

<u>No:</u>	BH2019/02143	<u>Ward:</u>	Moulsecoomb And Bevendean Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Former Garage Site Eastergate Road Moulsecoomb Brighton & Hove		
<u>Proposal:</u>	Demolition of existing garages and erection of 2no. four storey blocks with lower ground floor to provide 30no. transitional housing studio apartments, ancillary communal space, access and hard & soft landscaping.		
<u>Officer:</u>	Wayne Nee, tel: 292132	<u>Valid Date:</u>	05.08.2019
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	04.11.2019
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	DMH Stallard Griffin House 135 High Street Crawley RH10 1DQ		
<u>Applicant:</u>	Ms Kristin Sjovorr C/o DMH Stallard LLP Griffin House 135 High Street Crawley RH10 1DQ		

1. RECOMMENDATION

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

S106 Heads of Terms

- Affordable housing - On site provision of 12 no. affordable housing for rent (40% of site).
- Recreation / open space contributions - £36,106 towards provision in the local area;
- Local Employment Scheme contribution - £3,000 towards the scheme to increase the employment and training opportunities for residents who wish to work in the construction industry;
- Training and Employment Strategy using minimum 20% local labour during demolition (where appropriate) and construction phase;
- Sustainable Transport Contribution - £13,600 towards improvements to pedestrian routes serving the site, including Moulsecoomb Way;
- Submission of a Construction Environment Management Plan (CEMP);
- Submission of a Delivery and Servicing Management Plan;
- S278 highway works to repair or make alteration as required by recommendations from the Highway Authority.

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	00-XX-XX-01-AR-DRG-10LG	B	9 December 2019
Proposed Drawing	00-XX-XX-01-AR-DRG-1000	B	11 December 2019
Location Plan	00-XX-XX-XX-AR-DRG-0001	A	18 July 2019
Block Plan	0-XX-XX-XX-AR-DRG-0002	A	29 July 2019
Proposed Drawing	00-XX-XX-01-AR-DRG-1001	A	18 July 2019
Proposed Drawing	00-XX-XX-01-AR-DRG-10LG	A	18 July 2019
Proposed Drawing	00-XX-XX-02-AR-DRG-1002	A	18 July 2019
Proposed Drawing	00-XX-XX-03-AR-DRG-1003	A	18 July 2019
Proposed Drawing	00-XX-XX-03-AR-DRG-1004	A	18 July 2019
Proposed Drawing	00-XX-XX-XX-AR-DRG-2001	A	18 July 2019
Proposed Drawing	00-XX-XX-XX-AR-DRG-2002	A	18 July 2019
Proposed Drawing	00-XX-XX-XX-AR-DRG-2003	A	18 July 2019
Proposed Drawing	00-XX-XX-XX-AR-DRG-2004	A	18 July 2019
Proposed Drawing	00-XX-XX-XX-AR-DRG-2007	A	18 July 2019
Proposed Drawing	00-XX-XX-XX-AR-DRG-2008	A	18 July 2019

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

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

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

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

4. The development hereby permitted shall not be first occupied until
- i) details of any external lighting, which shall include details of; levels of luminance, hours of use, predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors, hours of operation and details of maintenance have been submitted to and approved in writing by the Local Planning Authority.
 - ii) the predicted illuminance levels have been tested by a competent person to ensure that the illuminance levels agreed in part 1 are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed in part i).
- The external lighting shall be installed, operated and maintained in accordance with the approved details and thereafter retained.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies QD25 and QD27 of the Brighton & Hove Local Plan.

5.

- (i) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority:
 - (a) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by Phase 1 Contamination Assessment produced by MLM Group, Document Reference 777830-MLM-ZZ-XX-RP-J0001 and dated 12/07/2019, 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.
- (ii). 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 (b) that any remediation scheme required and approved under the provisions of (b) 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.

