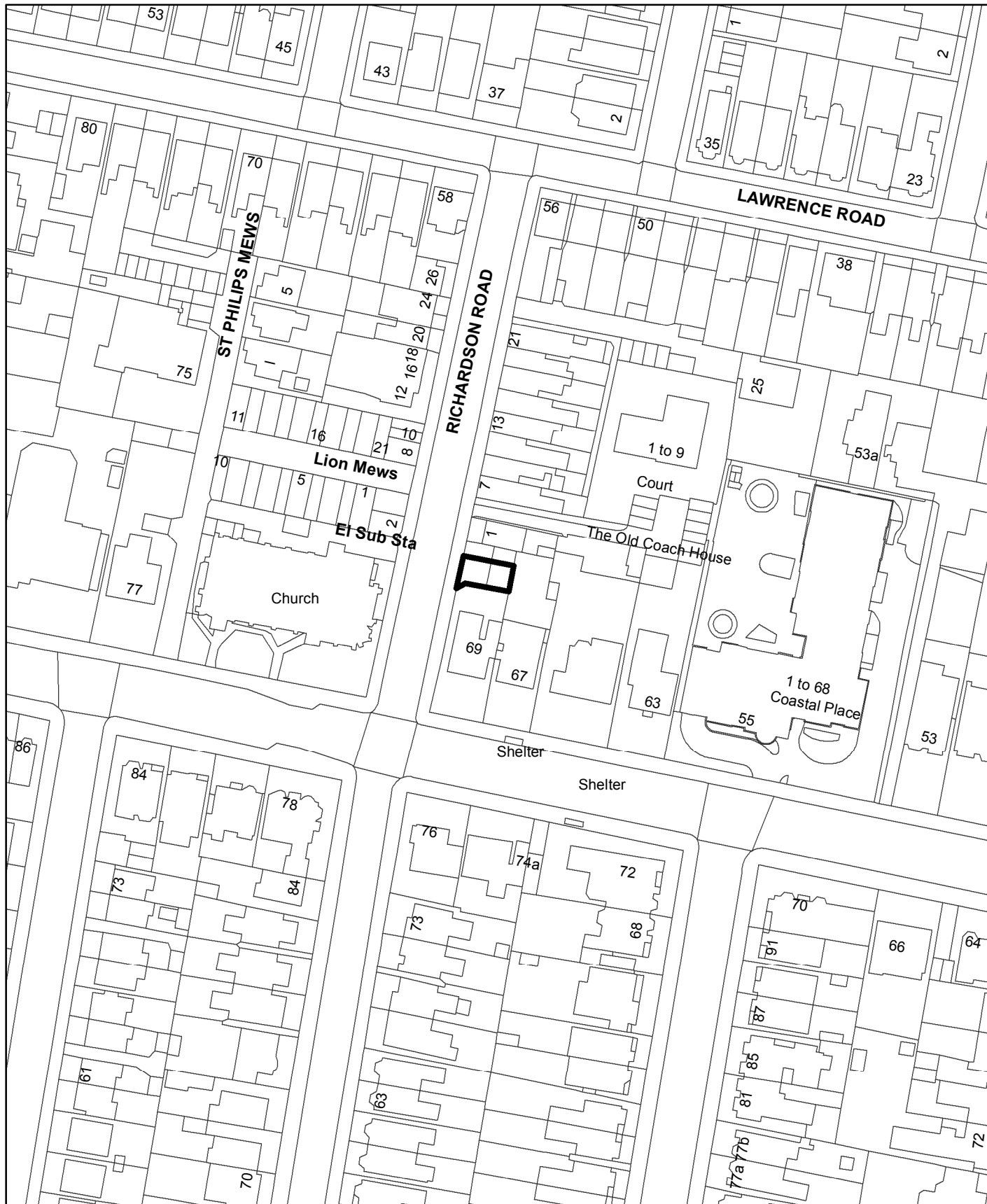
I look forward to an update on how we can determine this important application as soon as possible.

ITEM J

**69 New Church Road
BH2019/02380
Full Planning**

DATE OF COMMITTEE: 4th March 2020

BH2019 02380 - 69 New Church Road



Scale: 1:1,250

<u>No:</u>	BH2019/02380	<u>Ward:</u>	Westbourne Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	69 New Church Road Hove BN3 4BA		
<u>Proposal:</u>	Demolition of existing garage and erection of single-storey office/workshop (B1)		
<u>Officer:</u>	Jonathan Martin	<u>Valid Date:</u>	09.08.2019
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	04.10.2019
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	11.03.2020
<u>Agent:</u>	Lewis And Co Planning SE Ltd Lewis & Co Planning 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Portland Properties Ltd C/o Lewis & Co Planning 2 Port Hall Road Brighton BN1 5PD		

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out 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	617(PL)2B		14 October 2019
Location and block plan	617(PL)3A		9 August 2019
Report/Statement	Heritage Statement		9 August 2019
Report/Statement	Planning Statement		9 August 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 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 Policy 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. The premises hereby permitted shall only be used as a use within Use Class B1 in accordance with 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 amenities of the area and to comply with policy QD27 of the Brighton & Hove Local Plan.

6. 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

7. Prior to the first occupation of the development hereby permitted the applicant shall reinstate the redundant vehicle crossover on Richardson Road back to a footway by raising the existing kerb and footway.

Reason: In the interests of highway safety and to comply with policies TR7 of the Brighton and Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.

8. If during the ground clearance and development works, any materials not previously identified by the investigation that are suspected of being 'contaminants' are encountered, then the following procedure will apply;
 - a) All works in that area should cease and the Site Manager be informed
 - b) Advice should be sought from suitably qualified and experienced personnel as to whether any further site inspection, sampling, testing and/or assessment is deemed necessary.
 - c) If required, the conclusions of any assessment and any proposed remedial works (if required) should be agreed by the local authority.
 - d) If necessary, full details of any remedial works should be included in a verification report for the site.

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.

9. The office use hereby permitted shall not be carried out except between the hours of 08:00 and 18:00 on Mondays to Fridays, 09:00 and 14:00 on Saturdays and not at any time on Sundays, Bank or Public Holidays.

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

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. In relation to condition 8 - suspected 'contamination' may take the following form, though it is noted that this list is not exhaustive and site operatives should ask if they are at all unsure of findings:
 - Soil or water looks oily and/or has an oily odour
 - Soil or water has a solvent type of odour
 - Significant quantities of man-made materials within fill such as paint cans, car parts, glass fragments
 - Suspected asbestos containing materials (insulating boards, cement, loose fibres etc.)
 - Significant volumes of clinker like or ashy material
 - Sand bags, and or/subsurface concrete structures
 - Animal carcasses or evidence of animal burial pits

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application relates to an area of land at the rear of 69 New Church Road, a detached property located on the junction of New Church Road and Richardson Road. This area appears to have been separated from the rear garden of 69 and is currently over grown. The garage is not listed nor is it located within a conservation area. The large St Philips Church located opposite the application site at the junction with New Church Road is a Grade II Listed Building.

- 2.2. The application seeks planning permission for the demolition of the existing garage and the erection of a single storey office / workshop (B1).

3. RELEVANT HISTORY

- 3.1. BH2003/03904/FP - Conversion of house into 3 self-contained flats, works to include rear extension and front dormer (part retrospective). Approved, 24th November 2003.
- 3.2. BH2006/01041 - Demolition of existing garage and erection of part two storey / part single storey offices. Refused, 17th May 2006. The refusal was appealed, reference APP/Q1445/A/06/2025418. The Planning Inspectorate dismissed the appeal on 20th March 2007. The Inspector found the site suitable for an office suite but deemed there to be an undue loss of amenity space to the flats at 69 New Church Road.
- 3.3. BH2008/02654 - Demolition of existing garage and erection of single storey offices. Refused, 31st October 2008. As the site plan extract below shows this refused scheme related to a larger office than now proposed. The larger office would have taken over the garden assigned to the ground floor flat at no69. This scheme was refused due to the loss of garden space and increase sense of enclosure to no69.
- 3.4. BH2009/02867 - Demolition of existing garage and erection of detached 2no bedroom dwelling. Refused, 12th January 2010.
- 3.5. BH2010/02573 - Demolition of existing garage and erection of 2no bedroom dwelling. Refused, 7th October 2010. The decision was appealed. The appeal (APP/Q1445/A/11/2144091) was dismissed as the Inspector considered the scheme would look contrived from public vantage points, cramped and hemmed in against the plot boundaries.
- 3.6. BH2017/00407 - Erection of semi-detached garage incorporating enlargement of existing crossover and associated works. Refused, 10th November. In a deviation from the schemes above, this proposal sought to retain the garage and site and build a further semi-detached garage to the south, within the space assigned as garden area to no69 New Church Road. This refusal was appealed (APP/Q1445/W/17/3191215). The appeal was dismissed, on 6th June 2018, as the Inspector found it would result in the loss of private amenity space to the occupiers of the flats at no69.

4. REPRESENTATIONS

- 4.1. **Fourteen (14)** letters have been received objecting to the proposed development for the following reasons:
- Design grounds
 - Storage of waste
 - Loss of light
 - Sense of enclosure

- 4.2. **One (1)** letter has been received supporting the proposed development explaining how it will benefit the local community.

5. CONSULTATIONS

5.1. Environmental Health : Approve subject to conditions

The land may have been subject to contaminative uses historically. A discovery strategy and ACM survey will be secured via a suitably worded condition.

