

<u>No:</u>	BH2018/01738	<u>Ward:</u>	Goldsmid Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Land At Lyon Close Lyon Close Hove BN3 1RE		
<u>Proposal:</u>	Demolition of existing buildings (B8) to facilitate a mixed use development comprising of the erection of 4no buildings between 6 and 8 storeys to provide 152 dwellings (C3), 2 live/work units (sui generis) and 697sqm of office accommodation (B1) with associated car and cycle parking, landscaping and other related facilities.		
<u>Officer:</u>	Chris Swain, tel: 292178	<u>Valid Date:</u>	27.06.2018
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	26.09.2018
<u>Listed Building Grade:</u>	<u>EOT:</u>		
<u>Agent:</u>	Savills 74 High Street Sevenoaks Sevenoaks TN13 1JR		
<u>Applicant:</u>	Crest Operations Ltd And Palace Street Developments Ltd C/o Savills 74 High Street Sevenoaks TN13 1JR		

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 the expiry of the re-consultation period expiring on the 1st of March 2019 and no new planning considerations arising, and subject to a s106 Planning Obligation and the Conditions and Informatives as set out hereunder, **SAVE THAT** should the s106 Planning Obligation not be completed on or before the 26th June 2019 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 9 of this report:

S106 HEADS OF TERMS

- Affordable Housing: 10% (16 units) shared ownership,
- Review Mechanism to reappraise the viability of the scheme at an agreed future date,
- Local Employment Scheme - Contribution of **£44,000** towards the city-wide coordination of training and employment schemes to support local people to employment within the construction industry
- Employment and Training Strategy - Minimum of 20% local employment for the construction phase,
- Public Art - Contribution of **£62,000**,
- Open Space and Recreation Contribution of **£385,290.08** to be spent on the following;
 - Children and young people's play space contribution of £9,185.02 to be spent on St Ann's Well Gardens and / or Dyke Road Park,

- Amenity Green Space contribution of £10,930.69 to be spent on St Ann's Well Gardens and / or Dyke Road Park
- Outdoor Sports Facilities contribution of £93,148.13 to be spent on Nevill Recreation Ground and / or Preston Park and / or Withdean Stadium and / or Aldrington Recreation Ground,
- Indoor Sport contribution of £61,250.00 to be spent on Prince Regent, and or Withdean Leisure Centre and or Kingsway (Kings Alfred or other),
- Parks and Gardens contribution of £136,290.08 to be spent on St Ann's Well Gardens and / or Dyke Road Park and / or Preston Park,
- Natural and Semi-Natural contribution of £61,075.00 to be spent on meadow creation / tree planting at Hove Park and / or Preston Park,
- Allotments contribution of £13,368.75 to be spent on water infrastructure (Weald/Nevil), and / or track improvements (Weald/North Nevil) and /or Fencing (North Nevil).
- Education Contribution of **£122,412.80** towards:
 - Secondary (£105,496.80) and Sixth Form (£16,916.00) to be spent on Blatchington Mill and / or Hove Park Schools,
 - A Construction & Environmental Management Plan (CEMP)
 - A Delivery & Service Management Plan. Amongst other things, this should include -
 - details of any physical access control features that will be provided (e.g. retractable bollards) and any proposals to trial the initial omission or inclusion of these if relevant, and longer term provisions for the management, maintenance and retention of these, including use by third parties such as City Clean; and
 - measures to safely manage occasional turning movement by larger vehicles in front of the access to the podium car park
- A section 278 highway works scheme to include -
 - Widening the southern footway of Lyon Close to 2m in the vicinity of the site interface
 - Introducing a dropped kerb and tactile paving to the northern footway of Lyon Close at the western side of the access to the service yard to the rear of Tapi carpets. Note that the reciprocal dropped kerb on the other side of the access is within the site and will be created as part of the proposed landscaping scheme.
 - Introducing dropped kerbs and tactile paving to the northern/western footway of Lyon Close across the access to the retail park.
- A Sustainable Transport contribution of **£125,000** towards the following off-site works to secure safe and inclusive access to and from the development and local amenities by sustainable forms of transport.
 - Creating direct stepped access from the southern footway of Lyon Close, at the site boundary, to the path running along the eastern edge of the Artisan development. (£20K); and/or
 - Pedestrian improvements along Lyon Close, including potentially and at its junction with Davigdor Road and the access to the retail park, to include inter alia (£80K)
 - Introducing dropped kerbs with tactile paving to either side of the access to the retail park at its junction with Lyon Close; and/or

- Tightening Lyon Close at its junction with Davigdor Rd and other works at this junction to slow turning vehicles and improve ease of crossing for pedestrians; and/or
 - Raising and/or widening and/or resurfacing the northern footway of Lyon Close, east of the junction with the access to the retail park, and/or removing existing bollards and/or introducing local loading restriction; and/or
 - Pedestrian crossing improvements on Davigdor Road to facilitate pedestrian access to local amenities, including, inter alia, St Ann's Well Gardens (£20K)
- A 5 year Travel Plan, with separate targets for the residential and office uses, and with monitoring informed by TRICS SAM surveys at years 1, 3 and 5 and monitoring fees for the officer time. Associated measures should include the following as a minimum:
- (For the residential component)
 - Providing 2 off-site car club bays and associated vehicle service on public streets in the vicinity of the development.
 - Providing 10 or more B&HCC Bike Share stands and bikes on local street in the vicinity of the site.
 - Providing residents with free or heavily subsidised tickets/memberships for local public and shared transport services for one or more years, including:
 - Local buses and/or train services;
 - Brighton & Hove Bike Share; and
 - Enterprise Car Club
 - Providing formal cyclist training to residents on request, to be marketed throughout the development,
 - Providing maintenance stands together with pumps and basic tools within the cycle stores for resident use.
 - Providing residents a voucher of \geq £150 to go towards the cost of purchasing a bicycle.
 - Establishing a Bicycle User Group. This should be subsidised for the duration of the Plan to provide –
 - 'Bike buddy' services to other residents/workers thinking of taking up cycling
 - several social rides per year, including an allowance for refreshments.
 - 2 or more 'Doctor Bike' sessions per year with both a direct repair and a teaching element.
 - Providing information on sustainable transport options and measures in all marketing material (including any on-line).
 - On site information boards.
- (For the office component)
- Providing information on sustainable transport options and measures in all marketing material (including any on-line).
 - On site information boards.(for the office component)
 - Providing interest-free loans to staff for the purchase of bus and rail season tickets and bicycle purchase.
 - Establishing a Bicycle User Group, as for the residential component.

- Providing annual personalised travel planning to employees for the duration of the plan
- Providing showers and locker facilities

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	A-SH-05-ZZ-004	D0-4	24 January 2019
Proposed Drawing	A-SH-05-ZZ-003	D0-4	24 January 2019
Proposed Drawing	A-SH-05-ZZ-002	D0-4	24 January 2019
Proposed Drawing	A-SH-05-ZZ-001	D0-4	24 January 2019
Proposed Drawing	A-SH-03-RF-001	D0-4	24 January 2019
Proposed Drawing	A-SH-03-07-001	D0-4	24 January 2019
Proposed Drawing	A-SH-03-06-001	D0-4	24 January 2019
Proposed Drawing	A-SH-03-05-001	D0-4	24 January 2019
Proposed Drawing	A-SH-03-04-001	D0-4	24 January 2019
Proposed Drawing	A-SH-03-03-001	D0-4	24 January 2019
Proposed Drawing	A-SH-03-02-001	D0-4	24 January 2019
Proposed Drawing	A-SH-03-01-001	D0-4	24 January 2019
Proposed Drawing	A-SH-03-00-001	D0-4	24 January 2019
Proposed Drawing	A-SH-02-ZZ-002	D0-2	24 January 2019
Proposed Drawing	185120-001	G	13 February 2019
Location Plan	A-SH-02-ZZ-001	D0-1	1 June 2018
Proposed Drawing	P11144-00-001-GIL-0100	D-01	31 January 2019
Proposed Drawing	A-SH-02-ZZ-001	S2-5	24 January 2019
Proposed Drawing	A-SH-02-ZZ-002	S2-5	24 January 2019
Proposed Drawing	A-SH-02-ZZ-003	S2-5	24 January 2019
Proposed Drawing	A-SH-02-ZZ-006	S2-5	24 January 2019
Proposed Drawing	A-SH-02-ZZ-007	S2-2	24 January 2019

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

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

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

Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard

the character and appearance of the area, in addition to comply with policy QD27 of the Brighton and Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

4. 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.

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.

6. None of the new build 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.

7. None of the new build 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 to comply with policy CP8 of the Brighton and Hove City Plan Part One.

8. 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.

9. Within 3 months of first occupation of the non-residential development hereby permitted a BREEAM Building Research Establishment has issued a Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM New Construction rating of 'Excellent' and such certificate has been submitted to, and approved in writing by, the Local Planning Authority.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy CP8 of the Brighton & Hove City Plan Part One.
10. Details of any external lighting of the site 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 the development hereby permitted, 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.
11. 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 bricks, mortar and metal cladding,
b) details of all hard surfacing materials,
c) details of the proposed window, door and balcony treatments,
d) details of all other materials to be used externally,
e) a schedule outlining all of relevant materials and external details
Reason: To ensure a satisfactory appearance to the development and to comply with policy QD14 of the Brighton & Hove Local Plan and CP12 of the Brighton and Hove City Plan Part One.
12. No development above ground floor slab shall take place until an example bay study showing full details of window(s) and their reveals and cills 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.
13. The development hereby permitted 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 site using sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policy SU3 of the Brighton & Hove Local Plan.

14. 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.

15. The vehicle parking areas 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. 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.

16. Prior to the first occupation of the development hereby approved a Car Park Management Plan, which includes full details of how the car parking spaces will be managed and allocated to the end users of the development and which favours the provision of allocating the spaces to residential units, shall be submitted to and approved in writing by the Local Planning Authority. All management and allocation of all spaces shall thereafter be carried out in accordance with the approved plan.

Reason: In order to provide an appropriate level of car parking and to limit the potential for overspill car parking and ensure that the development is in accordance with policy CP9 of the Brighton & Hove City Plan Part One and SPD14: Parking Standards.

17. 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 the development have no entitlement to a resident's parking permit.

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.

18. Notwithstanding the plans hereby permitted, prior to first occupation of the development hereby permitted, full details of the motor vehicle parking area and layout, including all electric vehicle charging points within the proposed car park, and details of disabled car parking provision for the occupants of, and visitors to the hereby permitted development shall have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.
Reason: To encourage travel by more sustainable means and seek measures which reduce fuel use and greenhouse gas emissions and to comply with policies CP9 of the City Plan Part One and SPD14 Parking Standards.
19. Notwithstanding the plans hereby permitted, prior to first occupation of the development, full 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.
20. 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.
21. The commercial premises hereby permitted shall be used as an office (Use Class B1(a)) only and for no other purpose (including any other purpose in Class B of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification), no change of use shall occur without planning permission obtained from the Local Planning Authority.
Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the supply of office floorspace in the city given the identified shortage and also to safeguard the amenities of the area and to comply with policies CP3 and QD27 of Brighton & Hove City Plan Part One.
22. The commercial element of the two live/work units 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 QD27 of Brighton & Hove City Plan Part One.