6. No development, including demolition and excavation, shall commence until a Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved.
Reason: To maximise the sustainable management of waste and to minimise the need for landfill capacity and to comply with policy WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan.
7. No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
- a) samples of all brick, render and tiling (including details of the colour of render/paintwork to be used)
 - b) samples of all cladding to be used, including details of their treatment to protect against weathering
 - c) samples of all hard surfacing materials
 - d) samples of the proposed window, door and balcony treatments
 - e) samples of all other materials to be used externally
- Development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory appearance to the development and to comply with policies QD14 and HE6 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.
8. 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.
9. Access to the flat roof of the building shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
10. Prior to first occupation of the development hereby approved, details of the photovoltaic array depicted on the roof plan 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 and retained thereafter.

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.

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

The scheme shall include the following:

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

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

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

12. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. The Rating Level and existing background noise levels are to be determined as per the guidance provided in BS 4142:2014. In addition, there should be no significant low frequency tones present.

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

13. The development hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan and SPD14: Parking Standards.

14. The development hereby permitted shall not be occupied until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out and provided in full in accordance with the approved details prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.
Reason: To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton & Hove Local Plan, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.
15. None of the residential units hereby approved shall be occupied until each residential unit built has achieved as a minimum, a water efficiency standard of not more than 110 litres per person per day maximum indoor water consumption.
Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton & Hove City Plan Part One.
16. None of the residential units hereby approved shall be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).
Reason: To ensure that the development is sustainable and makes efficient use of energy to comply with policy CP8 of the Brighton & Hove City Plan Part One.
17. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of the construction of the green roofs have been submitted to and approved in writing by the Local Planning Authority. The details shall include a cross section, construction method statement, the seed mix, and a maintenance and irrigation programme. The roofs shall then be constructed in accordance with the approved details and shall be retained as such thereafter.
Reason: To ensure that the development contributes to ecological enhancement on the site and in accordance with policy CP10 of the Brighton & Hove City Plan Part One.
18. Development shall not be developed above ground floor slab level until a feasibility study has been submitted to and approved in writing by the Local Planning Authority for a communal ground source heat pump or communal air source heat pumps system to be used as the heating technology across the site. The agreed system shall be implemented within the development unless it can be proven not technically feasible or financially viable.
Reason: To ensure that the development complies with policy CP8 of the Brighton & Hove City Plan Part One.
19. 19. Development shall not be developed above ground floor slab level until evidence has been submitted to demonstrate that the energy plant room has

the capacity to connect to a future district heat network in the area. Evidence should demonstrate the following:

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

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

20. Development shall not be developed above ground floor slab level until evidence has been submitted to and approved in writing by the LPA in the form of an overheating analysis to demonstrate that all units have been designed to ensure they do not overheat at any time of the year. This analysis must use dynamic thermal modelling in line with the guidance and data set out in CIBSE TM52 and TM59. The approved design measures to prevent overheating shall be implemented within the development and retained.

Reason: To comply with Brighton & Hove City Plan Part One CP8 Sustainable Buildings 2 g and h.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised by Southern Water that a formal application for connection to the public sewerage system is required in order to service this development, Please refer to New Connections Services Charging Arrangements documents which has now been published and is available to read on the Southern Water website via the following link <https://beta.southernwater.co.uk/infrastructure-charges>. A formal application for connection to the water supply is required in order to service this development.
3. The applicant is advised that the details of external lighting required by the condition above should comply with the recommendations of the Institution of Lighting Engineers (ILE) 'Guidance Notes for the Reduction of Light Pollution (2011)' or similar guidance recognised by the council. A certificate of

compliance signed by a competent person (such as a member of the Institution of Lighting Engineers) should be submitted with the details. Please contact the council's Pollution Team for further details. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP (telephone 01273 294490 email: ehlpollution@brighton-hove.gov.uk website: www.brighton-hove.gov.uk).

4. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
5. The applicant is advised that the scheme required for the removal of parking permit entitlement should include the registered address of the completed development; an invitation to the Council as Highway Authority (copied to the Council's Parking Team) to amend the Traffic Regulation Order; and details of arrangements to notify potential purchasers, purchasers and occupiers of the restrictions upon the issuing of resident parking permits.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application site relates to an area of land set amongst the industrial units within Fairway Trading Estate on the eastern side of Eastergate Road.
- 2.2. The site previously consisted of a number of garages used in association with nearby residential properties. Most of the garages have since been demolished, and the site has more recently been used as a storage yard and parking area. There are currently two garages still on the site.
- 2.3. The wider surrounding area comprises a mixture of commercial units and residential properties. Immediately to the north (Unit 1) is a warehouse used as offices/storage. There is a significant land level drop down from the application site to this warehouse, with the sites separated by a tall retaining wall. To the west (Unit 1A) is a vacant industrial unit previously in use as a bingo hall, and has planning permission to be used as a mixed use of general manufacturing.
- 2.4. To the south of the site, there is a group of terraced properties with retail/café/takeaway uses on the ground floor, with the upper floors in use as residential flats. To the east on higher land, there are 3-storey blocks of purpose built residential flats (Oakendene).
- 2.5. Planning permission is sought for the demolition of existing garages and erection of 2no. four storey blocks with lower ground floor to provide 30no. transitional housing studio apartments, ancillary communal space, access and hard & soft landscaping.
- 2.6. During the application process, further information was submitted in relation to transport assessment, details of proposed residential use, energy, and

surface water drainage. The lower ground floor plan was amended for a reduction in size and rearrangement of the communal facilities.

- 2.7. Pre-application advice: The development has been influenced by pre-application feedback from officers. Amongst other issues, the scale, massing, and appearance of the proposed development has since been re-considered and amended.

3. RELEVANT HISTORY

Fairway Trading Estate:

- 3.1. BH2016/00040 (Unit 1A) Change of use from bingo hall (D2) to mixed use general manufacturing (B2), offices (B1a), research and development (B1b), light industrial manufacturing (B1c), warehousing (B8) together with external alterations for new windows and doors and new entrance at ground floor level - Approved 17/05/2016
- 3.2. BH2010/01141 (Unit 1) Application for variation of condition 8 of application BH2009/03155 in order to enable longer hours of operation as follows: Communication Centre (B1 use) 24 hours a day, everyday including Sunday and Bank Holidays (for a maximum of 15 staff between 8pm and 7am). Other B1 (office) areas of building 7am-8pm everyday including Sunday and Bank Holidays. Stores and kitchen unit assembly areas (B8 and B2 uses) Monday - Friday 08.00-18.00, Saturdays 09.00-13.00 and Sunday and Bank Holidays no use allowed. Variation of Condition 9 to restrict deliveries, loading and unloading to between the hours of 08:00 and 18:00 Monday to Friday and 09:00 and 13:00 on Saturday and not at any time on Sundays, Bank or public holidays - Approved 04/08/2010
- 3.3. BH2009/03155 (Unit 1) Change of use of building from B2 (Industrial) to Local Authority Housing Services Repairs and Maintenance Offices and Depot (mix of B1, B2 and B8 uses). Insertion of 15 new windows and a door at ground floor level and 4 new windows at first floor level - Approved 24/03/2010

4. REPRESENTATIONS

- 4.1. Three (3) letters of representation have been received objecting to the proposed development for the following reasons:
- Inappropriate location for this type of housing
 - Overdevelopment, too large, poor quality design
 - Inappropriate height of development
 - Tiny rooms not good for young people
 - Additional traffic, no space for more cars
 - Overshadowing and loss of views from Oakendene flats
 - Impact on demand for local GP practice
 - Short tenancies will have similar impact to student living
 - Additional noise

- 4.2. One (1) letter of representation has been received in support of the proposed development for the following reasons:
- Much needed opportunity to young people to get some affordable housing

5. CONSULTATIONS

5.1. Planning Policy: Comment

The site is proposed to be allocated in the emerging City Plan Part 2 for 24 residential units. The proposal is for 30 temporary housing studio apartments. Whilst the scheme will lead to the creation of affordable residential units for temporary accommodation, which is important for the city, there are concerns around the standard of space provision.