5.2. Sustainable Transport: Approve subject to conditions

Recommended approval as the Highway Authority has no objections to the above application subject to inclusion of the necessary conditions relating to cycle parking reinstatement of redundant vehicle crossing.

- 5.3. **Policy:** No comments received.

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 (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
CP2	Sustainable Economic Development
CP3	Employment land
CP8	Sustainable buildings
CP9	Sustainable transport
CP12	Urban design
CP15	Heritage

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

TR7	Safe Development
TR14	Cycle access and parking
SU9	Pollution and nuisance control
QD5	Design
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
EM4	New business and industrial uses on unidentified sites
HE3	Development affecting the setting of a listed building.

Supplementary Planning Documents:

SPD14	Parking Standards
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8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the principle of office space within a residential area, the impacts on the character and appearance of the existing property, streetscene and surrounding area, as well as impact on neighbouring amenity and transport issues.

Principle of Office Space

- 8.2. The existing garage serves no commercial function as existing and has been used in recent times for ad hoc storage. The Employment Land Study Review 2012, referenced in policies CP2 and CP3, and produced to inform the City Plan, identifies a qualitative and quantitative need for B1 office space. The proposal would create a small scale, affordable, workspace suitable for small enterprises and start-ups. The flexible internal space would suit a range of businesses and function equally well as offices or a workshop. The scheme represents efficient use of brownfield land within the built-up area which shows clear regard to core objectives of the NPPF. Furthermore in Appeal Ref 2025418 for BH2006/01041 the inspector was of the opinion that the operation of offices from this location would not cause any problems for neighbours.
- 8.3. As can be seen the proposed redevelopment of brownfield land to supply employment space, suitable for a range of small businesses, supports the indigenous growth of the economy in compliance with City Plan Policy CP2. There is no loss of existing employment land and thus no conflict with Policy CP3.
- 8.4. Policy EM4 requires new business uses on unidentified sites to demonstrate the need for such a use and how the site would not result in the loss of residential accommodation or open space. There is a demonstrable need for new B1 space across the city and the site is accessible via public transport and would not result in the loss of residential accommodation or open space meaning the requirements of Local Plan Policy EM4 are also met.

Design and Appearance:

- 8.5. Policy CP12 of the City Plan Part One requires development to raise the standard of architecture in the city, establish a strong sense of place by respecting the diverse character of neighbourhoods and enhance the city's built environment.
- 8.6. The proposed building would be no wider than the existing garage and not consume any of the amenity space associated with the flats at no69 New Church Road. The front elevation of the proposed would be 3 metres forward from the existing line of the garage and would align with the front elevation of the house at no1 Richardson Road. It would be approximately 6.3 metres wide, 8.7 metres deep and 4.1 metres high at the ridge.
- 8.7. The office / workshop would be built in red brick with two sets of tri-part, full height windows to the front. One of these glazed panels would be the entrance door. It would have a m-shaped roof created by two gabled roof parts and a central valley. The triangular gable fronts would be glazed. The roof would be tiled and have four rooflights, two within each northern slope. The interesting roof form would provide vaulted ceilings within.
- 8.8. The proposal replaces the garage with a positive, well-designed building. The design approach reflects the strong pitched roof, gable front aesthetic of the shop buildings on Richardson Road and the listed church opposite.
- 8.9. The principally glazed frontage would lend activity to the townscape to the benefit of the character of the local centre. As such the appearance of the building complies with Policy QD5 by presenting an attractive frontage at street level. In accordance with Policy CP12 the Richardson Road streetscene is enhanced by a design that reflects the architectural characteristics of the neighbourhood. Furthermore, with regard to Policy HE3 the proposal will enhance the setting of the listed church opposite by improving upon the existing structure and complementing the aesthetic of the church.
- 8.10. In light of the above, the proposal is considered to be in accordance with Policy CP12 of the City Plan Part One and Policy HE3 of the Local Plan.

Impact on Amenity:

- 8.11. The previous refusals on this site have been refused in part due to the loss of outdoor amenity space associated with No.69 New Church Road. The proposal does not seek to encroach upon any amenity space and therefore no loss of garden space would occur. As such, the proposal is considered to be compliant with Policy HO5 of the Local Plan.
- 8.12. Previous proposals on this site have sought the introduction of two storeys or part two/part one storeys. The current proposal is single storey in scale and this is considered to be sympathetic to neighbouring amenity. Previous inspector's appeals have determined that previous applications would appear crammed into the site and would be too close to the boundaries of neighbouring properties. The proposed built form would not be moved closer to residential neighbours and thus an increased sense of enclosure would be

avoided. Whilst the overall height would increase from 3.1metres to 4.1metres, the double gabled roof form mitigates any impact by significantly reducing bulk at roof level. The gable to the rear elevation and the southern elevation will not have any windows so would not lead to any overlooking.

- 8.13. For these reasons the amenity of neighbours will be protected in compliance with Local Plan Policy QD27.

Sustainable Transport:

- 8.14. The site has an existing vehicular access from Richardson Road, and this is to be removed for the proposed development. The removal of the vehicular access is considered to be acceptable. However, a condition will be attached to ensure that the redundant crossover is reinstated to footway to ensure that it cannot be used for vehicular access.
- 8.15. The proposed commercial building has a total of 45m² of B1 office space. The site, being located in a Key Public Transport Corridor, has a maximum parking allowance of 1 space (1 space per 100m²). As there are no proposed car parking spaces, the proposed development is in line with SPD14 maximum parking standards. SPD14 parking standards allows lower levels to be permitted subject to consideration of impacts.
- 8.16. The applicant is proposing a Sheffield cycle stand to be located outside the front of the property on the new hardstanding area.
- 8.17. There could be potential overspill from the removal of the garage. However, it is not considered that this would be of a level that could be deemed to amount to a severe impact in this instance and would warrant a reason for refusal. It is noted the site is located within the Controlled Parking Zone R, which would manage the overspill of any parking associated with this proposal. It is also noted that the development will lead to an increase in available on-street parking due to the removal of the existing crossover.

9. EQUALITIES

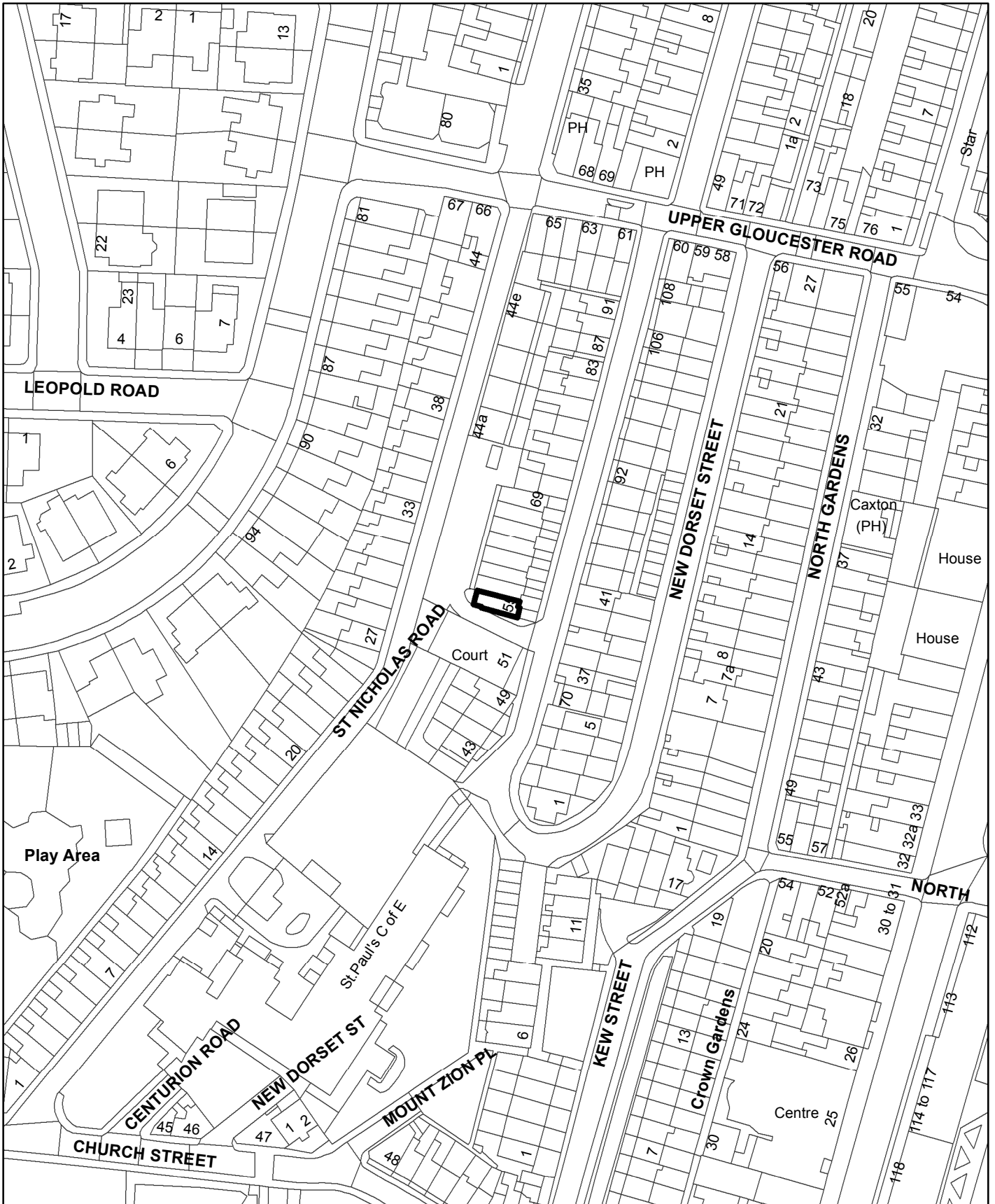
None Identified.