23. The use of the office hereby permitted shall not be carried out 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 the future occupiers of the development and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

24. 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.

25. 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.

26. No development above ground floor slab level of any part of the development 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 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.

27. (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 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.

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

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

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

30. The development hereby permitted shall not be first occupied until a scheme to enhance the nature conservation interest of the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall accord with the standards described in Annex 6 of SPD 11 and shall be implemented in full prior to the first occupation of the development hereby approved and thereafter retained.

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

31. The development hereby permitted shall not be commenced (including demolition and all preparatory work) until the protection measures identified in the submitted Tree Survey, Arboricultural Impact Assessment and Tree Protection Plan Rev 0 by MJC Tree Services Limited and received 8 June 2018 are in place and retained throughout the construction process. The fences shall be erected in accordance with British Standard BS5837 (2012) Trees in relation to design, demolition and construction – Recommendations and shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

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.

32. 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 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.

33. Notwithstanding the plans submitted no development above ground floor slab level of any part of the development hereby permitted with the application shall take place until a scheme for landscaping is submitted to and approved in writing by the Local Planning Authority. 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 to include type, position, design, dimensions and materials 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
- iv. existing and proposed boundary treatments to include type, position, design, dimensions and materials;
- v. details to achieve greening of the external north facing elevation of the metal podium wall and railings;
- vi. details of private demarcation treatments (screening or planting) in association with all residential units sited on the ground floor and at first floor level fronting onto the podium floor amenity areas,

34. 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.

35. Prior to the commencement of the development hereby approved (including any ground clearance, tree works, demolition or construction), 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.

36. The development 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 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 / CP13 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.

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 applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. The applicant/developer should contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (tel: 0330 303 0119) or www.southernwater.co.uk in order to progress the required infrastructure.
4. 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.
5. 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)
6. 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.
7. 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.

8. 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.
9. The applicant is advised that the scheme required by the condition that relates to the removal of parking permits 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 that the development is permit free.
10. 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.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The site relates to a 0.9 hectare parcel of land within Peacocks Trading Estate, accessed off Lyon Close. The site contains two existing buildings containing three commercial units in warehouse use with ancillary trade counters, these being Toolstation, Howdens Joinery Co. and Graham Plumbers Merchant.
- 2.2. To the west of the site the trading estate contains two further large scale retail units in Wickes and Tapi Carpets. To the south of the site there is a multi-storey office building (P&H House), a cleared former office site with planning permission for an 8 storey mixed use block (113-119 Davigdor Road) and a recently constructed 8 storey mixed use block (121-123 Davigdor Road). Immediately to the north of the site is the railway line which backs onto the terraced properties on Lyndhurst Road, which is on higher ground. To the east of the site is a single dwelling and a modern residential block which are accessed off Montefiore Road. It is noted that there is a bank of vegetation and trees which rises up to the south and east and separates the application site from the adjoining land parcels.
- 2.3. As originally submitted the application proposed the demolition of the two existing warehouse buildings and the erection of a single storey podium level with undercroft parking and amenities and 4 blocks between 5 and 10 storeys to provide 163 residential units and 938sqm of commercial space.

- 2.4. The scheme was subject to revisions during the life of the application and the current proposal is for four blocks ranging from 6 to 8 storeys to include the following:
- 152 dwellings (C3) with a mix of 21 studio, 49 one bedroom, 76 two bedroom, and 8 three bedroom flats,
 - Two live/work units, (88sqm of which is employment space)
 - 697sqm of office accommodation (B1).
 - Undercroft level containing 80 parking bays and 174 cycle spaces,
 - Raised external communal amenity area between the blocks,
- 2.5. The four blocks are the following heights:
- Block A at 7 storeys
 - Block B at 6 storeys
 - Block C at 6 storeys
 - Block D at 8 storeys.
- 2.6. The key changes to the scheme are the following:
- reduction in units from 163 to 152 units;
 - reduction in building height of Block D from 10 to 8 storeys;
 - increase in height of Block C from 5 to 6 storeys;
 - commercial floor space in Block A reduced and located on ground floor, replaced on first floor by 4 residential units;
 - 2 additional live/work spaces located on the ground floor of Block A and B;
 - Revised layouts throughout to relocate the balconies off bedrooms rather than lounges,
 - Revised layout of studio apartments;
 - Alteration to dwelling mix and tenure including 16 Shared Ownership units in Block B. This equate to 10% of the units.

3. RELEVANT HISTORY

- 3.1. Units A, B & C:
- 3.2. **3/92/0278(F)** - Change of use from light industrial use to Class B8 warehouse and distribution with ancillary facilities for mixing and tinting paint, a trade counter and offices. Approved 09/07/1992
- 3.3. **3/80/0543-** Retrospective application for (1) Revision to elevations (11) Change of use: warehouse to light industrial: Unit C (original 3/78/0296). Approved 07/11/1980
- 3.4. **3/78/00396-** Private estate road. Approved 04/09/1978
- 3.5. **3/78/0296-** Construction of (a) Class X warehouse of 22,500 sq.ft (b) (1) 12,500 sq.ft industrial floorspace (Units A & B) & (11) 7,830 sq.ft warehouse (Unit C). Approved 29/09/1978
- 3.6. Unit B:

- 3.7. **BH2007/04478-** Certificate of lawfulness for proposed warehousing and storage use. Proposals to include the provision of an ancillary and 'de minimis' trade counter area. Approved 28/04/2008.
- 3.8. **3/93/0101(F)-** Change of use from B1 to B8 and external alterations including two roller shutter doors. Approved 14/04/1993
- 3.9. Unit C:
- 3.10. **BH2005/06409-** Change of use of Unit C from B1 (offices) to B8 (storage and distribution). Approved 28/04/2005

Member Pre-Application Briefing

- 3.11. Members made the following observations on the scheme following a presentation on 8 May 2018.
- 3.12. Planning Policy
- The proposed policy compliant level of affordable housing (40%) was welcomed.
 - The flexible office space to be provided was generally well received. There was some concern raised about the reduction of commercial floorspace in comparison to the existing use, although it was acknowledged it would provide a more intensive form of employment.
- 3.13. Design / massing / townscape / landscaping
- It was considered that the scheme had progressed since previous proposals and the removal of the solid block running along the rear boundary adjacent to the railway line was seen as a positive, breaking up the massing of the development.
 - There were queries as to why the height of the scheme had increased in places compared to the previous proposal and the overall design approach (and in particular the 10 storey block) would need to be fully justified.
 - It was noted that the elevations / visuals were not well developed at the present time. It was advised that high quality detailing and materials would be critical on a scheme of this scale. A lighter coloured brick (than the red brick in the presentation) may be appropriate. Timber cladding and through render were discouraged.
 - It was suggested that work was required to ensure the overall landscaping scheme provides attractive and usable amenity spaces and an appropriate balance between private and more public spaces.
- 3.14. Amenity
- Some concern was raised as to how the proposal would impact on neighbouring properties, including the new build housing development to the east of the site fronting Montefiore Road and properties on Lyndhurst Road to the rear. It would need to be demonstrated that residential amenity was not detrimentally impacted.

- It was considered that work was required to ensure that the single aspect ground floor units fronting the shared space provided satisfactory outlook and living conditions for future occupiers.
- 3.15. Transport
- Some concern was raised over the proposed shared space in regards to the safety of pedestrians / cyclists and also in respect to the quality and attractiveness of the space created and more thought should be given to how this would work in practise.
 - The positioning of the access to the undercroft parking was questioned and it was suggested that it may be more appropriately located closer to the main entrance to the site.
 - The feasibility of a pedestrian access from the north east of the site connecting to Montefiore Road should be investigated.
- 3.16. Other Pre-Application advice
- 3.17. Three mixed use schemes were submitted for formal pre-application advice between 2016 and 2018 proposing approximately 150-175 residential units in various designs and layouts. During this time proposals went through a design review process in July 2017 and also March 2018.
- 3.18. The principle of housing on the site was supported subject to satisfactory justification for its loss and the provision of sufficient new employment space. Concerns were raised over the density and massing of the proposals which were considered to provide inadequate external amenity spaces and living conditions for future occupiers. It was considered that the scale, design and layout of the scheme needed further consideration to both mitigate the impact on neighbouring amenity and also integrate more fully with the existing and future built form in the area.

4. REPRESENTATIONS

- 4.1. One hundred and thirteen (116) representations have been received objecting to the proposed development for the following reasons:
- 4.2. Design
- 10 storey tower is out of keeping with the local residential area and would set a worrying precedent for future developments,
 - Out of character and fails to pick up on the low rise Victorian and Edwardian properties in the area,
 - Density is far too great,
 - Appalling design with ugly, brock brick buildings,
 - More glass and colour should be used,
 - The proposal city centre design is out of context in a more suburban environment,
 - The design does not accord with planning policy,
 - Will detract from the existing skyline,
 - The designs are blocky with little architectural merit,
 - Bulk and massing is out of scale,

- Will destroy the unique character of this mature suburban area,
- Significant overdevelopment of the site,
- Not the right location for a development of this scale,
- Overdevelopment of the site,
- A smaller, low rise scheme should be considered,
- The proposal dwarfs neighbouring properties and as such is completely out of context,
- Contrary to the Tall Buildings SPG15,
- Uniform brick strip cladding does not match a traditional brick finish,
- Insensitive design approach,
- Excessive in height and number of units,
- Block D should be comparable in scale to the new development on Montefiore and should be reduced significantly in height,
- None of the blocks should be over 5 storeys,
- No justification in the submission for a 10 storey block,
- P & H House should not be used as a precedent,
- Bland design,
- The design has a significant negative impact on longer views,
- The proposal is not in an area designated for tall buildings,
- The blocks should not be higher than the existing housing to the north on Lyndhurst Road,
- Revised design is still unacceptably large and out of character

4.3. Amenity

- Loss of privacy / overlooking to adjoining properties to the rear on Lyndhurst Road,
- Loss of light, overshadowing to neighbouring properties,
- Height is completely overbearing,
- The proposal dwarfs neighbouring properties and as such is completely out of context,
- Visually dominant impact,
- Increased noise and disturbance for neighbouring residents from balconies and the communal amenity areas including evening and weekends,
- Noise and disturbance during the construction period,
- Detrimental to the quality of life of neighbouring occupiers,
- Light pollution for surrounding properties,
- The submitted Daylight and Sunlight Report outlines that a number of properties on Lyndhurst Road and the Montefiore Road will be adversely affected,
- Winter sun is not assessed,
- Insufficient level of communal gardens,
- Blocks will magnify and reflect railway noise,
- Removal of trees will detract from residential amenity of the area,
- The cumulative impact of the proposal with other potential developments in the area will further worsen the quality of life for surrounding occupiers,
- Loss of light can impact on people's mental health,
- Removal of some of the trees will worsen overlooking into neighbouring properties,

- Noise assessment is inadequate and does not consider noise to neighbouring properties from the development,
- Loss of view,
- Too many studio flats,
- Lack of wind modelling,
- The scheme is sited too close to the north and eastern boundaries,
- Loss of right to peaceful enjoyment of properties,
- Revised scheme will still have a significantly harmful impact on the amenity of neighbouring properties.