5.2. Housing Strategy: Support

This application is for 30 transitional housing studio apartments being developed by the YMCA in agreement with Brighton & Hove City Council to meet housing need in the city. All the properties will be affordable which exceeds the policy (CP20) position which requires 40% of properties to be affordable in developments of more than 15 units. 40% would be 12 units. The housing provided will be specialist supported housing supporting young people into independent living.

- 5.3. Policy HO13 requires 10% of the affordable housing (5% of all the housing) to be provided as wheelchair accessible in schemes of more than ten units. This scheme includes 3 wheelchair accessible home on the ground floor which equals 10% of the total housing and is therefore in excess of the policy position.

- 5.4. This application is supported by Housing Strategy as currently proposed.

5.5. County Archaeology: Comment

This application is not situated within an Archaeological Notification Area and therefore it is not believed that any significant archaeological remains are likely to be affected by these proposals. For this reason there are no further recommendations to make in this instance.

5.6. Sussex Police: Comment

No major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends and site specific requirements should be considered.

- 5.7. This application is likely to house potentially vulnerable young people and so it is important to prevent access to all their living area and prevent any likelihood of them being taken advantage of or accessed by antisocial elements of society such as drug users. It is important that the boundary between public space and private areas is clearly indicated and the building well managed and secure.

5.8. **County Ecologist:** No objection

The biodiversity checklist submitted with the application was negative and as such no biodiversity report is required. The South Downs National Park lies to the west, north and east of the site, c. 180m from the site at its nearest point. Bevendean Down Local Nature Reserve (LNR) lies c. 240m north-east, and Wild Park LNR lies c. 395m west. However, given the nature and scale of the proposed development, there are unlikely to be any impacts on these sites or any others designated for their nature conservation interest.

5.9. The site has the potential to support breeding birds. Under Section 1 of the Wildlife and Countryside Act 1981 (as amended), wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken. To avoid disturbance to nesting birds, any demolition of buildings or removal of scrub/trees that could provide nesting habitat should be carried out outside the breeding season (generally March to August). If this is not reasonably practicable within the timescales, a nesting bird check should be carried out prior to any demolition/clearance works by an appropriately trained, qualified and experienced ecologist, and if any nesting birds are found, advice should be sought on appropriate mitigation.

5.10. The development is unlikely to impact on any other protected species. If protected species are encountered during development, work should stop and advice should be sought on how to proceed from a suitably qualified and experienced ecologist.

5.11. The site offers opportunities for enhancement including the provision of green roofs, bird/bat/insect boxes and the use of species of known value to wildlife in the landscaping scheme.

5.12. The Planning Statement states that green roofs will be provided to be detailed in the Design and Access Statement. However, no reference to green roofs is made in the Design and Access Statement and the sustainability checklists states that no green roof will be provided. It is noted that photo-voltaics will be installed. Green roofs should be provided as they will provide a net gain in biodiversity and have been shown to increase the efficiency of photo-voltaics. Green roofs should be biodiverse rather than sedum and should use chalk grassland species to help meet Biosphere targets.

5.13. In summary, the proposed development is unlikely to have an impact on biodiversity and can be supported from an ecological perspective. Green (biodiverse) roofs and swift boxes should be provided to provide a net gain in biodiversity.

5.14. **Southern Water:** Comment

The exact position of the public apparatus must be determined on site by the applicant before the layout of the proposed development is finalised. It might be possible to divert the public foul sewer, so long as this would result in no unacceptable loss of hydraulic capacity, and the work was carried out at the

developer's expense to the satisfaction of Southern Water under the relevant statutory provisions.