ITEM K

**55 Centurion Road
BH2019/03209
Full Planning**

DATE OF COMMITTEE: 4th March 2020

BH2019 03209 - 55 Centurion Road



Scale: 1:1,250

<u>No:</u>	BH2019/03209	<u>Ward:</u>	St. Peter's And North Laine Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	55 Centurion Road Brighton BN1 3LN		
<u>Proposal:</u>	Change of use from dwellinghouse (C3) to flexible use as 5no bedroom small house in multiple occupation (C4) or single family dwellinghouse (C3).		
<u>Officer:</u>	Joanne Doyle, tel: 292198	<u>Valid Date:</u>	28.10.2019
<u>Con Area:</u>		<u>Expiry Date:</u>	23.12.2019
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Whaleback Ltd Trinity Waterbeach Road Boxgrove Chichester PO18 0NW		
<u>Applicant:</u>	Eraut		

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 Plan	01	-	28 October 2019
Proposed Drawing	02	-	14 February 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. The development hereby approved shall be implemented in accordance with the proposed layout detailed on the proposed floorplans, drawing no 02, and shall be retained as such thereafter. The layout of the kitchen/dining and living room shall be retained as communal space at all times and shall not be used as bedrooms.

Reason: To ensure a suitable standard of accommodation for occupiers and to comply with policy QD27 of the Brighton & Hove Local Plan.

4. The HMO unit hereby approved shall only be occupied by a maximum of five (5) persons.

Reason: To ensure a satisfactory standard of accommodation for future occupiers and to comply with policy QD27 of the Brighton & Hove Local Plan.

5. The development hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants of, and visitors to, the development 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 SPD14: Parking Standards.

6. Within 6 months of commencement of the development hereby permitted or prior to occupation, whichever is the sooner, a scheme shall be submitted to the Local Planning Authority for approval to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit. The approved scheme shall be implemented before occupation.

Reason: This condition is imposed in order to allow the Traffic Regulation Order to be amended in a timely manner prior to first occupation to ensure that the development does not result in overspill parking and to comply with policies TR7 & QD27 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One and SPD14: Parking Standards.

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 site relates to an end of terrace three storey (including basement) property located on the western side of Centurion Road.
- 2.2. The property is not located in a conservation area, but there is an Article Four Direction in place restricting the conversion of single dwelling houses to houses of multiple occupation (C4 or sui generis use class).
- 2.3. This application seeks consent for the change of use from a 4no bedroom dwellinghouse (C3) to flexible use as 5no bedroom small house in multiple occupation (C4) or single family dwellinghouse (C3).
- 2.4. During the course of the application the scheme has been amended from a 6no bedroom small house in multiple occupation (C4) to a 5no bedroom small house in multiple occupation (C4) which includes changing the bedroom at basement level to a living room.

3. RELEVANT HISTORY

None

4. REPRESENTATIONS

4.1. **Eighteen (18)** letters of representation have been received objecting to the proposal for the following reasons:

- Noise nuisance and anti-social behaviour
- Concern about increased footfall
- Concern about adequate soundproofing
- Drug related issues
- Pressure on local amenities
- Refuse and recycling issues
- Short lets which don't contribute to the community
- Area needs more family homes
- Create more HMO's
- Inadequate standard of accommodation
- Destroy the family atmosphere
- Devalue properties
- Traffic and parking issues
- Negative impact on area
- Appears to be a change of use to a hostel or air bnb
- Profit making
- Only certain residents received notification

4.2. **One (1)** letter has been received from Farrer & Co on behalf of a resident objecting to the proposal for the following reasons:

- Contrary to City Plan Policy CP21
- Noise nuisance
- Substandard quality of accommodation
- Increased on street parking

4.3. **Councillor Deane and West** objects to the proposal, a copy of the letter is attached.

5. CONSULTATIONS

5.1. **Transport:**

No comment

5.2. **Private Sector Housing:**

The HMO licencing standards should be adhered to.

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);
 - The 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
CP19	Housing mix
CP21	Student housing and Housing in Multiple Occupation

Brighton & Hove Local Plan (retained policies March 2016)

TR7	Safe Development
TR14	Cycle access and parking
SU10	Noise Nuisance
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development

Supplementary Planning Documents

SPD14	Parking Standards
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8. **CONSIDERATIONS & ASSESSMENT**

- 8.1. The main considerations in the determination of this application relates 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.

Principle of Development:

- 8.2. The application seeks consent for the change of use from a dwellinghouse (C3) to a dwellinghouse or small house in multiple occupation (C3/C4). This would allow the use to change back and forth between C3 and C4 for up to 10 years, (as permitted) under Class V of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015.

- 8.3. The site is located within an Article 4 Direction area (effective from 5th April 2013) which removes permitted development rights under Class L (b) of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015, to change from a C3 (dwellinghouses) use to a C4 (houses in multiple occupation) use. As a result of the Article 4 Direction planning permission is required for the use of the properties in this location as HMOs.
- 8.4. Policy CP21 of the Brighton and Hove City Plan Part One specifically addresses the issue of changes of use to either class C4, a mixed C3/C4 use or to a sui generis House in Multiple Occupation and states that:
In order to support mixed and balanced communities and to ensure that a range of housing needs continue to be accommodated throughout the city, applications for the change of use to a Class C4 (Houses in multiple occupation) use, a mixed C3/C4 use or to a sui generis House in Multiple Occupation use (more than six people sharing) will not be permitted where:
- *More than 10 per cent of dwellings within a radius of 50 metres of the application site are already in use as Class C4, mixed C3/C4 or other types of HMO in a sui generis use.*
- 8.5. A mapping exercise has taken place which indicates that there are 82 neighbouring properties within a 50m radius of the application property; 5 properties have been identified as being in use as a HMO. On this basis the percentage of HMOs within the designated area is thus 6.06%. Based upon this percentage, which is less than 10%, the proposal to change to a HMO would be in accordance with policy CP21.
- 8.6. It is noted that a representation has been received raising concerns in regards to the number of properties within the 50m radius that they consider to be occupied as a C4 Use. The Council has looked into these addresses and the properties have either been included in the mapping exercise or are outside the 50 metre radius.

Design and Appearance:

- 8.7. No external alterations are proposed. Permitted development rights for extensions and alterations are not proposed to be removed as part of this application as the layout is to be secured by condition in the event of an approval meaning that further alterations would require formal planning permission in any event. Further to this the natural constraints of the site mean that major extensions and alterations would not be possible to achieve due to the highway running adjacent and to the rear of the site.

Standard of Accommodation:

- 8.8. 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 should measure at least 11.5sqm.

- 8.9. The changes to the internal layout comprise the following; kitchen/diner and separate living room at basement level, 2no bedrooms and 2no shower rooms at ground floor level and 3no bedrooms and a shower room at first floor level. (The application has been amended since submission by amending the scheme from a 6no bedroom house in multiple occupation to a 5no bedroom house in multiple occupation by changing the bedroom at basement level to a living room to ensure additional communal space for the occupants.)
- 8.10. The bedrooms meet the government's minimum nationally described space standards and with good levels of natural light and outlook to all rooms. The fenestration within the basement receives adequate light and outlook to serve the communal areas.
- 8.11. The communal area, consisting of separate kitchen/ diner and living room, measuring 26.54sqm approximately in total is considered to be sufficient for a 5 person property. The space would be functional with good levels of circulation space, light and outlook and would therefore provide an acceptable standard of accommodation.
- 8.12. If however the communal space was converted to a bedroom in the future, this would restrict the level of shared space available to occupants. Therefore, a condition is recommended restricting the use of the communal areas to ensure that alterations to the layout are not made at a later date that reduces the amount of communal space provided for the occupiers. Given the single nature (small size) of the bedrooms proposed a condition has also been recommended restricting the overall property to 5 people.
- 8.13. The accommodation proposed is considered acceptable, in accordance with policy QD27 of the Brighton and Hove Local Plan.

Impact on Amenity:

- 8.14. 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.
- 8.15. The proposed change of use from a C3 dwellinghouse to a five bedroom C4 HMO would result in a more intensive use of the property however it is not considered that the proposal would cause noise/disturbance to neighbouring properties beyond the existing C3 use sufficient to warrant refusal of the application.
- 8.16. Policy CP21 of the Brighton and Hove City Plan Part One supports the change of use of dwellings (Use Class C3) to a small HMO use (C4),

provided that there is not an excessive proportion of neighbouring dwellings in HMO use (over 10% within a 50 metre radius). The application accords with policy CP21 in this regard and any increased impact likely to be caused in this case would not be of a magnitude which would cause demonstrable harm to neighbouring amenity.