4.4. Housing

- The proposed housing will not be affordable to the vast majority of local residents and will not help the housing shortage,
- The Artisan block is still mostly empty,
- Concern whether there is sufficient demand for luxury flats,
- The scheme should concentrate on providing family housing,
- The level of affordable housing is inadequate,
- The proposal should be 100% rented social housing,
- Does not provide any low cost housing,
- The lack of affordable housing in the City is such that essential public services are struggling to adequately recruit,
- Too many flats and no houses proposed,

4.5. Transport

- Inadequate parking for the scheme will cause overspill parking in neighbouring streets,
- Davigdor Road is already dangerous and the proposal will worsen this,
- There is only one bus route in this location and buses are irregular and overcrowded,
- Road network would be negatively impacted especially in rush hours,
- Smaller roads in the vicinity will become rat runs,
- Zone O parking is already oversubscribed,
- Single access point into the site is inadequate,
- Pedestrians and cyclists are not satisfactorily segregated from the vehicular traffic,
- Building works themselves will bring more heavy traffic, noise pollution and dirt,
- The travel plan is inadequate,
- The entrance to the undercroft parking is poorly located and should be closer to the entrance,
- The results of the Transport Assessment are questioned and a new study should be commissioned,
- Parking should be on a 1:1 basis,
- Parking entrance should be nearer the site access to the west of the site,
- Hove average is one car per home. Providing 0.5 spaces per flat is inadequate,

4.6. Employment

- The loss of the existing trade stores will mean longer travel times for local residents who use the facilities,

- The loss of jobs and useful, assessable shops,
- The existing businesses in the proposed development area support many trades people and small businesses who live locally,
- There is already an oversupply of office accommodation in the City,
- The building of the development would not likely be using local people,
- Howdens Joinery have submitted a representation objecting to the scheme and highlight that they currently employ 10 staff who provide a valuable service to local trades with 600 trade accounts on their books,
- B1a accommodation was demolished at 121-123 Davigdor Road in 2016 on the basis that it was redundant. The same developer Crest Nicholson is now proposing that B1a use is viable on the site. The need for office space here has proven to be unsustainable ,
- The loss of employment space is contrary to policy CP3
- The proposed office space will likely be converted to more housing in the future,
- The proposed office space will be left empty by the developer who will then apply for permission to convert to more housing,
- The developer will not take on local builders or apprentices,
- The adjoining site owner (HIF) which owns the retail warehouses used by Wickes and Tapi. There is a concern that the close proximity of the proposal to their service yard could result in a long term threat to their business if there are noise complaints from future residents.

4.7. Other considerations

- Local schools, dentists and GP's are already oversubscribed,
- The proposal will have a massive impact on already overstretched infrastructure,
- Lack of amenities with no shops or restaurants proposed,
- Increased pollution,
- Lack of educational and leisure facilities and open spaces for the benefit of the local community,
- The sewage system will not cope,
- It appears the council values income from developers above local communities and their wishes,
- developers motive is profit rather than impact on the quality of life of residents in the City
- Whilst neighbour feedback from early consultation with the applicant has been overwhelmingly negative there is no evidence that the scheme has been revised to overcome concerns,
- Poor development decisions have consistently blighted the area,
- Impact on the South Downs National Park,
- Green spaces in the surrounding area are at a premium and the developer should contribute to their upkeep,
- Proposal is detrimental to ecology,
- Will reduce neighbouring property prices,
- Some of the online documents are not available,
- Concerns in respect of flood risk,
- Concerned that the local water supply and sewerage systems will be unable to cope,
- Nesting birds and mammals are likely to be detrimentally impacted,

- Lack of meaningful consultation by the developer,
- At the public consultation meetings the developer stated that they would not propose buildings of over 6 storeys,
- Lack of ecological improvements,
- unsubstantiated conclusions in the Statement of Community Involvement,
- Internet speeds will drop,
- The adjoining site owner, HIF sets out concerns that the layout of the scheme could restrict the ability to fully redevelop their site in the future,
- Charter Medical Centre should have been formally consulted.

4.8. Two (2) representations have been received outlining the following comments on the application,

- The council should clarify that there is sufficient GP and school capacity,
- Free bus passes should be available for new residents,
- B&HCC bikeshare scheme should be expanded,
- Community facilities should be provided in the scheme,
- Commercial space should be reserved for SME's, local businesses, a level of new start-ups,
- The affordable housing should be tenure blind,
- A bus shelter should be provided,
- Parking Permits should be prohibited for new residents,
- Pay and display spaces should be converted to additional residents spaces,
- Whilst broadly supportive of the plans to deliver housing the focus should be on providing social housing. There are also concerns in respect of the design, impact on neighbouring amenity, impact on services, quality of the build and size of the units, pollution and transport and parking pressures.

4.9. Councillor Jackie O'Quinn objects to the application. Representation attached.

4.10. Councillor Amanda Knight objects to the application. Representation attached.

5. CONSULTATIONS

5.1. **County Archaeology:** Comment

Based on the information supplied, I do not believe that any significant archaeological remains are likely to be affected by these proposals. For this reason I have no further recommendations to make in this instance.

5.2. **Arboriculture:** Comment

There is a steep partially-eroded embankment, with visible chalk to the south and east of the site. This is covered with early-mature and mature sycamore trees from about 3m above the road level and reach to approximately 20m above this.

As a group, these trees form an important green corridor for wildlife and form an important visual screen between the commercial buildings and the properties on Davigdor Road and Montefiore Road. They are also very important for the stability of the embankment. The majority of the trees have

healthy crowns, although a few trees have structural defects such as exposed roots from the eroding embankment, and these will need remedial works, such as crown reduction or felling. These issues have been highlighted within an arboricultural report sent with this application.

The majority of the trees that are a constraint to the site are not within it and grow upon embankments that surround it to the southern and eastern aspects. A total of eight trees have been proposed for removal, five for arboricultural reasons and three for the slope stability works. In addition T15 has been recommended for felling due to its close proximity and conflict with a new building. A few other trees require facilitation pruning to enable the development.

The arboricultural team believes that there will be future pressure to remove or heavily reduce trees post development due to the shade caused by the trees to the south and east of the development, and at a much elevated position high upon an embankment, especially to the eastern half of the development. However, this will be mitigated by proposed removal of eight trees and severing of ivy to the remainder of them.

The arboricultural team have no issues with these initial tree management proposals and recommend approval subject to tree protection, supervision and landscape conditions

5.3. **Sustainable Urban Drainage: Comment**

There are concerns that whilst the Flood Risk Assessment has identified that there is an area of “high” surface flood risk adjacent to the sites northern boundary associated with the low lying railway that the report also states that the surface water flood risk affecting the site does not emanate from an off-site flow path. However, the EA updated Flood Map for Surface Water shows a flow path across the site for a 1 in 1000 event. Additionally the topographic survey in Appendix B indicates that the running rail is higher than ground levels in the immediate area.

The northern boundary has what appears to be a solid wall which will inhibit the flow of any water from the railway line, it is not clear in the report how this hazard will be dealt with.

To discharge the requested condition the LLFA will require the applicant to provide;

- Appropriate calculations to demonstrate that the final proposed drainage system will be able to cope with both winter and summer storms for a full range of events and storm durations.
- The applicant should demonstrate the surface water drainage system is designed so that flooding does not occur on any part of the site for a 1 in

30 year rainfall event, and so that flooding does not occur during a 1 in 100 (+40% allowance for climate change) year event in any part of a building, as per the Non-statutory technical standards for sustainable drainage systems,

- The applicant will also need to provide a comprehensive maintenance plan for the drainage system in a formal maintenance plan. This should describe who will maintain the drainage, how it should be maintained and the frequency needed to monitor and maintain the system for the lifetime of the development. Examples of suitable maintenance plans can be found at www.susdrain.org.

5.4. **Ecology: Comment**

There are no sites designated for their nature conservation interest that are likely to be impacted by the proposed development.

The site is currently predominantly buildings and hardstanding and is of relatively low biodiversity value. The features of greatest biodiversity value are the trees along the south eastern boundary, the majority of which are to be retained. Given that it is proposed to add 83 trees to the site, the loss of five trees and part of a group of trees is acceptable.

It is noted that there is bat roost potential within the ivy of some of the trees that are to be removed.

In summary, provided the recommended mitigation measures are implemented, the proposed development is unlikely to have a detrimental impact on biodiversity and can be supported from an ecological perspective. Opportunities for enhancement of the site for biodiversity include wildlife friendly planting and the provision of wildlife boxes. Consideration should be given to provision of a green roof.

Further comments

In respect of the bat roost potential within the existing tree ivy the County Ecologist has noted in this case that an informative would be sufficient. This is based on the highly urban location of the proposal with no/limited connections to optimal bat habitat. Whilst there are records of bats from the local area, this primarily relate to low numbers of common species and not to roosts. As such, it is considered that the risk of bats being present is low.

In relation to the provision of bird boxes, these should target species of local conservation concern, such as starling, swift and house sparrow, all of which are listed on the Brighton & Hove Biodiversity Action Plan.

5.5. **Environmental Health: No objection**

The Noise Exposure Assessment produced by Ardent Consulting Engineers, Report Ref No. 173000-05, Project No. 173000 and dated May 2018 has been fully assessed.

This department uses a number of professional standards to assess internal noise levels and anticipate what measures (if any) may be necessary to protect end residents/users.

The report has made detailed reference to these and recommended design control measures to meet the recommended standards set out in table 4 of BS 8233: 2014 and the night time LAmax level recommended in the WHO's Night Noise Guidelines.

In table 7.2 of the noise exposure assessment, it is stated that in order to achieve the recommend internal noise levels, a higher specification of glazing and mechanical ventilation will be necessary for some units (see appendix C in the noise exposure assessment), whereas a lower specification of glazing and trickle ventilation will be sufficient for others. The EH Team agree with the findings and the recommended specifications.

However, it is noted that on the southern aspect of the development a number ground floor studio flats are proposed. These flats are located in close proximity to the car park entrance.

These proposed studio flats do not benefit from the higher specification glazing and mechanical ventilation. The acoustic report does not comment on any potential noise levels from the movement of vehicles coming in and out of the car park.

As such, in order to protect amenity of these units, I would recommend that the developer strongly considers extending the higher specification glazing and mechanical ventilation to all of the proposed residential units.

Since it is not possible to achieve suitable internal levels with the windows open, exact details and specification of the alternative ventilation methods should be supplied and it is recommended that this is ensured by attaching an appropriately worded condition.

The Ground Conditions Desk Study dated November 2017 Hydrock Ref: R/07253/001 and the Phase 2 Ground Investigation dated December 2017, Hydrock Ref: R/07253/002 has been examined.

With regards to the contaminated land Phase 2 Ground Investigation Report it appears that further intrusive testing and site walk over by a geotechnical engineer will be necessary before any ground works begin and this should be secured by condition.

The proposal is a significant development and site activities could generate large amounts of noise, dust and vibration.

As such, a detailed CEMP should be provided, clearly identifying how these issues will be managed so that the impact on neighbouring residents and businesses will be controlled as reasonably as possible. The CEMP should include reference to BS5228 and a commitment to make an application for a Section 61 agreement under the provisions of the Control of Pollution Act 1974.