- 5.15. The public foul sewers require a clearance of 3 metres on either side of the gravity sewers to protect it from construction works and to allow for future access for maintenance. No development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water. The public water main requires a clearance of 6 metres on either side of the water main to protect it from construction works and to allow for future access for maintenance. No excavation, mounding or tree planting should be carried out within 6 metres of the external edge of the public water main without consent from Southern Water. No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public sewers and water mains. All existing infrastructure should be protected during the course of construction works.
- 5.16. In order to protect drainage/water apparatus, Southern Water requests that if consent is granted, a condition is attached for measures which will be undertaken to divert/protect the public sewers/water mains, prior to the commencement of the development.
- 5.17. Furthermore, it is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site. Initial investigations indicate that Southern Water can provide foul water sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.
- 5.18. Initial investigations indicate that there are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer. Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors. The design of drainage should ensure that no land drainage or ground water is to enter public sewers network. The design of the proposed basements and on-site drainage system should consider the possibility of surcharging within the public sewerage system in order to provide the protection from the risk of flooding.
- 5.19. Following initial investigations, Southern Water can provide a water supply to the site. Southern Water requires a formal application for connection and on-site mains to be made by the applicant or developer.
- 5.20. The proposed development would lie within a Source Protection Zone around one of Southern Water's public water supply sources as defined under the Environment Agency's Groundwater Protection Policy.

5.21. **City Regeneration:** Comment

City Regeneration has no adverse comments regarding this application.

- 5.22. Should this application be approved, City Regeneration requests the submission of an Employment and Training Strategy a month prior to commencement, highlighting how the development will provide opportunities for employment and training for local people. Fuller details are included in the Main Comments section of this response document. Also, if approved, in accordance with the council's Technical Guidance for Developer Contributions, City Regeneration requests a contribution of £3,000 through a S106 agreement, towards the delivery of the council's Local Employment Scheme. The contribution is based on the number and size of accommodation units. A breakdown of developer contributions requested is provided in the following Main Comments section.

5.23. **Transport:** Comment

Revised comments

Cycle parking is below the expected quality standard and must be improved. Ideally this would be done before determination of the application but could otherwise be secured through a pre-commencement condition. Additionally, it is requested for some minor clarifications regarding how 'level access' is to be achieved, which the Highway Authority would be happy to review further details of prior to determination. In other respects, the development appears to comply with transport policies or the Highway Authority anticipate can be compliant through planning condition.

- 5.24. Aside from the issue of cycle parking and level access, and subject to conditions and obligations, the Highway Authority would not wish to object to the consent of the application.

Site Access:

- 5.25. With regard to access and servicing, the Transport Statement (TS) identifies that the proposal includes associated changes to the access arrangements, although the details of this are limited and unclear. It is stated that the pedestrian footway adjacent to the site will be upgraded to provide dropped kerbs and tactile paving across the access to the private parking area and that the footway will connect with the existing footway to the north of the site. The Highway Authority assume that the structure on the highway will be removed and that the existing access junction which serves the site will be re-instated as footway, although neither is explicitly stated in the TS. Subject to review, these alterations can be secured through S278.

- 5.26. The plans refer to 'level access' but there are insufficient details; this is important to be able to assess appropriate cyclist and pedestrian access into the site, as well as refuse servicing. Loading/unloading including refuse and disabled parking (with a blue badge for up to three hours) would be permissible outside of the site. The TS identifies that "refuse collection will be kerbside with bins moved to the roadside by project workers or mentors". The

strategy therefore needs to be clarified. It is considered that issues could be addressed through a deliveries and servicing management plan.

Cycle Parking:

- 5.27. A revised ground floor plan has been submitted that shows a cycle store showing 16 stands. The level of provision is welcomed, however, some further details of the access to the spaces and the layout is still required:
- Sheffield stands should be spaced in accordance with the guidance in the DfT 'Manual for Streets'.
 - Having reviewed the submitted plans, the main aisle widths appear too narrow. It is required for an aisle width of 2m with a minimum of 1.8m to be provided to allow for sufficient manoeuvring space.
 - There appears to be 2 stands to the northwest of the site. It is unclear who these would be used by and this would need to be clarified. Furthermore, further details are required to clarify whether these would be covered and sheltered as set out in TR14.
 - At least 5% of stands spaces should also be Sheffield stands that are sized and spaced to cater for larger custom bikes (i.e. cargo bikes and those modified for use by disabled riders). Currently no suitable spaces can be identified and the proposals must therefore be deemed non-compliant with NPPF para 110(b).
- 5.28. Further details regarding cycle parking are required to demonstrate that this development can be made compliant with the City Council's policies on cycle parking.