Sustainable Transport:

- 8.17. The proposed development would not result in a significant increase in trip generation and any impact on the highway would be considered to be minimal.
- 8.18. The proposed scheme does not provide any on site car parking and therefore overspill may occur on the highway. There is concern with regards the localised impact from overspill parking on the highway network and the availability of car parking spaces in the surrounding Controlled Parking Zone. According to the City Council's data for this site's CPZ (Y) from January to September 2018, there has been 98% uptake of parking permits. The Highway Authority may have concern if uptake of parking permits within a site's CPZ is above an average of 80%. Therefore the higher percentage of 98% suggests that there is a much greater possibility of parking difficulty occurring in the area. The applicant has not demonstrated the likely car ownership of the site's residents, the potential for overspill parking on surrounding streets or considered the impact of this vs. on-street capacity. Without this information, a condition will be attached to ensure that the development is car free.
- 8.19. No cycle parking is proposed and there does appear to be opportunities for this on site; this will be secured via condition.

Other Matters:

- 8.20. It is noted that concerns have been raised regarding neighbour consultations. These matters have been investigated and it is confirmed that these neighbours were notified as part of the consultation process.

9. EQUALITIES
None identified

**Cllr. Lizzie Deane & Cllr. Pete West
BH2019/03209 - 55 Centurion Road**

16th November 2019:

I am writing in my capacity of local ward councillor, together with Cllr Pete West, in support of Paul Bowes and other residents of Centurion Road in their objections to this planning application.

The application is for a six-bedroom HMO in a narrow residential street that already has a number of such conversions.

Residents' concerns relate to additional pressures on local amenities, noise and disturbance, and overcrowding within the property itself, as it is simply not designed to accommodate six bedrooms.

I would therefore ask that officers refuse this application under delegated powers. Should officers be minded to grant, then I would ask that this application goes before Planning Committee for consideration by elected councillors.

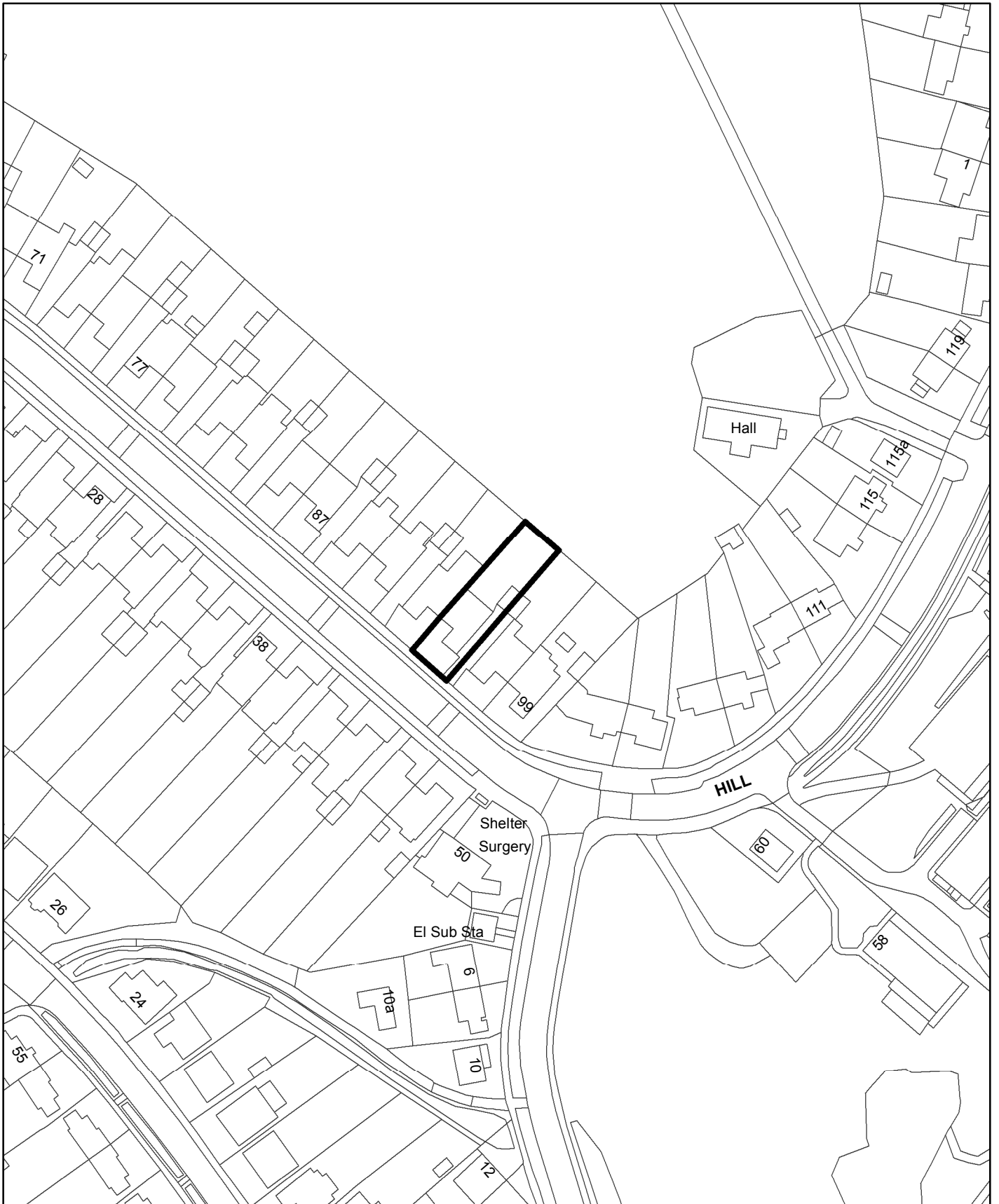
Yours sincerely
Lizzie Deane

ITEM L

**95 Heath Hill Avenue
BH2019/03433
Full Planning**

DATE OF COMMITTEE: 4th March 2020

BH2019 03433 - 95 Heath Hill Avenue



N



Scale: 1:1,250

<u>No:</u>	BH2019/03433	<u>Ward:</u>	Moulsecoomb And Bevendean Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	95 Heath Hill Avenue Brighton BN2 4FH		
<u>Proposal:</u>	Change of use from 6no. bedroom small House in Multiple Occupation (C4) to 9no. bedroom large House in Multiple Occupation (Sui Generis). Proposals also incorporate: the erection of a single storey rear extension; acoustic fencing; the installation of a side window; and the creation of 2no. car parking spaces.		
<u>Officer:</u>	Emily Stanbridge, 293311	tel: <u>Valid Date:</u>	18.11.2019
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	13.01.2020
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Lewis And Co Planning SE Ltd Lewis And Co Planning 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Mr Steve Granocchia C/O Lewis And Co Planning 2 Port Hall Road Brighton BN1 5PD		

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out 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	0123.A.03		23 January 2020
Location Plan	0123.A.01		18 November 2019
Proposed Drawing	0123.A.02A		23 January 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. The development hereby approved shall be implemented in accordance with the proposed layout detailed on the proposed floorplan received on 14th February 2020 and shall be retained as such thereafter. The rooms annotated as living room and kitchen/dining shall be retained as communal space and shall not be used as bedrooms at any time. The bedrooms shown shall be retained in the form shown on the plans and not subdivided.

Reason: To ensure a suitable standard of accommodation for occupiers to comply with policy QD27 of the Brighton & Hove Local Plan.

4. The unit hereby approved shall only be occupied by a maximum of nine (9) persons.

Reason: To ensure a satisfactory standard of accommodation for future occupiers and to comply with policy QD27 of the Brighton & Hove Local Plan.

5. No development shall commence until a swept path analysis of the proposed off-street parking has been submitted and approved in writing by the local planning authority.

Reason: To ensure that adequate parking provision is retained and to comply with policy CP9 of the Brighton & Hove City Plan Part One and SPD14: Parking Standards.

6. All the interior and exterior sound proofing measures shown on drawing 02A received on 23rd January 2020 shall be installed prior to the occupation of the property as a sui generis HMO.

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.

7. 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.

8. 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.

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. Planning permission is sought to change the use of the property from a 6 bedroom Small house of multiple occupation (use class C4) to a nine bedroom large house in multiple occupation (Sui generis).
- 2.2. The site is on the north side of Heath Hill Avenue near to its westerly junction with Auckland Drive. It is one of a pair of semi-detached dwellings and similar such structures front the road on both sides. The property is also located within one of the councils HMO Article 4 areas.

3. RELEVANT HISTORY

- 3.1. BH2019/01873: Application for approval of details reserved by conditions 3 and 4 of application BH2018/02532. Under Consideration.
- 3.2. BH2019/01799: Removal of condition 6 of application BH2018/02532 (Change of use from single dwelling (C3) to six bedroom small house in multiple occupation (C4).) relating to extending, enlarging or altering dwelling house without planning. Under Consideration.
- 3.3. BH2018/02532: Change of use from single dwelling (C3) to six bedroom small house in multiple occupation (C4). Approved February 2019.

4. REPRESENTATIONS

- 4.1. **Forty Four (44)** letters have been received from objecting to the proposed development for the following reasons:
- Already too many HMO's in the area
 - Loss of community amenities making way for students
 - Overdevelopment
 - Additional noise
 - Additional litter
 - Additional traffic
 - Parking vehicles in front of the property will be visually detrimental
 - Neighbours will lose pride in the area
 - Shared driveway not taken into consideration
 - Lack of public transport for increase in occupiers
 - Breach of CP21
 - The house is already an HMO for 6 people
 - Local residents survey indicates there are already vacant rooms in the area
 - There are already ample provisions for student accommodation
- 4.2. **Councillor Yates** objects. Please see comments attached.