Reference to calculations to determine whether the proposal is considered to be significant under BS5228 should be provided. A plan of how utilities providers should be managed to prevent continuous disruption to residents and businesses in this area should also be supplied.

5.6. **Economic Development: Comment**

5.7. Comments on original submission

CPP1 CP3.5 states loss of an unallocated site will only be permitted if it can be demonstrated to be redundant. The application does not demonstrate redundancy as

938sqm will be used for B1 floorspace therefore it is a loss of business floorspace as it's a reduction of the overall space and whilst the change of use from B8 to B1 is acceptable there is still a significant loss of B8 floorspace which serves the city.

It is noted that CPP2 is currently in a draft format and doesn't carry any weight, it does, however show the direction of travel the Council has.

The land at Lyon Close, Hove is a proposed Strategic Site Allocation in the CPP2.

According to SSA3 the redevelopment across the allocated site must be a minimum of 5,700sqm office floorspace and 300 residential dwellings. Whilst the proposed application is for 938 sqm of office space and 163 dwellings at the Peacock Industrial

Estate, the emerging aspiration is to secure 1,000sqm of employment land on this site. However the site currently employs 29 FTE across the warehouse buildings, and according to the OFFpat Employment Densities Guide 2010 B1(a) floorspace should provide 12sqm per FTE, therefore the new development has the potential to provide an employment density of at least 78 FTE.

This does meet the needs for B1a office space which is identified in the Employment Land Review.

Policy DM11 of the CPP2, states that development proposals involving the provision of new B1a,b and c should provide for well-designed layouts

suitable for incorporating a range of unit sizes that are flexible. Flexible design features are encouraged to provide future adaptability for a range of uses and occupants and business size to accommodate growth of businesses. This application has not demonstrated flexibility of design space, as it does not provide any further design information.

The Economic Development Team raise the question that whilst office space is the better fit in mixed use developments it is not necessarily reflective of the needs of the City's businesses.

Comments on revised scheme

City Regeneration has some adverse comments and suggested conditions regarding this application.

This revised application now proposes 2(sui generis) live / work units providing 46 sqm of employment space and a reduced employment floorspace of 739 sqm office accommodation (B1), providing 785 sqm in total rather than 938 sqm which was proposed in the original submission. City Regeneration regrets this revised scheme will deliver less employment floorspace than in the original 2018 submission.

A key point to highlight from our previous response to application BH2018/01738 is, "The land at Lyon Close, Hove is a proposed Strategic Site Allocation in the CPP2. According to SSA3 the redevelopment across the allocated site must be a minimum of 5,700sqm office floorspace and 300 residential dwellings. Whilst the proposed application is for 938 sqm of office space and 163 dwellings at the Peacock Industrial Estate, the emerging aspiration is to secure 1,000sqm of employment land on this site." City Regeneration notes that CPP2 is in draft format and carries limited weight but it does show the direction of travel the Council has.

Furthermore the applicant has not justified the additional loss of B1 floorspace. The revised Planning Statement says "The revised proposals reduce the proposed commercial office floorspace to 697 sqm (B1), reduction of 241 sqm. However the revised proposals also include 2 live / work units (sui generis) which contribute towards the provision of employment floorspace on the site. The office floorspace remains located within Block A at ground floor level. Being located within Block A the commercial floorspace is close to the main entrance to the site and will assist in creating activity in this area. The commercial units will have a dedicated entrance, separate to the residential units."

The schedule of commercial space differs slightly from the Planning Statement.

City Regeneration does acknowledge the new proposal includes provision of 2 live / work units. The Economic Strategy for Brighton & Hove finds the city is home to a greater concentration of homeworkers than any other UK city. In addition, CPP1 Policy CP2.3 recognises the need for a range of type and size of employment floorspace in the city to support the city's key employment sectors. City Regeneration would welcome clarification as to which sector the live / work element is targeted at and careful consideration will need to be given to rental values and length of tenure to ensure they are a viable option.

While the live / work elements are welcomed, City Regeneration still has concerns about the erosion of B1 office floorspace and the number of FTE jobs expected.

It is important to emphasise that there is a clear need for good quality employment floorspace in the city. The City Plan Part One is guided by City Council's Employment Land Study Review 2012, which identified growth requirements of 112,240m² of office (B1a, B1b) floorspace over the City Plan period. The city is ambitious in terms of its strategic growth objectives and commitment to ensure sufficient quantities of high-quality modern premises to meet economic output and jobs target (Employment Land Study, 2012).

Information on office availability indicates that current availability of office floorspace remains low and fairly static at c.15,800m² and sub 3.5% of total stock, a situation compounded by the loss of employment sites to residential through permitted development. Demand for Grade A office stock is high and rents are continuing to increase, with further increases predicted. (Stiles Harold Williams South East Focus – Q1 2019). A lack of office space will constrain the city's ability to retain its businesses as they grow and expand. Maximisation of employment floorspace / employment opportunities as part of this mixed use redevelopment is therefore important to help address identified future business needs.

Further to this, the site currently employs c.29 FTE jobs across the warehouse buildings and City Regeneration welcomed the proposed 100 FTE jobs in the original submission. According to the OffPAT Employment Densities Guidance approximately 58 FTE jobs would be expected to be created from 697 sqm of B1 floorspace or 65 FTE based on a total of 785 sqm, which includes 88 sqm of the work/ live units, City Regeneration is concerned that this is a significant loss when compared with the 100 proposed FTE jobs in the original submission and would therefore welcome clarification as to the proposed number of FTE jobs for this reduced amount of employment floorspace.

- 5.8. **Air Quality: No objection**
On grounds of air quality approval is recommended.

The site is some distance from the nearest Air Quality Management Area.

Ambient air quality in this part of Hove is good and well within standards and guidelines for the protection of human health.

There are no plans for a combustion plant. When operating on site the proposed immersion heaters and solar PV array will not contribute emissions to air.

The Air Quality Officer is satisfied with CEMP recommendations put forward by Environmental Health and Transport.

- 5.9. **Heritage: No objection**
As originally submitted:

The proposal is for the demolition of the existing buildings on the site and construction of four mixed use buildings ranging from five to ten storeys in height. The proposal includes residential units, office accommodation with associated car parking and landscaping of the site.

Due to the proximity of the site with the Willett Estate conservation area and the proposed height of the development, the proposal has the potential to cause harm to the setting of the nearby conservation area and a number of locally listed heritage assets and as such is assessed under HE6 of the Local Plan.

Willett Estate CA

Unfortunately, no strategic views have been provided from within the conservation area. However, due to the existing development to the immediate south-west of the site, it is unlikely that the development will have any significant impact on the setting of the Willett Estate conservation area.

Montefiore Hospital

The most prominent view of the former Hannington's Depository is from the eastern approach along Davigdor Road. As discussed above, the domed corner turret makes a prominent local landmark. It is unlikely that the proposal will have any significant impact on the setting of the locally listed building due to the existing height of the Hannington's Depository and the setback of the proposal from the rear of the locally listed building.

St Ann's Wells Garden

A strategic view from the tennis courts at St Ann's Wells Garden has been provided showing the approximate height of the proposal. The strategic view

provided shows that the proposal will be only just visible behind the existing P&H House to the immediate south of the site.

Dyke Road Park

A strategic view from the running track at the Dyke Road Park has been provided showing the approximate height of the proposal. The strategic view shows the proposal as white blocks, which does little to identify the actual impact from the locally listed park. However, the proposal clearly sits in context with the neighbouring skyline development and just above the existing vegetation of the park. Therefore, it is unlikely that the proposal would have any adverse impacts on the locally listed Dyke Road Park.

Despite the height of the proposal it is unlikely to have any adverse impacts on the neighbouring Willett Estate Conservation Area or the locally listed buildings within the vicinity of the site. The proposal meets the requirements of HE6 and HE8 and is unlikely to have any adverse impact on surrounding heritage assets.

Comments on the revised scheme

The additional information submitted on respect of the revised scheme has been reviewed and has raised no heritage objections. This comment should be read in conjunction with the initial heritage comments above.

5.10. **Housing strategy / affordable housing: Comment**

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.

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 properties to be developed as affordable housing on site in schemes of more than 15 units where viable.

Developers are required to prove where it is not viable for them to meet this policy provision. Housing will work positively with developers to answer housing need. At this scheme, affordable housing provision has been assessed as not viable as confirmed by an independent viability assessment commissioned by the council in line with Policy CP20. However, the developer has offered 16 homes for shared ownership sale.

Shared ownership housing is an accepted way to allow those who could not afford to purchase a home outright to get a foot on the ownership ladder. Latest figures from the Help to Buy Register show that more than 3,000

people have stated that they would like to buy a shared ownership property in Brighton & Hove (with 1897 of them living in the city). Of these the majority (69%) are interested in purchasing a one bedroom property, with 20% seeking two bedrooms and 10% three bedrooms or larger.

Tenure mix

Policy CP20 requires mixed tenure to be provided and the Affordable Housing Brief sets out a broad tenure split of 55% as Affordable Rent and 45% as affordable home ownership ie Shared Ownership sale, as a citywide objective. In this instance the affordable housing will all be provided as shared ownership.

Affordable Housing is expected to be provided through a Registered Provider from the council's Affordable Housing Delivery Partnership. The council expects shared ownership properties to be sold to people with a local connection to the city.

Design/ Wheelchair provision

Affordable housing units should be indistinguishable from market housing in the scheme's overall appearance. The scheme will be expected to meet Secure by Design principles. The Council's wheelchair accessible standard requires that it meets national technical standards Part 4 M (3) at build completion (i.e. fully wheelchair accessible at time of first letting/ sale). There should be 5% wheelchair accessible homes provided across the whole development.

Size of units

To ensure that all new homes developed are of a good standard that is flexible, adaptable and fit for purpose, our Affordable Housing Brief offers support for schemes that meet the new nationally described space standards. Wheelchair accessible units have required living space areas defined within the Building Regulations which should also be met.

Unit mix

Assessment of housing needs shows that although greatest need (numerically) is for smaller one and two bed properties there is significant pressure on larger family sized homes, and the affordable housing brief scheme mix is based on this requiring a balance of unit sizes. This would generally require a scheme with a mix of one bed, two bed and three bed homes.

The council's affordable housing brief currently asks for a mix of 30% 1 beds, 45% 2 beds and 25% 3 beds. This development overall has a higher proportion of smaller units. The affordable housing element may be adjusted to reflect the scheme mix.

As the units offered are all intended for shared ownership sale the mix of smaller 1 and 2 bed properties are acceptable.

Overall the scheme is supported by Housing based on the agreed viability assessment.

5.11. **Planning Policy: Comment**

The site is in current active employment use, but forms part of a larger area at Lyon Close which is proposed for allocation in CPP2 for residential-led mixed uses to provide a minimum of 300 residential units and 5,700 sqm B1a office space (of which 1,000 sqm is proposed for the application site). The principle of redevelopment for housing and supporting B1a office space would accord with the Council's aspirations for this site.