Disabled parking:

- 5.29. The TS indicates that wheelchair occupancy is not expected, due to the location of the site and topography of the area. As noted, the reinstatement of the footway could provide space for short-stay disabled parking (3 hours) and therefore the Highway Authority consider that any disabled parking, for example associated with visitors, could be accommodated here. Therefore there are no objections in this instance.

Travel Forecasts:

- 5.30. Whilst the Highway Authority do not fully accept the approach undertaken regarding trip generation of the proposed development, it is considered that the scale and nature of the proposals are not such that would warrant an objection.

Parking Stress:

- 5.31. The proposal does not include any car parking on site and the TS argues that the development will not generate 'any material car parking demand'. To support this assertion it presents car ownership data obtained from the YMCA for other sites in the region. This does indicate a very low propensity for residents to own vehicles (less than one vehicle for the 30 residents is forecast). Potential parking demand in respect of the project worker, who will be on site each weekday, is also predicted to be low.

- 5.32. Following our 1st response, a parking survey has been undertaken and is included with the TS which reports parking stress levels of 48% (overnight) and 84% (daytime). Whilst this survey unfortunately does not fully comply with the Lambeth Methodology and therefore we cannot determine whether the data is robust, it is noted that the surveys do indicate some spare capacity. Additionally, it is accepted that parking demand is likely to be low. In view of the proposed use and information that has been provided, as well as the availability of on-street parking locally, it is therefore not considered that the proposals would result in an unacceptable parking impact.

Section 106 Contributions:

- 5.33. The proposed development will generate an increase in the level of trips to and from the site. In order to ensure that the development provides for the additional trips it generates and that there is adequate pedestrian provision for users of all abilities, the Highway Authority seeks a sustainable transport contribution of £13,600 in accordance with the council's standard contributions formula. This will be allocated towards:
- Local bus stop improvements within the vicinity of the site
 - Footway improvements to include, but not limited to, dropped kerbs and tactile paving along Moulsecoomb Way that will enable residents unimpeded pedestrian access to Moulsecoomb community centre.
- 5.34. These measures are required to ensure that the development serves the needs of pedestrians and public transport users in accordance with policies CP9 of the Brighton & Hove City Plan Part One and TR7 of the Brighton & Hove Local Plan.

Initial Comments

- 5.35. The submitted planning application is not supported by either a Transport Statement or Transport Assessment. As a result we are unable to assess the impacts of the proposals. Therefore our advice is that it is not currently possible to determine the application. To rectify matters the applicant should submit a Transport Statement.
- 5.36. Also, the submitted plans show only a basic level of detail in respect to transport and movement. More detailed information should be provided, including in respect to cycle parking and levels/width/gradients to pedestrian and wheel chair access routes. Pedestrian access should be demonstrated to comply with BS 8300 requirements.
- 5.37. The team do not accept the assertion in their current submission that this site will not generate any parking demand. Given the car-free nature of the proposals and its location outside of a full time CPZ their TS will need to include, as noted above, a parking overspill assessment - informed by parking demand projections and a parking survey.
- 5.38. Proposed cycle parking appears to consist entirely of cramped two-tier racks. These are not accepted as satisfying policy TR14/15 and SPD14 requirements. In appendix A we attach guidance on meeting these. The locations of proposed visitor cycle parking are also currently unclear.

5.39. **Sustainability: Comment**

Conditions are proposed on heat technology, connection to a future district heat network, green roofs, water efficiency standard (residential), and overheating.

6. MATERIAL CONSIDERATIONS

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

6.2. The development plan is:

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

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

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part Two (Draft)

H1	Housing Sites and Mixed Use Sites
DM1	Housing Quality Choice and Mix

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
DA3	Lewis Road
CP1	Housing Delivery
CP3	Employment land
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood Risk
CP12	Urban Design
CP13	Public Streets and Spaces
CP14	Housing Density
CP16	Open Space

CP19	Housing Mix
CP20	Affordable Housing

Brighton & 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
QD27	Protection of amenity
HO5	Provision of Private Amenity Space
HO13	Lifetime and Accessible Housing

Supplementary Planning Documents:

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

8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the principle of the loss of the existing use, the principle of a proposed residential use, the impact on the character and appearance of the existing building and the wider street scene, its impact on future occupiers and neighbouring amenity, sustainability and transport issues.