5. CONSULTATIONS

- 5.1. **Private Sector Housing:** No objection

- 5.2. **Sustainable Transport:** Comment 27.11.2019
- The level of cycle parking provisions proposed is acceptable
 - Off street parking spaces acceptable in principle subject to swept path analysis.

- 5.3. **Natural England** 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, 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
CP8	Sustainable buildings
CP9	Sustainable transport
CP12	Urban design
CP21	Student housing and Housing in Multiple Occupation

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

TR7	Safe Development
TR14	Cycle access and parking
QD14	Extensions and alterations
QD15	Landscape design
QD27	Protection of amenity
SU9	Pollution and nuisance control
SU10	Noise nuisance

Supplementary Planning Documents:

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 the change of use, the impact of the extension upon the character and appearance of the property, the standard of accommodation provided, the impact on neighbouring properties and transport issues.

Principle of development

8.2. The application property is currently in a C4 use following the approval of application BH2018/02532 which sought a change of use from C3 Dwelling to a C4 HMO. As a result of this application the property is currently occupied by six individuals.

8.3. Policy CP21 of the Brighton and Hove City Plan Part One specifically addresses the issue of changes of use to either class C4, a mixed C3/C4 use or to a sui generis House in Multiple Occupation, including a change of use from those in an existing C4 use and states that:

8.4. 'In order to support mixed and balanced communities and to ensure that a range of housing needs continue to be accommodated throughout the city, applications for the change of use to a Class C4 (Houses in multiple occupation) use, a mixed C3/C4 use or to a sui generis House in Multiple Occupation use (more than six people sharing) will not be permitted where:

- More than 10 per cent of dwellings within a radius of 50 metres of the application site are already in use as Class C4, mixed C3/C4 or other types of HMO in a sui generis use.'

8.5. The over-concentration of HMOs in certain parts of Brighton & Hove, as expressed through the Council's Student Housing Strategy, led to the issuing of article 4 directions in five of the city's electoral wards.

8.6. Policy CP21 seeks to address the potential impact of concentrations of HMOs upon their surroundings and to ensure that healthy and inclusive communities are maintained across the city.

8.7. A mapping exercise has taken place which indicates that there are 16 neighbouring residential properties within a 50m radius of the application property. One (1) neighbouring property has been identified as being in HMO use within the 50m radius. The percentage of neighbouring properties in HMO use within the radius area is thus 6.25 %.

8.8. Based upon the existing percentage of neighbouring properties in HMO use, which is less than 10%, the proposal to change to a Sui generis HMO would be in accordance with policy CP21.

- 8.9. It is noted that neighbours have raised concerns with regards to a number of properties within the 50m radius that they consider to be occupied as a C4 Use. Only properties in a lawful HMO use and properties with an extant permission are counted.
- 8.10. One property which has been identified by a residents who have commented on the application, no. 44 Heath Hill Avenue, has recently been refused planning permission, so is not lawful. (A current enforcement case has been opened on this property.)
- 8.11. In regard to No.40 Heath Hill Avenue, council tax records indicate that the property may be in use as an HMO however no planning history can be found for this property and therefore this potential HMO is not considered lawful. (A current enforcement case has been opened on this property.)
- 8.12. The council has looked into 101 Heath Hill Avenue following concerns raised by neighbouring residents however no planning history or enforcement history can be found.
- 8.13. It is noted that No.50 Heath Hill Avenue has an extant permission for student accommodation. The proposed rooms located within this building have not been included in the above calculation as the building is classed as purpose built accommodation within a Sui Generis Use and is not classed as a HMO.

Design and Appearance:

Rear extension

- 8.14. The proposal incorporates the erection of a single storey rear extension. The proposed extension would measure approximately 6.5m in depth and would be inset from the eastern side wall of the original property by approximately 2m.
- 8.15. The extension would incorporate a mono-pitched roof form with a predominantly flat roofed section. The proposed angle of the roof pitch would match that of the main dwelling. In addition the exterior walls would match in material to the main property. It is also noted that the extension would not physically attach the existing rear dormer.
- 8.16. Given the presence of the extension to the adjacent property the extension proposed would not unbalance the semi-detached pair. As such the proposed extension is deemed acceptable.

Provision of hardstanding

- 8.17. The application includes provisions for two off-street parking spaces to the front of the property. This would involve the loss of the existing front garden area which is currently laid to lawn. However there are a number of examples of properties within the streetscene, including opposite the application site, where similar hardstanding's exist. It is therefore not considered that this alteration would cause significant harm to the visual amenities of the street.

Standard of accommodation

- 8.18. Policy QD27 of the Brighton and Hove Local Plan aims to secure a good standard of living accommodation for current and future occupiers. Accommodation should therefore provide suitable circulation space within bedrooms once the standard furniture for an adult has been installed (such as a bed, wardrobe and desk), as well as good access to natural light and adequate outlook in each bedroom. The communal facilities should be of a sufficient size to allow unrelated adults to independently cook their meals at the same time, sit around a dining room table together, and have sufficient space and seating to relax in a communal lounge.
- 8.19. 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 and relate to new build developments, they provide a useful guideline on acceptable room sizes that would offer occupants useable floor space once the usual furniture has been installed. The 'Nationally Described Space Standards' establishes the minimum floor space for a single bedroom as measuring at least 7.5m², and a double bedroom should measure at least 11.5m².
- 8.20. The six en-suite bedrooms shown on the plans are as per the approved layout approved under application BH2018/02532.
- 8.21. The proposed floor plans show indicative furniture layouts, which for the bedrooms show how a bed, storage furniture and desk could be accommodated. The proposed layout would allow for all rooms to have adequate natural light and circulation space. Furthermore each of the proposed bedrooms exceeds the national described space standards.
- 8.22. One of the bedrooms on the ground floor of the property is located adjacent to the communal space for future occupiers. In order to minimise noise disturbance to these bedrooms, additional soundproofing measures are proposed which will mitigate any potential noise impact to these occupiers this is by way of soundproofing the walls to 42db and incarnating door soft closers to both internal and external doors in the vicinity of this bedroom.
- 8.23. The communal space comprises of a kitchen/dining area with living area beyond within the proposed extension. This living space would provide a total of 46sqm of communal space. This communal area is laid out in such a way that it could adequately function for 9 occupants. Whilst it is noted that some space will be lost as route space through the kitchen to the living area the space proposed remains sufficient.

Impact on Amenity:

- 8.24. 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.

Use of the site

- 8.25. The increased occupation of the building from 6 individuals to 9 is not considered likely to result in significantly increased activity which would cause noise/disturbance to neighbouring properties beyond the existing C4 use. It is further noted that sound insulation is to be retained to the party wall with the adjoining property at no. 93 Heath Hill Avenue.
- 8.26. It should also be noted that the proposed rear extension which houses the communal space for future occupiers does not physically adjoin the neighbouring property at No.93. The plans submitted also show that an acoustic fence along the boundary with this neighbour is also proposed from the original rear wall of the property to 3m beyond the proposed extension. A condition is recommended to secure this detail. Significant harm to neighbour amenity is therefore not foreseen.

The proposed extension

- 8.27. The proposed extension to the rear of the property extends to a similar depth to that of the existing adjacent extension at No.93. Whilst on site it was noted that there is an existing high level window to the extension of No.93 facing the application site, however after visiting the neighbouring property it became apparent that this window is obscure glazed and provides no outlook. Furthermore the neighbour extension has full height glazing to the western elevation and therefore the window is not a source of light. As a result the extension to the application site would not cause harm to the amenities of this western neighbouring property.
- 8.28. The extension would be separated from No.97 Heath Hill Avenue by a shared driveway and single storey garages. In addition the extension is stepped in from the original eastern elevation of the property by approximately 2.1m. As a result no amenity impact is envisaged to the occupiers of No.97.

Sustainable Transport:

- 8.29. The application includes provisions for two off-street parking spaces within the front garden, this is considered to be acceptable in principle subject to a swept path analysis, requested by the highways team, to ensure vehicles can enter and exit the site in a forward gear.
- 8.30. The application proposes cycle storage within the garage. This provision shall be secured by condition.

Other considerations

- 8.31. Councillor Yates's objection refers to a recent appeal decision at 25 Wheatfield Way which sought a change of use from C4 HMO to Sui Generis HMO.
- 8.32. The property is similar to that at 95 Heath Hill Avenue in that it comprises a semi-detached bungalow, extended at roof level and is in a lawful C4 use. In

his decision the appeal inspector noted that the increase in occupiers to 9 would lead to a noise increase.

- 8.33. However the appeal inspector noted that a number of complaints had been received by local residents and councillors in relation to problems experienced by the existing HMO at 25 Wheatfield Way and that this was an indication of the noise levels that may arise.
- 8.34. It should also be noted that 25 Wheatfield Way is close to the end of a cul-de-sac with relatively little traffic. By comparison 95 Heath Hill Way is located on a main road which experiences higher levels of pedestrian and vehicle movements. Whilst it is acknowledged that the intensity of the occupancy levels would increase, the levels of coming and goings would not be so significant, given the location of the property.