Taking account of other recent and proposed residential developments at Lyon Close, the 152 residential units proposed in the revised scheme would help to deliver the minimum 300 dwellings proposed in draft Policy SSA3. The site is well located for high density development and, given the city's housing requirement and the current supply position, the additional housing proposed should be supported, subject to complying with other planning policies.

The housing mix proposed in the revised scheme is heavily skewed towards 1 and 2 units, with only 8 3-bed units proposed (none of which would be affordable housing). There is potential conflict with Policies CP19 and SA6 which encourage developments to provide a housing mix that will help create mixed and sustainable communities. In addition, draft Policy SSA3 in criterion f) specifically seeks development at Lyon Close that "provides for a mix of dwelling type, tenure and size to cater for a range of housing requirements and improve housing choice".

The applicant is proposing 10% affordable housing which would be 100% shared ownership. This does not meet the 40% affordable housing target in Policy CP20 or the preferred tenure mix sought in the council's Affordable Housing Brief. However the applicant has submitted viability evidence which indicates that provision of affordable housing would not be viable and this has been agreed independently by the DVS. The affordable housing offered should therefore be supported, however it would be appropriate to include a viability review mechanism in a S106 agreement if the application is approved.

The development would also involve the loss of the existing c4,000 sqm employment space which is currently occupied. Only 697 sqm of B1a office floorspace (together with 2 live/work units) is proposed as part of the revised scheme which falls well short of the 1,000 sqm figure sought in the draft Policy SSA3. Since the application does not comply with Policy CP3 and

would not meet the Council's future aspirations for Lyon Close set out in the draft CPP2, the applicant should be requested to consider increasing the level of employment floorspace proposed.

Development proposal

The originally submitted proposal included 163 residential dwellings and 938 sqm of B1a use class floorspace in four blocks ranging from 5 to 10 storeys. The revised proposal has reduced the height of Block D from 10 to 8 storeys and increased Block C from 5 to 6 storeys, with some other revisions to the scheme layout and design. This has included reducing the residential provision to 152 units and the commercial floorspace to 697 sqm B1a office floorspace along with the addition two live/work units.

Principle of development

The application site is currently occupied by 2 large warehouse buildings (B8 use) which accommodate 3 trade counter businesses. There is also a large area of concrete hardstanding.

The site forms part of a wider allocation proposed in CPP2 Policy SSA3 for comprehensive mixed use redevelopment to deliver more effective and coordinated use of the whole site. Across the whole allocation, the draft policy seeks:

- The retention/replacement of a minimum 5,700 sq.m net B1a office floorspace, (including 1,000 sq.m at Peacock Industrial Estate);
- a minimum of 300 residential units;
- expanded D1 health facilities (GP surgery) and/or community use subject to demonstration of need and deliverability; and
- ancillary small scale retail uses.

In addition, the draft policy includes a number of site specific requirements (criteria a to g). These include that proposals relating to individual buildings/sites within the allocation should not prejudice delivery of the quantum of development and uses identified in the policy.

The Draft CPP2 was published for consultation under Reg 18 of the T&CPA for 8 weeks over Summer 2018. Although CPP2 carries limited weight at this stage of the planning process, Policy H2 indicates the Council's aspirations for the future development of the site for residential-led mixed use development.

Housing provision

The development would provide 152 residential units and two further live/work units in 4 blocks ranging in height from 5 to 8 storeys.

Draft CPP2 Policy SSA3 seeks delivery of a minimum of 300 residential units across the wider site proposed for allocation. Against this figure, 47 units have now been completed at 121-123 Davigdor Road (Artisan); 106-112 Davigdor Road (P&H House) has Prior Approval for change of use from offices (B1) to 57 residential units (C3); and 113-119 Davigdor Road has an extant planning permission for 68 residential units and is subject to a current application for 56 units. Taking account of these other developments, the addition of 152 units from this application would meet the housing requirement set in the draft policy.

The site is well located for high density development, having good access to local facilities and services including health, recreation, schools and utilities, and being well served by public transport on a regular bus route. Given the city's housing requirement and the current supply position, the additional housing proposed would be welcome and should be supported, subject to complying with other planning policies.

Housing mix and standards

The proposed housing mix would comprise 68 1-bed units (45%) (including 19 studio flats); 76 2-bed units (50%); and 8 3-bed units (5%). 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. For the affordable housing element, the proposed mix is 7 1-bed (44%) and 9 2-bed units (56%). Policy CP20 sets a preferred affordable housing mix across the city of 30% 1-bed, 45% 2-bed and 25% 3-bed units.

A higher proportion of smaller units would be expected given the development format and location. However it is concerning that the scheme is proposing only 5% 3-bed units (compared against the city-wide requirement of 42% 3 and 4+ bed units in CPP1 para 4.213) and is proposing no 3-bed affordable units (compared to the 25% requirement in Policy CP20).

There is potential conflict with Policies CP19 and SA6 which encourage developments to provide a housing mix that will help create mixed and sustainable communities. In addition, draft Policy SSA3 in criterion f) specifically seeks development at Lyon Close that "provides for a mix of dwelling type, tenure and size to cater for a range of housing requirements and improve housing choice". The views of the Council's Housing officers should be sought on the affordable housing mix.

Affordable housing

The application was supported by an Affordable Housing Viability Statement which concluded that no affordable housing would be viable. It is understood that this conclusion was agreed by DVS following their independent review. Subsequently the applicant has provided an updated Viability Assessment of the revised development proposals and this again concludes that no affordable housing would be viable, based on their own and DVS viability assumptions.

However, notwithstanding the above the applicant is proposing the provision of 10% affordable housing which would be 100% shared ownership. This would not achieve the 40% affordable housing target set in Policy CP20 or meet the affordable housing mix set out in the council's Affordable Housing Brief. Policy CP20 allows flexibility for a lower proportion/different tenure mix of affordable housing where this is supported by viability evidence. However, in this situation it would be appropriate to include a viability review mechanism in any S106 agreement to ensure that any future uplift in development values will provide for an improved affordable housing contribution.

Loss of employment / employment provision

The application site is currently in employment use comprising 2 large warehouse buildings totalling c4,000 sqm B8 warehouse floorspace and accommodating 3 trade counter businesses. Policy CP3 states that loss of unallocated sites or premises in employment use (B1-B8) will only be permitted where the site or premises can be demonstrated to be redundant and incapable of meeting the needs of alternative employment uses (B1-B8). Where loss is permitted the priority for re-use will be for alternative employment generating uses or housing.

As noted previously, the emerging CPP2 is proposing to allocate Lyon Close for residential-led mixed use development, which would involve some loss of employment floorspace. Draft Policy SSA3 specifically seeks a minimum 1,000 sq.m B1a office space on this site. Criterion b) also specifies that proposals will be expected to contribute to the provision of a range of office and flexible workspaces, including medium floor plate offices and start up business floorspace.

The revised application proposals would provide only 697 sq.m B1a Office floorspace which would be located in Block A close to the entrance to the site. The units would be designed with flexibility to accommodate one large user or a number of smaller users with shared services. The revised scheme also includes 2 live/work units (sui generis) which would raise the total available employment floorspace to 785 sq.m. Based on the HCA published Employment Densities guide, the proposed B1a office space could

potentially accommodate around 50 FTE jobs (compared to the estimated existing onsite employment of 29 FTE jobs).

The office floorspace proposed as part of the revised scheme would be significantly less than the 1,000 sq.m figure sought in the draft Policy SSA3 and would also involve the loss of the existing c4,000 sq.m employment space which is currently occupied. The applicant has submitted a commercial market report by Stiles Harold Williams which indicates a high demand for office floorspace set against a lack of current availability, including for smaller office space. In addition, an Employment Study Report has been provided which suggests that the existing premises would be likely to generate limited interest from potential occupiers due to the location, poor quality of the buildings and the character of the surrounding area which is increasingly moving towards residential.

At present, the revised application does not comply with Policy CP3 and the proposed level of B1 office space would not meet the Council's emerging aspirations for Lyon Close as set out in draft Policy SSA3. The applicant should be requested to consider increasing the level of employment floorspace to align with the emerging Policy SSA3. It would also be helpful to provide clarification on the number of full time equivalent jobs that would be supported by the proposed B1 office space.

Design and amenity issues

The proposed design incorporates 4 blocks varying in height from 5 to 8 storeys incorporating a podium garden at the first storey. The tallest (8 storey) building reflects the higher surrounding elevations to the east of the site (Montefiore Road, the existing P&H building (7 storeys) and the permission for 8 storey residential development at 113-119 Davigdor Road.

The layout of the development aims to provide separation between each block to reduce the massing and visual impact and to enable landscaping between each block and in the northern area of the site. Landscaping is provided at both street level and the first floor residential gardens.

The applicant has not provided a separate Tall Building Statement, but has sought to address the checklist of requirements in SPG15 within the Design & Access Statement. This includes visual impact assessment of key strategic views and a sunlight and daylight assessment which considers the impact of the proposals on surrounding residential properties.

The revised scheme has reduced the height of Block D and re-oriented the building to reduce potential adverse amenity impact on the properties located on Lyndhurst Road. The detailed aspects of the design will need to be assessed against relevant development plan policies, including CP12 and CP14 and saved Policy QD27.

Open space

The scheme will provide onsite landscaping and amenity space, including at podium (first floor) level between the buildings, on the western edge of the site primarily serving the employment units, and on the eastern and southern boundary of the site.

Financial contributions would be required towards off-site provision of open space and sports provision in line with Policies CP16 and CP17. The site is readily accessible within walking distance to St Ann's Well Gardens (720m) and Hove Green/Dyke Road Park (715m), both of which include equipped play areas and outdoor sports facilities.

5.12. **Sustainable Transport:** No objection

Initial comments

The Highway Authority is unable to recommend approval at this time as further information is required to clarify arrangements and address various concerns:

- issues have been identified with the internal access and servicing arrangements.
- Insufficient information has been provided on how the development is intended to connect with the surrounding transport network.
- No assessment of the quality of local pedestrian, cycle and public transport infrastructure or the capacity of local bus services to accommodate demand generated by the development has been provided,
- The applicant acknowledges that some car parking demand would be expected to overspill but the availability of spare parking capacity to accommodate additional on-street parking demand locally has not been adequately demonstrated,
- As currently submitted, the application does not demonstrate that safe and suitable access to the site for all users can be achieved, nor that appropriate opportunities to promote sustainable transport modes will be taken up. The proposed development is therefore contrary to paragraph 108 of the National Planning Policy Framework.

Final comments on revised scheme

Further to extensive discussions with the applicant (and various amendments to their proposals) we are now in a position to recommend that this application be approved, subject to various conditions and obligations.

The following points are a summary of the application,

- the matter of potential parking overspill has been addressed. The applicant has accepted that there are issues with the submitted parking survey that raise legitimate concerns but – rather than responding to these – has accepted the imposition of a condition restricting residents from being eligible for CPZ permits. Resident entitlement to visitor permit will similarly be reduced from 50 to 25 per year for each household. Given the

low parking provision and restricted off-site entitlement we recommend that 2 or more off-site car club bays are secured in the vicinity of the site to meet the occasional needs of residents for access to cars.