9. EQUALITIES
None identified.

Cllr. Dan Yates
BH2019/03433 – 95 Heath Hill Avenue

4th December 2019:

Stance: Customer objects to the Planning Application

Comment Reasons:

- Because of the Additional Traffic
- Noise
- Residential Amenity

Comment: The impact of enlarging this HMO on the surrounding residents, community and properties could be significant due to the nature and intensification of occupation on this site:

- Potential for noise and other environmental disturbance including waste management issues
- Inadequate provision of parking and consequential impact to on street parking.

I also note that in the recent appeal determination regarding 25 Wheatfield Way applying to increase from a 6 person HMO to a nine person HMO the inspector stated that "the increase in noise and general disturbance arising from the occupation by a maximum of 3 additional tenants would lead to significant harm. "

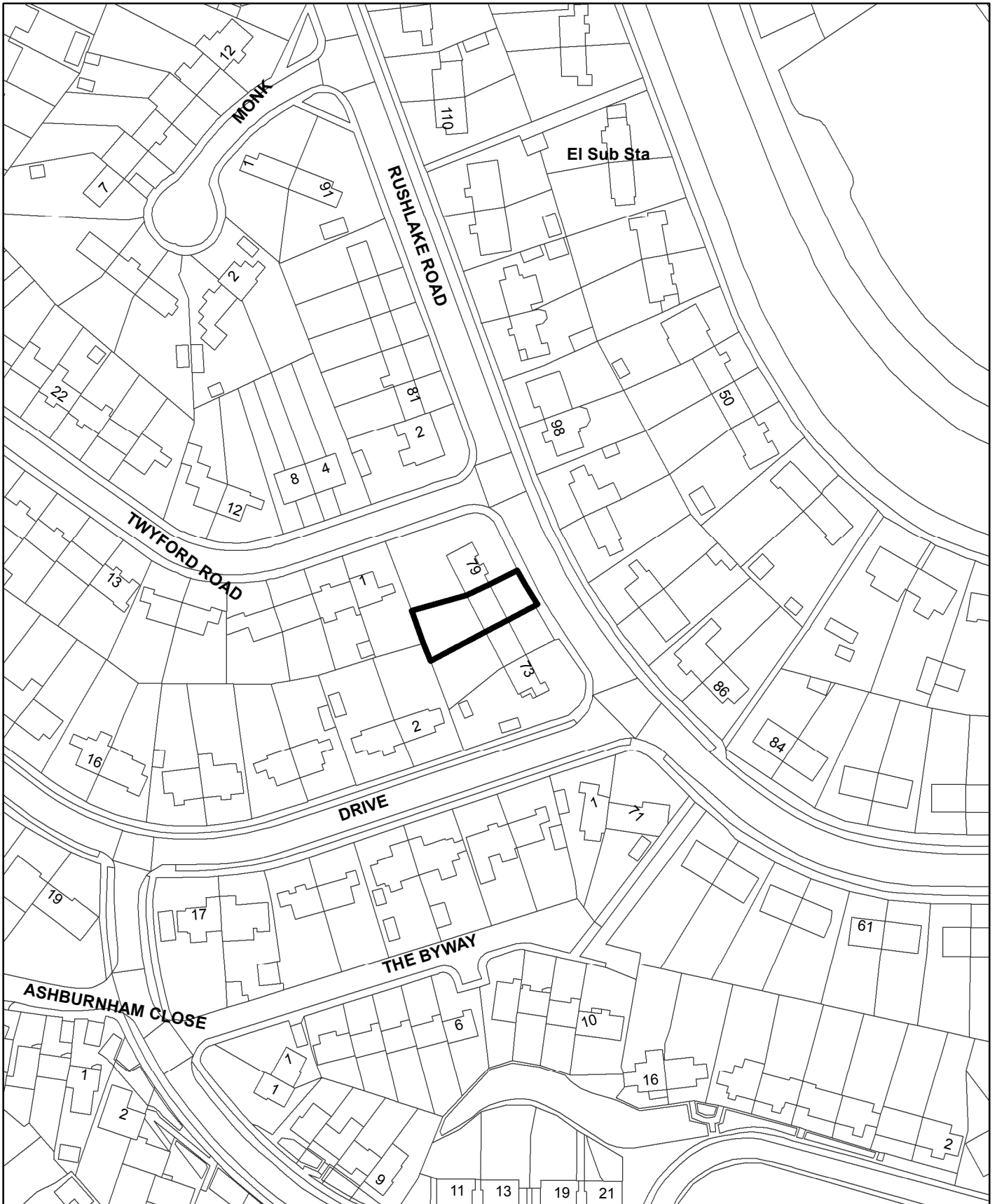
Should the recommendation on this application be to approve I would like this application to come to committee please.

ITEM M

**77 Rushlake Road
BH2019/03529
Full Planning**

DATE OF COMMITTEE: 4th March 2020

BH2019 03529 - 77 Rushlake Road



N



Scale: 1:1,250

<u>No:</u>	BH2019/03529	<u>Ward:</u>	Hollingdean And Stanmer Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	77 Rushlake Road Brighton BN1 9AG		
<u>Proposal:</u>	Change of use from residential dwelling (C3) to four bedroom small house in multiple occupation (C4).		
<u>Officer:</u>	Sven Rufus, tel: 292454	<u>Valid Date:</u>	27.11.2019
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	22.01.2020
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Core Connections Ltd 38 Guildford Grove London SE10 8JT		
<u>Applicant:</u>	Mr Alastair Mackinnon 77 Rushlake Road Brighton BN1 9AG		

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 Plan			27 November 2019
Proposed Drawing		REV A	27 November 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 approved shall be occupied by a maximum of five (5) persons.

Reason: To ensure a satisfactory standard of accommodation for future occupiers and to comply with policy QD27 of the Brighton & Hove Local Plan.

4. The area annotated as 'Living - 29.1msq' on the approved drawings for this application and received 27 November 2019 shall be retained as communal space at all times and shall not be used as bedrooms at any time.

Reason: To ensure a satisfactory standard of accommodation for future occupiers and to comply with policy QD27 of the Brighton & Hove Local Plan.

5. 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.

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 site is a two storey, brick built mid terrace house, on the west side of Rushlake Road.
- 2.2. The application seeks to change the authorised use of the building from a residential dwelling house (C3) to a small House in Multiple Occupation for up to six people (C4).

3. RELEVANT HISTORY

- 3.1. **BH2019/02443:** Change of use from residential dwelling (C3) to four bedroom small house in multiple occupation (C4). (28/10/19)
- 3.2. **BN77/2515:** Erection of Front Porch (Approved 17/1/78)

4. REPRESENTATIONS

- 4.1. **Seven (7)** letters have been received from neighbours, objecting to the proposed development for the following reasons:
 - Too many HMO's in the area already
 - Anti-social behaviour
 - Impacts on parking in the area.
 - Impact on community
- 4.2. **Cllr Fowler** objected to the proposal, comments attached to this report.

5. CONSULTATIONS

5.1. Private Sector Housing:

Comment

Should the application be granted, HMO licensing standards need be adhered to.

5.2. Planning Policy:

No comment provided

5.3. **Sustainable Transport:**

No objection

Cycle parking for 2 spaces minimum can be located in front garden. Matchday parking zone, applicant will need to apply for permit. Car parking, off road parking already in situ for one space, which is SPD maximum. No objections.

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 JAAP (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
CP9	Sustainable transport
CP14	Housing density
CP15	Heritage
CP19	Housing mix
CP21	Student housing and Housing in Multiple Occupation

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

TR7	Safe Development
TR14	Cycle access and parking
SU10	Noise Nuisance
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development

Supplementary Planning Documents:

8. CONSIDERATIONS & ASSESSMENT

8.1. The main considerations in the determination of this application relate to the principle of the change of use, its impacts on neighbouring amenity, the standard of accommodation which the HMO use would provide and the transport impacts.

Principle of Development:

8.2. Policy CP21 of the Brighton and Hove City Plan Part One specifically addresses the issue of changes of use to either class C4, a mixed C3/C4 use or to a sui generis House in Multiple Occupation and states that:

8.3. 'In order to support mixed and balanced communities and to ensure that a range of housing needs continue to be accommodated throughout the city, applications for the change of use to a Class C4 (Houses in multiple occupation) use, a mixed C3/C4 use or to a sui generis House in Multiple Occupation use (more than six people sharing) will not be permitted where:

- More than 10 per cent of dwellings within a radius of 50 metres of the application site are already in use as Class C4, mixed C3/C4 or other types of HMO in a sui generis use.'

8.4. A mapping exercise has been undertaken which indicates that there are 31 (31) neighbouring properties within a fifty meter radius of the application property. Three of these are identified as being in HMO use. The percentage of neighbouring properties in HMO use within a 50m radius is therefore 9.7%.

8.5. Based upon the existing percentage of neighbouring properties in HMO use, which is not greater than 10%, the proposal to change of use to a four bed house in multiple occupation would not be in conflict with the aims of policy CP21.

Design and Appearance:

8.6. No external alterations are proposed as a result of the change of use, therefore there are no design issues to address.

Standard of Accommodation:

8.7. HMO licensing seeks to secure minimum standards of accommodation fit for human habitation such as fire safety standards and access to basic facilities such as a kitchen, bathroom and toilet. The Local Planning Authority's development plan has a wider remit to secure a good quality of accommodation which would ensure a good standard of amenity for future occupiers. It is therefore clear that the remit of the Planning regime allows the Local Planning Authority to consider a wider range of issues and to seek to secure a higher standard of accommodation than the bare minimum fit for human habitation secured by the licencing requirements.