- concerns about the arrangement of the proposed shared surface private street (particularly in relation to deliver and service vehicle movements) have been addressed by various meaningful changes. These including redesigning the loading areas so that service vehicles no longer need to reverse across pedestrian space and to reduce the need for demountable bollards. Whilst there are still some residual concerns such as the absence of appropriate delineation to pedestrian areas, we are satisfied that they can be resolved through appropriately worded conditions.
- concerns about how the site connects with other streets and neighbouring developments have been addressed by proposed changes at the site interface. These will see the existing southern footway of Lyon Close widened and extended into the site, from where an informal crossing will be provided to allow people on foot to access the main pedestrian only area within the development. These minor highway works will be secured through a section 278 agreement. A section 106 'sustainable transport contribution' is also recommended to fund other off-site improvements to pedestrian and cyclist facilities in the vicinity to support the increased number of trips by foot and bike. These should include works to narrow and improve the junction of Lyon Close and Davigdor road, which will be facilitated by the substantial reduction in large vehicle movements that this redevelopment of the trading estate will bring about.
- Whilst some concerns remain about the layout of internal and external (visitor) cycle parking, the changes made have satisfied us that enough spaces of sufficient quality can be achieved with some further adjustments – particularly given the exemplary use of near 100% universally accessible Sheffield stands. This can be achieved through a suitably worded condition.

5.13. **Sustainability: Comment }**

The residential parts of the proposals are expected to meet Energy efficiency standards of a 19% reduction in CO2 emissions over Part L Building Regulations requirements and Water efficiency standards of 110litres/person/day.

The non-residential parts of the scheme are expected to meet BREEAM Excellent as part of a major development.

The approach to meeting the carbon reduction requirements of CP8 is primarily to install a solar PV array onto the residential part of the development. The approach means that occupiers will not benefit directly from the installed low and zero carbon technologies beyond a reduction in communal supply running costs (which potentially results in reduced management charges).

The residential dwellings incorporate MVHR and electric panel heaters for space heating and immersion heaters for hot water. These technologies

mean that the development is very unlikely to ever connect, or make a contribution to, a low or zero carbon decentralised energy scheme. A more suitable system would include a wet distribution system for heating and hot water. This is detailed further in CPP2 DM48.

The application indicates that the development will only achieve BREEAM Very Good standard, which falls short of the requirement under CP8 and should be sought for the development. BREEAM pre-assessments have not been submitted for the non-residential part of the scheme. It is recommended that a pre-commencement condition be applied in this case securing the Design stage certificate, demonstrating that the required standard can be met.

Water efficiency measures are met by flow restrictors and low-flush WCs. It is indicated that the target of 110litres/person/day will be met.

With the exception regarding the non-residential BREEAM criteria, noted above, the application demonstrates an ability to do the minimum to meet planning requirements without offering anything in excess of this minimum. Moreover, more information could be provided regarding the energy/water measures policies mentioned in 2d, 2f, 2m, 2n and 2p. This additional detail would provide greater confidence that the development would meet the council's ambitions for sustainable buildings.

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

5.15. **Southern Water:** No objection

No objection subject to conditions to ensure that discharge to sewer occurs only where this is necessary and where adequate capacity exists to serve the development and also measures to protect the public water supply main.

5.16. **Sussex Police:** comment

The development consists of 4 blocks, A-D. Block A is a mixed use block with offices on the ground, office and dwellings share the first floor and only dwellings on the remaining floors. Blocks B-D are all residential dwellings. There is a podium at first floor level with gardens and landscaping located upon it, with parking refuse cycle stores and dwellings underneath on the ground floor. This area has gated entry. There are multiple entrances on the ground floor, podium floor and car parking area that all lead into the block. Access control will be essential to maintain a safe and secure environment for the residents. To this end, consideration should be given to minimising the number of entrances into the blocks thus reducing the opportunity for unauthorized entry. Compartmentalisation will need to be implemented throughout all 4 blocks promoting a streetscape that is designed to be a pedestrian priority environment for all public users. The Design and Access Statement states; The spaces will be legible and designed in such a way to

allow the freedom of movement, operations and activity to support the everyday functions of the residents and commercial users of the site.

Whilst this design creates a free zone for all to utilise, it also removes any private space for the residents. It creates excessive permeability to the development to the advantage of a would-be offender who would then have legitimate reason for accessing the development. Members of the public would act as capable guardians to a degree in some of the areas, but there is no private amenity space for the residents and many opportunities to gain access into the residential buildings.

5.17. **Artistic Component:** comment

Adopted City Plan Policy CP5 supports investment in public realm spaces suitable for outdoor events and cultural activities and the enhancement and retention of existing public art works; CP7 seeks development to contribute to necessary social, environmental and physical infrastructure including public art and public realm; and CP13 seeks to improve the quality and legibility of the city's public realm by incorporating an appropriate and integral public art element.

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.

This is arrived at after the internal gross area of the development (in this instance approximately 15,554 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 £62,000.

As ever, the final contribution will be a matter for the case officer to test against requirements for s106 contributions for the whole development in relation to other identified contributions which may be necessary.

To make sure that the requirements of Policies CP5, CP7 and CP13 are met at implementation stage, it is recommended that an Artistic Component schedule be included in the section 106 agreement.

5.18. **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 £122,412.80 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. A contribution for the studio units has not been sought as it is highly unlikely that there would be any school age pupils generated by these units.

5.19. **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.

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);
- 6.3. 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.
- 6.4. 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
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
TR14	Cycle access and parking
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD5	Design - street frontages
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
HE10	Buildings of local interest

Supplementary Planning Guidance

SPD14	Parking Standards
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Supplementary Planning Documents

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD11	Nature Conservation & 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 the use including the loss of employment space, financial viability and affordable housing provision, the impacts of the proposed development on the visual amenities of the site and surrounding area. The proposed access arrangements and related traffic implications, impacts upon amenity of neighbouring properties, standard of accommodation, housing mix and

density, ecology, sustainable drainage, arboriculture and sustainability impacts must also be assessed.

- 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). However, the figures presented in the SHLAA are subject to the results of the Government's Housing Delivery Test which has not yet been published. The SHLAA shows a marginal five year housing surplus (5.1 years supply) if a 5% buffer is applied. However, the NPPF indicates that if the Housing Delivery Test shows that delivery over the past three years (2015-2018) has been under 85% of the adjusted City Plan housing requirement, then a 20% buffer should be applied to the five year supply figures. This would result in a five year housing shortfall (4.5 years supply).
- 8.4. The council's own informal assessment is that housing delivery over the 2015-2018 period has been less than 80% of the required City Plan figure. Therefore, for planning policy purposes, it should be assumed that the council cannot demonstrate a five year housing land supply. In that 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. **Principle of Development:**
The site is in current active employment use, but forms part of a larger area at Lyon Close which is proposed for allocation in CPP2 for residential-led mixed uses to provide a minimum of 300 residential units and 5,700 sqm B1a office space (of which 1,000 sqm is proposed for the application site). The principle of redevelopment for housing and supporting B1a office space would accord with the Council's aspirations for this site.
- 8.6. The Draft CPP2 was published for consultation under Reg 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.
- 8.7. Taking account of other recent and proposed residential developments at Lyon Close, the 152 residential units proposed in the revised scheme would help to deliver the minimum 300 dwellings proposed in draft Policy SSA3. The site is well located for high density development and, given the city's housing requirement and the current supply position, the proposed housing is supported, subject to complying with other planning policies.

- 8.8. The site has been included in the 2018 annual review of the council's Strategic Housing Land Availability Assessment (SHLAA) published in February 2019 as having potential for 120 residential units and again this gives further weight to the proposed provision of housing on the site.
- 8.9. Overall the principle of redevelopment with a significant quantum of housing would accord with the Council's aspirations for this site.
- 8.10. Employment:**
The application site is currently in employment use. This comprises of 2 large warehouse buildings (B8) totalling c4,000sqm of floorspace and accommodating 3 trade counter businesses. Policy CP3 states that the loss of unallocated sites or premises in employment use (B1-B8) will only be permitted where the site or premises can be demonstrated to be redundant and incapable of meeting the needs of alternative employment uses (B1-B8). Where loss is permitted the priority for re-use will be for alternative employment generating uses or housing.
- 8.11. As noted previously, the emerging CPP2 is proposing to allocate Lyon Close for residential-led mixed use development, which would involve some loss of employment floorspace. Draft Policy SSA3 specifically seeks a minimum 1,000 sqm B1a office space on this site. Criterion b) also specifies that proposals will be expected to contribute to the provision of a range of office and flexible workspaces, including medium floor plate offices and start up business floorspace.
- 8.12. The revised application proposals would provide only 697 sqm B1a Office floorspace which would be located in Block A close to the entrance to the site. The units would be designed with flexibility to accommodate one large user or a number of smaller users with shared services. The revised scheme also includes 2 live/work units (sui generis) which would raise the total available employment floorspace to 785 sqm. Based on the HCA published Employment Densities guide, the proposed B1a office space could potentially accommodate around 50 FTE jobs (compared to the estimated existing onsite employment of 29 FTE jobs).
- 8.13. The office floorspace proposed as part of the revised scheme would be significantly less than the 1,000 sqm figure sought in the draft Policy SSA3 and would also involve the loss of the existing c4,000 sqm employment space which is currently occupied. The existing warehouses are fully occupied and as such the applicant cannot demonstrate redundancy in accordance with policy CP3.
- 8.14. The applicant has submitted an Employment Study Report which suggests that the existing premises would be likely to generate limited interest from potential occupiers due to the location, poor quality of the buildings and the character of the surrounding area which is increasingly moving towards residential.

- 8.15. Notwithstanding the submitted report, whilst the buildings will require some investment in the future they are currently fully let and it does not appear likely that interest in the units will fall away significantly in the near future.
- 8.16. At present, the revised application does not comply with Policy CP3 and the proposed level of B1 office space would not meet the Council's emerging aspirations for Lyon Close as set out in draft Policy SSA3. Concerns have been raised by the Planning Policy Team and the Economic Development Team who consider the employment space provision to be deficient.
- 8.17. Although it is acknowledged that the proposed office space will provide an attractive offer with a flexible layout in a modern development and has the potential to deliver an increase in employment spaces over and above the existing warehouse floorspace it would still provide significantly less floorspace than existing and this weighs against the scheme, contrary to CP3.
- 8.18. Whilst this shortfall is regrettable, it is acknowledged that the provision of a greater amount of commercial floorspace would likely have to come from a reduction in the residential floorspace further eroding the viability of the scheme. It is considered that in this instance an exception to policy can be considered in order to achieve a deliverable housing-led mixed use scheme in line with the council's future aspirations for the site.
- 8.19. Design and Appearance and Townscape Impact:**
The proposed scheme as amended consists of 4 main blocks set on a raised podium level which contains the vehicle and cycle parking, bin stores and also a number of the residential and live / work units. There are landscaped communal areas between the four blocks. Block A, to the west of the site is 7 storeys in height, the two central blocks (B and C) are 6 storeys in height and Block D to the west of the site is 8 storeys in height. The scheme is predominantly finished in brick with inset balconies throughout.
- 8.20. The main revisions to the scheme include the reduction of height of Block D by two storeys and design changes to create a slimmer profile and an additional storey to Block C.
- 8.21. As the scheme contains buildings in excess of 18m (approximately 6 storeys above existing ground level) the Supplementary Planning Guidance on Tall Buildings (SPG15) Buildings is relevant and a Tall Building Statement is required. This site is not in an identified tall buildings node or corridor, and so tall buildings are considered based on the impact of the wider townscape. Visuals of the longer distance views of the development are required to enable a fuller appreciation of the likely resultant townscape.
- 8.22. The existing built form on the northern side of Davigdor Road includes the 8 storey housing block at 121-123 Davigdor Road and the office block P & H House which again is the equivalent of 8 residential storeys. There is also an extant planning permission for an 8 storey block at 113-119 Davigdor Road. Whilst not a location specifically allocated for tall buildings this stretch of

Davigdor Road is characterised by taller buildings and the principle of taller buildings and a more dense built form at the application site is accepted, subject to the usual planning considerations.