8.8. 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 7.5m², and a double bedroom should measure at least 11.5m². The minimum floor space requires a head height of above 1.5m.

- 8.9. The existing and proposed layout of the property are the same. This provides three bedrooms on the first floor, and a further bedroom on the ground floor. The communal space on the ground floor is an open plan area with kitchen and living space together. There is a toilet and utility room on the ground floor and a bathroom and a separate shower room on the first floor.
- 8.10. The three bedrooms on the first floor provide a suitable standard of accommodation, with bedroom one being 15.8msq, and suitable for occupation by two people, and bedrooms two and three being 8.3msq and 10.7msq, and suitable for single occupancy. All of these rooms have adequate natural light and outlook from the windows.
- 8.11. The previous application (BH2019/02443) for the change of use of the property to a small house in multiple occupation, was refused due to standard of accommodation in bedroom four, which was shown on the plans supplied as having a floor area of only 6.9msq. This would have been below the amount of space set out as being the minimum acceptable in the NDSS. Furthermore, it was felt that the room, by being situated on the ground floor, with areas of communal space around some of its walls, would result in harm to the amenity of any future occupant of bedroom four due to noise and disturbance. On that basis it was considered that the room was not suitable for occupation.
- 8.12. Following the refusal, this application was submitted with amended drawings which it was stated corrected errors in the drafting of the plans from the refused scheme. It was also highlighted that the walls between the ground floor bedroom and the areas of communal space are solid brick and therefore the amount of noise and disturbance that would travel through the wall would be minimal.
- 8.13. A further site visit was conducted during which the measurements of the ground floor bedroom were verified as being consistent with the revised plans submitted as part of this application. On that basis, bedroom four would provide 7.5msq, which would meet the standard set out in the guidance of the NDSS. Further assessment of the site was carried out with regard to the degree to which noise transfer between the proposed bedroom and the communal space would occur. As stated by the applicant, the walls around bedroom 4 are solid rather than studwork, and while no noise monitoring equipment was used for quantifiable measures, these walls were observed to minimise noise transfer. Notwithstanding the degree of the noise reduction due to the walls, the bedroom could still experience some harmful impacts

due to noise in the communal spaces due to its proximity to these areas. However, it is noted that the bedroom is separated from the communal space by two doors, and has its own access off the common hallway. Due to these factors, it is not considered that any impacts of noise from the use of the communal space would result in harm to occupants sufficient to warrant refusal in this case.

- 8.14. Based on an assessment of the standard of accommodation provided by the bedrooms, the property would be suitable for up to five people. The area of floorspace and the layout of the communal areas would be sufficient to provide a satisfactory standard of accommodation for up to five people.

Impact on Amenity:

- 8.15. This application is not located in an area that currently has above 10% of properties within 50m of the application site being HMO's. While any additional HMO's have the potential for increasing the cumulative impact of such properties and the harm to amenity with which they are often associated, in this instance the existing numbers of HMO's in the area do not give cause to refuse the application on the grounds of potential amenity impact.

Sustainable Transport:

- 8.16. The property has off street parking for one vehicle and this is considered to be acceptable. The property is within the Coldean Matchday Controlled Parking Zone and it is not considered appropriate to limit access to permits by condition.
- 8.17. No details of cycle parking have been proposed but there is adequate room for secure covered cycle storage to be placed in the front garden of the property. The guidance provided by SPD14 sets out that a minimum of two cycle storage spaces should be provided. These details can be secured by condition.

9. EQUALITIES

None identified.

Cllr. Theresa Fowler
BH2019/03529 – 77 Rushlake Road

10th Dec 2019:

Comment Reasons:

- Noise
- Overdevelopment
- Traffic or Highways

Comment:

I object to this once family home being turned into a house of multiple occupancy. There are already too many in Coldean and also one next door. The neighbours already experience noise and lack of parking from the other HMO properties in this Road.

NEW APPEALS RECEIVED

WARD**APPEALAPPNUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****BRUNSWICK AND ADELAIDE**

BH2019/03089

113 - 114 Western Road Brighton BN1 2AB

Installation of timber cladding to ground floor front and side elevations. (Retrospective)

APPEAL IN PROGRESS

28/01/2020

Delegated

WARD**APPEALAPPNUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****CENTRAL HOVE**

The Blind Busker 75-77 Church Road Hove BN3 2BB

Appeal against

APPEAL IN PROGRESS

29/01/2020

Not Assigned

WARD**APPEALAPPNUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****EAST BRIGHTON**

BH2019/02042

12 Sudeley Terrace Brighton BN2 1HD

Erection of external insulation and render system to a depth of 100mm to east elevation and associated works

APPEAL IN PROGRESS

20/01/2020

Delegated

WARD**APPEALAPPNUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****GOLDSMID**

BH2019/02391

15 Wilbury Crescent Hove BN3 6FL

Certificate of lawfulness for proposed loft conversion, incorporating rear dormer and side dormer to existing outrigger.

APPEAL IN PROGRESS

30/01/2020

APPLICATION DECISION LEVEL Delegated

WARD

GOLDSMID

APPEALAPPNUMBER

BH2019/02804

ADDRESS

11 Cambridge Grove Hove BN3 3ED

DEVELOPMENT DESCRIPTION

Conversion of existing vehicle repair workshop (B2) in to 1no one bedroom flat (C3) and associated works

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

04/02/2020

APPLICATION DECISION LEVEL

Delegated

WARD

HANGLETON AND KNOLL

APPEALAPPNUMBER

BH2019/01402

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 STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

15/01/2020

APPLICATION DECISION LEVEL

Delegated

WARD

HANGLETON AND KNOLL

APPEALAPPNUMBER

BH2019/02091

ADDRESS

41 Wilfrid Road Hove BN3 7FJ

DEVELOPMENT DESCRIPTION

Erection of a single storey front porch extension. (Part Retrospective)

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

20/01/2020

APPLICATION DECISION LEVEL

Delegated

WARD

HANGLETON AND KNOLL

APPEALAPPNUMBER

BH2019/02855

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 STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

21/01/2020

APPLICATION DECISION LEVEL

Delegated

WARD

HANOVER AND ELM GROVE

APPEALAPPNUMBER

BH2019/02951

ADDRESS

47 Hallett Road Brighton BN2 9ZN

DEVELOPMENT DESCRIPTION Erection of first floor rear extension with associated alterations.
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 05/02/2020
APPLICATION DECISION LEVEL Delegated

WARD

HOLLINGDEAN AND STANMER

APPEALAPPNUMBER

BH2019/02836

ADDRESS

84 Hollingbury Road Brighton BN1 7JA

DEVELOPMENT DESCRIPTION

Conversion of existing maisonette (C3) to create 2no flats at ground floor and lower ground floor level incorporating single storey rear extension (C3).

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

05/02/2020

APPLICATION DECISION LEVEL

Delegated

WARD

HOVE PARK

APPEALAPPNUMBER

BH2018/03697

ADDRESS

Sackville Trading Estate And Hove Goods Yard
Sackville Road Hove BN3 7AN

DEVELOPMENT DESCRIPTION

Demolition and redevelopment of Sackville Trading Estate and Hove Goods Yard, with erection of buildings ranging from 2 to 15 storeys comprising 581no residential units (C3) and 10no live/work units (Sui Generis) with associated amenity provision; a care community comprising 260no units (C2) together with associated communal facilities; 3899m2 of flexible office accommodation (B1); 671m2 of flexible retail floorspace (A1 and/or A3) and community facilities including a multi-functional health and wellbeing centre (946m2) (D1/D2). Associated landscaping, car and cycle parking, public realm and vehicular access via existing entrance from Sackville Road.

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

14/01/2020

APPLICATION DECISION LEVEL

Planning (Applications) Committee

WARD

HOVE PARK

APPEALAPPNUMBER

ADDRESS

5 Windsor Close Hove BN3 6WQ

DEVELOPMENT DESCRIPTION

Appeal against

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

29/01/2020

APPLICATION DECISION LEVEL

Not Assigned

WARD **MOULSECOOMB AND BEVENDEAN**
APPEALAPPNUMBER BH2018/03404
ADDRESS 33 Hillside Brighton BN2 4TF
DEVELOPMENT DESCRIPTION Certificate of lawfulness for existing single storey rear extension, loft conversion incorporating hip to gable roof extension with rear dormer and 2no front rooflights.
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 30/01/2020
APPLICATION DECISION LEVEL Delegated

WARD **MOULSECOOMB AND BEVENDEAN**
APPEALAPPNUMBER BH2019/02235
ADDRESS 21 Coombe Terrace Brighton BN2 4AD
DEVELOPMENT DESCRIPTION Change of use from three bedroom single dwelling house (C3) to four bedroom small house in multiple occupation (C4).
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 23/01/2020
APPLICATION DECISION LEVEL Delegated

WARD **QUEEN'S PARK**
APPEALAPPNUMBER BH2019/01592
ADDRESS 8 Margaret Street Brighton BN2 1TS
DEVELOPMENT DESCRIPTION Change of use from 3 bedroom dwelling house (C3) to 6 bedroom small House in Multiple Occupation (C4).
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 31/01/2020
APPLICATION DECISION LEVEL Not Assigned

WARD **ROTTINGDEAN COASTAL**
APPEALAPPNUMBER BH2019/02585
ADDRESS 46 Wivelsfield Road Saltdean Brighton BN2 8FQ
DEVELOPMENT DESCRIPTION Creation of dormer to front elevation.
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 13/01/2020
APPLICATION DECISION LEVEL Delegated

WARD **ST. PETER'S AND NORTH LAINE**
APPEALAPPNUMBER
ADDRESS 7 Queens Road Brighton BN1 3WA
DEVELOPMENT DESCRIPTION Appeal against
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 30/01/2020

APPLICATION DECISION LEVEL Not Assigned

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

WESTBOURNE

BH2019/03520

2 Princes Avenue Hove BN3 4GD

Block pave front garden to create driveway.

APPEAL IN PROGRESS

04/02/2020

Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

WISH

BH2019/01600

Wickenden Garage Scott Road Hove BN3 5HN

Erection of first floor extension with pitched roof to create 1no two bedroom flat (C3) above existing auto garage (B2).

APPEAL IN PROGRESS

15/01/2020

Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

WISH

BH2019/03003

12 Glendor Road Hove BN3 4LP

Formation of first floor front balcony incorporating installation of balustrading and replacement of existing window with access door.

APPEAL IN PROGRESS

04/02/2020

Delegated

APPEAL DECISIONS FOR THE PERIOD BETWEEN 21/01/2020 AND 18/02/2020

WARD

BRUNSWICK AND ADELAIDE

APPEAL APPLICATION NUMBER

APL2019/00249

ADDRESS

16 - 18 Selborne Road Hove BN3 3AG

DEVELOPMENT DESCRIPTION

Roof extension to facilitate creation of 1no one bedroom flat with installation of rooflights and side panelling.

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL DISMISSED

PLANNING APPLICATION NUMBER

BH2017/02294

APPLICATION DECISION LEVEL

Delegated

WARD

BRUNSWICK AND ADELAIDE

APPEAL APPLICATION NUMBER

APL2019/00252

ADDRESS

Basement Flat 1 9 Selborne Road Hove BN3 3AJ

DEVELOPMENT DESCRIPTION

Erection of single storey ground floor rear extension replacing existing conservatory.

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL ALLOWED

PLANNING APPLICATION NUMBER

BH2019/01515

APPLICATION DECISION LEVEL

Delegated

WARD

PATCHAM

APPEAL APPLICATION NUMBER

APL2019/00271

ADDRESS

Patcham Service Station Patcham By Pass
London Road Brighton BN1 8YB

DEVELOPMENT DESCRIPTION

Variation of condition 7 of application BN83/386 (Demolition of existing service station and the construction of a new self-service petrol filling station with canopy and 32,000 gallons of fuel storage) to extend trading hours in addition to the erection of a 3m high fence to the southern boundary of the site. Current approved hours are 07.00 to 23.00, hours now proposed 06.00 to midnight.

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL ALLOWED

PLANNING APPLICATION NUMBER

BH2018/02579

APPLICATION DECISION LEVEL

Planning (Applications) Committee

WARD

PRESTON PARK

APPEAL APPLICATION NUMBER APL2019/00265
ADDRESS Land To Rear Of 62-64 Preston Road Brighton
BN1 4QF
DEVELOPMENT DESCRIPTION Excavation and erection of three storey building
comprising 4no residential units (C3) with
associated alterations.
APPEAL TYPE Against Refusal
APPEAL DECISION APPEAL ALLOWED
PLANNING APPLICATION NUMBER BH2019/01610
APPLICATION DECISION LEVEL Delegated

WARD

ROTTINGDEAN COASTAL

APPEAL APPLICATION NUMBER APL2019/00251
ADDRESS 70 Greenways Brighton BN2 7BL
DEVELOPMENT DESCRIPTION Demolition of existing bungalow and erection of
2no five bedroom dwelling houses.
APPEAL TYPE Against Refusal
APPEAL DECISION APPEAL DISMISSED
PLANNING APPLICATION NUMBER BH2019/00282
APPLICATION DECISION LEVEL Delegated

WARD

ROTTINGDEAN COASTAL

APPEAL APPLICATION NUMBER APL2019/00257
ADDRESS 44 The Cliff Brighton BN2 5RE
DEVELOPMENT DESCRIPTION Hard landscaping for the creation of a sunken
garden. The proposals also incorporate: the
extension of an existing decked area and
retaining walls; and associated works. (Part
Retrospective).
APPEAL TYPE Against Refusal
APPEAL DECISION APPEAL ALLOWED
PLANNING APPLICATION NUMBER BH2019/01183
APPLICATION DECISION LEVEL Planning (Applications) Committee

WARD

ROTTINGDEAN COASTAL

APPEAL APPLICATION NUMBER APL2020/00004
ADDRESS 62 Dean Court Road Rottingdean Brighton BN2
7DJ
DEVELOPMENT DESCRIPTION Erection of glass balustrade to existing flat roof
to create a balcony. (Retrospective)
APPEAL TYPE Against Refusal
APPEAL DECISION APPEAL ALLOWED
PLANNING APPLICATION NUMBER BH2019/02254
APPLICATION DECISION LEVEL Delegated

WARD

ST. PETER'S AND NORTH LAINE

APPEAL APPLICATION NUMBER APL2019/00177
ADDRESS 10 Mayo Road Brighton BN2 3RJ
DEVELOPMENT DESCRIPTION Change of use from small house in multiple occupation (C4) to one 1no bedroom flat (C3) at lower ground floor level and small house in multiple occupation (C4) above. (Retrospective)
APPEAL TYPE Against Refusal
APPEAL DECISION APPEAL ALLOWED
PLANNING APPLICATION NUMBER BH2017/04222
APPLICATION DECISION LEVEL Delegated

WARD **ST. PETER'S AND NORTH LAINE**
APPEAL APPLICATION NUMBER APL2019/00263
ADDRESS 12 Pavilion Buildings Brighton BN1 1EE
DEVELOPMENT DESCRIPTION Installation of roller shutter to front elevation. (Retrospective)
APPEAL TYPE Against Refusal
APPEAL DECISION APPEAL DISMISSED
PLANNING APPLICATION NUMBER BH2019/01889
APPLICATION DECISION LEVEL Delegated

WARD **ST. PETER'S AND NORTH LAINE**
APPEAL APPLICATION NUMBER APL2019/00279
ADDRESS 5 West Hill Place Brighton BN1 3RU
DEVELOPMENT DESCRIPTION Replacement of timber front windows with UPVC double glazed sliding sash windows (retrospective)
APPEAL TYPE Against Refusal
APPEAL DECISION APPEAL DISMISSED
PLANNING APPLICATION NUMBER BH2019/00097
APPLICATION DECISION LEVEL Delegated

WARD **WISH**
APPEAL APPLICATION NUMBER APL2019/00260
ADDRESS 54 Worcester Villas Hove BN3 5TB
DEVELOPMENT DESCRIPTION Certificate of lawfulness for proposed loft conversion incorporating erection of a dormer to rear roofslope & outrigger and 2no front rooflights.
APPEAL TYPE Against Non-determination
APPEAL DECISION APPEAL ALLOWED
PLANNING APPLICATION NUMBER BH2019/00616
APPLICATION DECISION LEVEL Delegated

WARD **WITHDEAN**
APPEAL APPLICATION NUMBER APL2019/00215

<u>ADDRESS</u>	15 Hillbrow Road Brighton BN1 5JP
<u>DEVELOPMENT DESCRIPTION</u>	Erection of 1no three bedroom detached house (C3) to the rear.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2017/02693
<u>APPLICATION DECISION LEVEL</u>	Delegated

<u>WARD</u>	WITHDEAN
<u>APPEAL APPLICATION NUMBER</u>	APL2019/00236
<u>ADDRESS</u>	Land At Varndean College Surrenden Road Brighton BN1 6WQ
<u>DEVELOPMENT DESCRIPTION</u>	Outline application with some matters reserved for erection of 10no residential units (C3), comprising 1no two bedroom, 6no three bedroom and 3no four bedroom houses, with new access from Surrenden Road, associated car and cycle parking and approval of reserved matters for access and layout.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2017/03676
<u>APPLICATION DECISION LEVEL</u>	Planning (Applications) Committee

<u>WARD</u>	WITHDEAN
<u>APPEAL APPLICATION NUMBER</u>	APL2019/00273
<u>ADDRESS</u>	5 & 7 Cornwall Gardens Brighton BN1 6RH
<u>DEVELOPMENT DESCRIPTION</u>	Roof alterations incorporating enlargement of existing rear dormers and rooflights to side and front slopes to 5 & 7 Cornwall Gardens
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	WITHDRAWN APPEAL
<u>PLANNING APPLICATION NUMBER</u>	BH2019/00719
<u>APPLICATION DECISION LEVEL</u>	Delegated

<u>WARD</u>	WITHDEAN
<u>APPEAL APPLICATION NUMBER</u>	APL2020/00003
<u>ADDRESS</u>	3 Downside Brighton BN1 5EQ
<u>DEVELOPMENT DESCRIPTION</u>	Erection of decking area to rear. (Part retrospective).
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL ALLOWED
<u>PLANNING APPLICATION NUMBER</u>	BH2019/02162
<u>APPLICATION DECISION LEVEL</u>	Delegated