- 8.23. At 8 storeys the tallest block (Block D) in the revised scheme would be comparable to the height of the main bulk of P&H House and below the lift overrun element of this building. Due to the location of the application site, set back from Davigdor Road and with the railway embankment and the terraced properties behind the built form would not be highly prominent in views from the public realm other than from the east and west from Holland Road and Montefiore Road bridges.
- 8.24. The applicants Tall Buildings Statement provides views from the following locations;
- Montefiore Road Bridge (north side) looking south west,
 - Holland Road Bridge looking east,
 - St Ann's Well Gardens looking north,
 - Dyke Road Park looking south,
 - Somerhill Road looking north
- 8.25. Whilst there would be a significant change in the built form from the existing situation in views from the east and west, the proposed development would be experienced in the context of the higher density development to the south and is not considered to be significantly harmful to the character of the area.
- 8.26. Whilst the proposal would be a very different scale, form, and massing to the traditional terraced housing to the north it is considered that there is sufficient visual separation provided by the railway line and embankment to ensure that the proposal does not significantly jar with or visually overwhelm the existing properties. The staggered siting of the four blocks and the predominantly north south orientation ensure that there is a degree of permeability of light and outlook through the scheme and reduces the sense of massing from the north. The variation in the heights of the blocks provides further visual interest to the scheme.
- 8.27. Whilst the proposal would be visible in longer views from the north from the locally listed Dyke Road Park it is not considered to have a harmful impact in heritage terms. Furthermore, there is not considered to be any harm to the locally listed Montefiore Hospital, locally listed St Ann's Well Garden Park to the south or the setting of the Willett Estate Conservation Area to the west and the Heritage Team do not object to the application.
- 8.28. At over 150 dwellings a hectare for the site as a whole the proposal would result in a high density form of development, though in the context of the taller buildings to the south it is not considered to be out of character to the area and would accord with policy CP14 in respect of density.
- 8.29. In respect of the materiality and architectural detailing the external facades will predominantly consist of three shades of red multi-stock brick (light, mid and dark) which will be used to differentiate the main facades, side facades and the side panels. The fenestration and balconies will be set out in a rigid grid

pattern with the inset design providing some relief to the elevations. The grey perforated metal inserts to the façade and grey metal balcony railings provide further visual interest. The two taller buildings (A and B) show two storey grouped vertically to accentuate the height rather than the horizontal mass of the buildings.

- 8.30. Further perforated metal is proposed throughout at ground floor level. These metal facades are not especially convincing as a design approach and the spaces between the main blocks and the large expanse to metal cladding to the rear have a somewhat stark utilitarian appearance that do not sit comfortably with the rest of the more residential approach of the scheme. Notwithstanding the above the main extent of the metal frontages are set back from the main 4 block frontages and not highly visible from the public domain and as such do not significantly detract from the visual amenity of the development as a whole. There may also opportunities to green the rear façade of the podium which would soften its impact and further details can be secured by condition.
- 8.31. Overall the proposal is considered to have an acceptable impact on the appearance and character of the site and the wider surrounding area.
- 8.32. Landscaping:
A full landscaping plan has been submitted with details of the podium level amenity space and the also the more public areas to the south of the built form along the access road. The proposal would provide a significant increase in the greening of the site in comparison to the existing situation. Subject to high quality materials, appropriate painting and maintenance which will be secured by condition the landscaping proposals are considered to be acceptable in accordance with development plan policies.
- 8.33. Viability and Affordable Housing:**
Housing affordability is a major issue for many residents within the City. Policy CP20 of the CPP1 relates to affordable housing on windfall sites and states that on sites providing 15 or more (net) dwellings (including conversions/changes of use) 40% onsite affordable housing provision is required.
- 8.34. Whilst the original application submission set out that the scheme was aiming to provide 40% affordable housing (as shared ownership) a Viability Appraisal was subsequently submitted by the applicant that set out that the scheme could not viably provide any level of affordable housing. The applicant's viability assumptions have been independently tested by the District Valuer Service (DVS) and whilst they do not agree with all of the inputs in the applicant's appraisal they are also of the opinion that the scheme cannot viably support any affordable housing whilst retaining a reasonable developer profit.
- 8.35. Subsequently the applicant has provided an updated Viability Assessment of the revised development proposals and this again concludes that no

affordable housing would be viable, based on their own assumptions and this has again been verified independently by the DVS.

- 8.36. Notwithstanding the above the applicant has set out that it has taken a commercial decision to achieve a reduced profit level in order to provide 10% affordable housing as shared ownership. This follows the sentiment of Paragraph 64 of the National Planning Policy Framework (NPPF) which states, 'Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership'. The offer equates to 16 units at the following mix.
- 3 Studios
 - 4 one bed units
 - 9 two bed units
- 8.37. Whilst the highest need is for affordable rent rather than shared ownership affordable housing the LPA is mindful that they could not require any level of affordable housing for this scheme when considering the viability outcomes and as such the proposed tenure is accepted. It is further noted that the proposed mix which includes studios (which are not identified as unit type that is needed) and also lacks any three bed units does not accord with Policy CP20 which sets a preferred affordable housing mix across the city of 30% 1-bed, 45% 2-bed and 25% 3-bed units. Again, as it has been demonstrated that the scheme cannot viably provide affordable housing the LPA does not object to the mix in this instance.
- 8.38. A review mechanism is proposed to be included as an obligation in the legal agreement to ensure that the viability of the scheme is reappraised at a later date when actual costs and values are known and if there is any uplift in the development value, a proportion of this can be captured as a financial contribution.
- 8.39. Impact on Amenity:**
- 8.40. 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.
- 8.41. The main impacts will be to the adjoining properties to the rear of the site, to the north of the railway on Lyndhurst Road and to the west on Montefiore Road and also to the recently built Artisan development to the south of the site on Davigdor Road.
- 8.42. A sunlight and daylight assessment by Point 2 Surveyors was included with the original application submission for the 163 unit scheme. The Council has commissioned an independent review of this assessment which was completed by the Building Research Establishment (BRE). In respect of the impact on neighbouring properties for the originally submitted scheme the BRE stated,

- 8.43. 'Given the size and height of the new development, the overall daylight and sunlight impact on surrounding dwellings is relatively limited. This is partly because of the site topography, with the new development situated in a valley, below the level of most of the surrounding housing.
- 8.44. There would be a loss of daylight outside the guidelines to some windows at 4-6 Montefiore Road. However the loss of light is in most cases either only just outside the guidelines, or the rooms have another window that would either be unaffected or less affected. The worst affected rooms would be bedrooms. There is also a belt of mature trees outside the windows, not included in the calculations which already blocks some of the light that the new development would obstruct. For these reasons the loss of daylight is assessed as minor adverse.
- 8.45. There may also be minor impacts to a small number of windows at 6, 12 and 18 Lyndhurst Road, 121-123 Davigdor Road and the proposed dwellings at 113-119 Davigdor Road.
- 8.46. Loss of daylight to all other dwellings would be within the BRE guidelines and could be classed as negligible.
- 8.47. For the houses in Lyndhurst Road, which face a southerly direction, loss of sunlight, would be within the BRE guidelines. The other nearby dwellings face within 90 degrees of due north, and therefore loss of sunlight to windows would not be an issue.
- 8.48. Loss of sunlight to existing gardens in Lyndhurst Road would be within the BRE guidelines.'
- 8.49. Since the scheme was reviewed by the BRE the design of Block D has been amended and has a slimmer profile, which has brought some of the massing away from the neighbouring properties on Lyndhurst Road and Montefiore Road and the height has been reduced by two storeys. This has further reduced any impact on neighbouring properties in respect of loss of daylight or sunlight and overall the application is acceptable in this regard. Whilst the height of Block C has been increased by a storey it would still sit two storeys below Block D and this alteration is not considered to have resulted in any significantly increased impact on neighbouring properties in respect of sunlight and daylighting in comparison to the originally submitted scheme.
- 8.50. The applicant has submitted a revised sunlight and daylight study which assesses the alterations to Block D and confirms that the amended scheme would have a reduced impact on the light levels to adjoining properties in comparison to the originally submitted scheme.
- 8.51. The revised scheme has significantly reduced the scale and bulk of Block D in relation to neighbouring properties. Whilst Block C has increased by a storey it is still the lowest block along with Block B. Whilst the scheme as a whole will result in a significant change to the outlook to the adjoining properties to the north and will appear as a visually dominant collection of buildings it is not considered that it would result in a significant sense of enclosure or an

overbearing impact that would warrant refusal of the application. The design of the development with four separate blocks ensures that there will be some permeability of light and views through the scheme from north to south.

- 8.52. Due to the height of the blocks and their siting which is in relatively close proximity of neighbouring properties and their respective gardens there will inevitably be a degree of overlooking, both perceived and real from windows and terraces to neighbouring properties. The angled elevations on the scheme provide some mitigation, reducing the expanse of the facades that directly abut neighbouring properties, especially to the rear. Views would in some cases be screened by existing tree or shrub cover and would also be separated in many cases by the railway line to the north and the proposed access road to the south. The potential loss of privacy has been thoroughly assessed and is not considered to be so significant as to warrant refusal of the application.
- 8.53. Whilst the proposal would generate a certain amount of noise from communal and private amenity areas within development and the usual comings and goings including vehicular movements that you would expect from a residential development of this scale it is not considered that any potential noise disturbance would be significant.
- 8.54. The submitted Noise Exposure Assessment has considered the impact of train noise reflecting off the proposed buildings facades towards neighbouring properties to the north and state that train noise after the development has been completed, is expected to be comparable with current noise levels, with no significant change.
- 8.55. Standard of accommodation:**
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.
- 8.56. All of the proposed units have been designed to accord with the Nationally Described Space Standards and are generally considered to provide acceptable levels of amenity in regards to the size, layout and circulation space. It is noted that some of the studio flats have layouts which are compromised with semi enclosed kitchens and half height divisions which restrict light penetration and circulation space to the detriment of future occupiers. Whilst this is disappointing the studios are considered to provide an adequate standard of accommodation.
- 8.57. The majority of the flats have external amenity space in the form of a balcony or garden space, with additional access to the communal podium level gardens and as such the proposal accords with saved policy HO5 in regards to private amenity space.
- 8.58. There will be a significant level of mutual overlooking between the windows and balconies of the respective blocks, the external communal areas and also

views afforded from neighbouring properties. 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. The ground floor south facing units are all single aspect and front onto the main accesses to the development and will also be compromised in respect of privacy, though this is not considered to result in a significant detrimental impact for future residents and is not considered to be sufficient to justify refusal of the application

- 8.59. The originally submitted sunlight and daylight report (for the 163 unit scheme) provided an assessment of the sunlight and daylight that would be achieved in the proposed units and also the sunlight within the communal areas. This information was reviewed by the BRE. Concerns were raised in respect of the daylight and sunlight provision within the scheme with 15% of the living/kitchen/dining rooms below the BRE standard of 1.5% average daylight factor. Furthermore only 27 out of 86 living rooms (31%) achieve the BRE standard for sunlighting. The main factor impacting sunlight and daylight was the inset balconies which restricted light into what are often deep kitchen / living / diners. In the revised scheme the balconies were relocated to the bedrooms which has improved the sunlight and daylighting overall. The reorientation of block D has also improved sunlight / daylight provision. A revised sunlighting and daylighting report confirmed that the alterations to the layout resulted in improved daylighting to the main living area and overall the scheme is considered to provide adequate daylighting for future occupiers.
- 8.60. Sunlight provision would meet the BRE guidelines within the external communal amenity areas.
- 8.61. The applicant has submitted a Noise Exposure Assessment which assesses potential noise impacts for future occupiers. This includes the impact of the railway line to the north and also noise from commercial operators in the vicinity, which includes a loading and delivery area for the retail sheds to the west of the site. The report concludes that specific noise reduction measures are required to achieve adequate noise mitigation and specific measures will be required by condition. Further measures are also proposed, to include upgraded soundproofing beyond building regulations between residential and commercial units and also for residential units adjacent to noise generating uses, eg. refuse and cycle stores, plant rooms and the vehicular parking entrance. Subject to the appropriate mitigation the proposed residential units are considered to provide acceptable living conditions in respect of the potential for noise disturbance.
- 8.62. HO13 requires 5% overall of all residential units in large scale schemes to be wheelchair accessible. A number of larger units have been provided and such provision can be secured via a condition.
- 8.63. Overall the standard of accommodation is considered to be acceptable in accordance with saved policy QD27.
- 8.64. Housing Mix:**

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.

- 8.65. Including the residential element of the two live/work units the proposed housing mix of the scheme as amended would comprise of the following;
- 21 x studio (14%)
 - 49 x one bed (32%)
 - 76 x two bed (50%)
 - 8 x three bed (5%)
- 8.66. 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.
- 8.67. A higher proportion of smaller units could be expected given the development format and location. However it is concerning that the scheme is proposing only 5% 3-bed units (compared against the city-wide requirement of 42% 3 and 4+ bed units in CPP1 para 4.213). Furthermore CPP1 does not set out a specific need for studio flats and the proposed level of this provision is also disappointing.
- 8.68. There is potential conflict with Policies CP19 and SA6 which encourage developments to provide a housing mix that will help create mixed and sustainable communities. In addition, draft Policy SSA3 in criterion f) specifically seeks development at Lyon Close that “provides for a mix of dwelling type, tenure and size to cater for a range of housing requirements and improve housing choice”.
- 8.69. 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 marginal 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.
- 8.70. Sustainable Transport:**
National and local planning policies seek to promote sustainable modes of transport and to ensure highway safety. In accordance with paragraph 109 of the National Planning Policy Framework, development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The NPPF states that the use of sustainable modes of transport should be pursued (paragraph 102). Policy CP9 c) of the Brighton and Hove City Plan Part One is relevant as are Local Plan policies TR4 (Travel Plans), TR7 (Safe Development), TR14 (Cycle

Access and Parking) and TR18 (Parking for people with a mobility related disability).

- 8.71. The impact of the proposal in terms of increased traffic, highway safety and parking pressure is cited as one of the main objections by local residents.
- 8.72. The application contains a detailed Transport Assessment and Travel Plan. In respect of trip generation the proposal will result in a slight reduction of vehicular trips in comparison to the existing commercial operations and as such it is not considered that resident's concerns in respect of increased congestion would materialise and the proposed impact on the road network is considered acceptable.
- 8.73. There will be an increase in trips via sustainable modes (cyclists and pedestrians) and a sustainable transport contribution will be requested to address impacts in respect of these additional trips and associated safety issues and will include improvements to the junction of Lyon Close with Davigdor Road.
- 8.74. A total of 80 parking spaces are proposed, comprised of 78 spaces within the undercroft car park (including eight disabled spaces which accords with the number of wheelchair accessible units) and two disabled spaces near the proposed office entrance at the south-western corner of the site. The parking provision is considered to be acceptable in principle with further details required in the form of a Car Park Management Plan.
- 8.75. The Transport Team have raised some concerns in respect of the submitted parking survey and consider that overspill parking is likely to be greater than estimated and that on-street capacity within the surround CPZ zone may not be sufficient to accommodate this. As such a condition is proposed which would restrict future occupiers from obtaining permits. It is considered that the proposed parking permit condition in conjunction with the existing parking controls in the surrounding area would be adequate to ensure that there would not be any significant adverse impact in respect of overspill parking and pressure on existing street parking provision in the locality.
- 8.76. Measures in the Travel Plan to be secured by condition would also further increase travel by sustainable modes.
- 8.77. Cycle parking includes 174 spaces for the residential, commercial and visitors in the form of Sheffield stands and this provision accords with SPD14.
- 8.78. Following further discussions with the applicant during the life of the application there have been revisions to the access, layout and servicing arrangements. The scheme as revised is considered to be acceptable in principle and would ensure a safe development. Further information, including the following plans will be secured either by condition or planning obligation.
- Construction & Environmental Management Plan
 - Car Park Management Plan
 - Refuse & Recycling Management & Collection Plan
 - Delivery & Service Management Plan

- 8.79. Subject to the proposed conditions and developer contributions / obligations the scheme is considered to be in accordance with development plan policies in respect of the transport impacts.
- 8.80. **Sustainability:**
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.
- 8.81. **Sustainable Urban Drainage:**
Whilst the Local Lead Flood Authority has raised some concerns in respect of the submitted flood risk information they are satisfied that the proposed condition which required additional flood risk modelling and a management plan will be sufficient to ensure that the scheme can adequately deal with any future flood risks in accordance with development plan policies.
- 8.82. **Arboriculture:**
To the south east of the site is an embankment that rises up steeply from the ground level of the site covered with early-mature and mature sycamore trees.
- 8.83. As a group, these trees form an important green corridor for wildlife and form an important visual screen between the commercial buildings and the properties on Davigdor Road and Montefiore Road as well as providing the stability of the embankment.
- 8.84. A total of 8 trees are recommended for felling for either arboricultural reasons or due to their close proximity to the proposed development.
- 8.85. The arboricultural team have no issues with these initial tree management proposals and recommend approval subject to tree protection, supervision and landscape conditions and overall the application is considered acceptable in this regard.
- 8.86. **Ecology:**
There are no sites designated for their nature conservation interest that are likely to be impacted by the proposed development.
- 8.87. The site is currently predominantly buildings and hardstanding and is of relatively low biodiversity value. The features of greatest biodiversity value are the trees along the south eastern boundary. Given that it is proposed to add

83 trees to the site, the loss of 8 existing trees is acceptable. Further nature enhancements to the scheme will be secured by condition and overall the proposal is considered to be in accordance with development plan policies.

8.88. Other Considerations:

There have been a number of representations from local residents outlining concerns that the proposal would result in greater stress on essential services 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.

8.89. Whilst it is acknowledged that the proposed development will increase pressure on local services the scale of the development is not such that the LPA could reasonably expect the provision of such services on site as part of the proposal.

8.90. It is noted that there have been a number of objections in respect of air quality and pollution. The air quality officer has thoroughly assessed the application in this regard and does not object to the proposed development.

8.91. Proposal Public Benefits versus Development Harm Assessment / policy conflict

The NPPF makes clear that developments should be considered in the context of the presumption in favour of sustainable development.

8.92. When applying the planning balance there are a number of factors which weigh for and against the scheme.

8.93. As set out previously, whilst the proposal does provide for modern and flexible office floorspace that could accommodate a reasonable level of full time equivalent positions the development fails to fully accord with policy CP3 in respect of the loss of employment floorspace with the proposed provision of commercial floorspace significantly below existing levels and below the amount of office floorspace set out in the Council's aspirations for the site in the draft CPP2. The proposed housing mix, which is overly skewed towards smaller units also weighs against the scheme whilst there are some deficiencies in the quality of the accommodation to be provided.

8.94. When assessing the policy conflict above it is important to weigh this against the benefit of the scheme which includes a significant amount of housing. It is recognised that in this instance that any further increase in employment floorspace would have to come at the expense of residential floorspace, thus further eroding the viability of the scheme. It is also important to note, that the quality of employment space provision will be improved as part of the scheme with a modern, flexible building which has the potential for increased job density over existing levels. The provision of a greater proportion of larger flats would again further negatively impact on the viability and thus the deliverability of the scheme on a site which the Council has aspirations for residential led mixed use development.

- 8.95. In respect of the impact on residential amenity the proposal will undoubtedly result in a very different outlook for neighbouring properties to the north, west and to the south and will change how they experience views towards the development site with visually dominant residential blocks replacing the low rise warehouse sheds. Whilst this impact is acknowledged it is considered there is sufficient separation between the proposal and adjoining properties to ensure that the development would not be significantly overbearing or enclosing. Whilst there will be a level of overlooking and a loss of privacy to neighbouring properties this is not considered so significant as to warrant refusal of the application. The sunlight and daylight impact of the proposal has been thoroughly assessed and any impacts on neighbouring amenity are relatively minor in this regard.
- 8.96. The public benefits of the proposal include the contribution of 152 residential units towards the City's housing target of 13,200 new homes over the plan period, of which a proportion (10%) would be affordable units on a site where the council has future aspirations for higher density residential led mixed use development. It is also acknowledged that currently the Council is unable to demonstrate a 5 year housing land supply. The proposed housing would make a valuable contribution towards the shortfall and weighs strongly in favour of the scheme.
- 8.97. The proposed design is considered to be appropriate in the context of the higher density built form to the south and the development and is considered to have an acceptable impact on the townscape in both longer and more localised views.
- 8.98. The transport team are satisfied that the proposal will have an acceptable impact on the local road network and would not result in highway safety concerns or significant additional parking stress.
- 8.99. Other factors including impacts relating to standard of accommodation, ecology, sustainability, land contamination have been assessed and have been considered acceptable.
- 8.100. Overall 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 planning policy conflicts and the limited harm to the amenity of neighbouring occupiers.
- 8.101. Approval of planning permission is therefore recommended subject to the completion of a s106 planning legal agreement and to the conditions recommended above.

9. S106 AGREEMENT

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

- 9.1. 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.
- 9.2. 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.
- 9.3. 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.
- 9.4. 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.
- 9.5. 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.
- 9.6. 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.
- 9.7. 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.
- 9.8. 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.
- 9.9. 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.

10. EQUALITIES

- 10.1. Conditions are proposed which would ensure all new build dwellings are in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings). In addition 5% of the new dwellings are to meet Wheelchair Accessible Standards.