Planning Policy:

- 8.2. The Draft City Plan Part 2 (CPP2) was published for consultation 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.
- 8.3. The site is allocated for housing within Policy H1 of CPP2. Policy H1 states that planning permission will be granted for proposals that accord with the Development Plan and which provide minimum indicative amounts of development set out in the policy.
- 8.4. The site forms part of the Lewes Road Area and is set within the development area boundary of Policy DA3 of City Plan Part One. The strategy for this development area is to further develop and enhance the role of Lewes Road as the city's academic corridor by supporting proposals which improve further and higher education provision in the Lewes Road area, facilitate improved sustainable transport infrastructure that provides choice, including travel by bus, walking and cycling, secure improvements to the townscape and public realm, deliver inter-connected green infrastructure and biodiversity improvements, contributing to Biosphere objectives, improve air

quality in the Lewes Road area, and deliver development including new residential units.

Loss of Existing Use:

- 8.5. The site has historically consisted of garages which were associated with nearby residential uses. As existing the site contains only 2 garages, and is currently in use as private car parking and storage yard by the Council's housing contractors. The site is not identified for employment uses within the City Plan.
- 8.6. The site has no specific policy allocation in the adopted Development Plan, however as identified above it is included within the DA3 (Lewes Road) strategic policy area which sets out to deliver development including housing, as well as encouraging more efficient use of underused sites such as in this instance.
- 8.7. The site is allocated in the emerging City Plan Part 2 (CPP2) Policy H1 for a minimum indicative number of 24 residential units. Despite CPP2 still emerging and currently having limited weight, the plan indicates the direction of policy and any proposal coming forward should reflect this. It is considered that there are no conflicts in the emerging policy with the proposed development here.
- 8.8. Accordingly, the principle of re-developing the site can be accepted, subject to meeting other development plan policies detailed below.

Principle of Proposed Housing:

- 8.9. 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.
- 8.10. The Council's most recent housing land supply position is published in the SHLAA Update 2018 (February 2019). The figures presented in the SHLAA reflect the results of the Government's 2018 Housing Delivery Test which was published in February 2019. The Housing Delivery Test shows that housing delivery in Brighton & Hove over the past three years (2015-2018) has totalled only 77% of the City Plan annualised housing target. Since housing delivery has been below 85%, the NPPF requires that a 20% buffer is applied to the five year housing supply figures. This results in a five year housing shortfall of 576 net dwellings (4.5 years supply). In this situation, when considering the planning balance in the determination of planning applications, increased weight should be given to housing delivery in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 8.11. 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.

- 8.12. 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).
- 8.13. As previously stated, the site is allocated for housing within Policy H1 of CPP2. 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 24 residential units and again this gives further weight to the proposed provision of housing on the site. It is noted that the proposed number of units is more than is set out in the SHLAA and in Policy H1. However this number is only indicative, and subject to the development being acceptable in all other respects, the proposed 30 no. units in this instance is acceptable in principal.
- 8.14. The site is well located for high density development, with good access to local facilities and services, and well served by public transport. The proposed residential use would make a welcome contribution to the supply of housing in the city, in accordance with policy CP1 Housing Delivery of the City Plan Part One.
- 8.15. Securing improvements to the public realm and townscape is a priority in the DA3 area. This is further considered under Design and Appearance later in this report.
- Proposed Mix:
- 8.16. City Plan policy CP19 seeks to improve housing choice and ensure that an appropriate mix of housing is achieved across the city and specifically references extra care housing. Policy CP19 notes that it will be important to maximise opportunities to secure additional family sized housing on suitable sites. Where appropriate (in terms of site suitability and with reference to the characteristics of existing communities/neighbourhoods), the intention will be to secure, through new development, a wider variety of housing types and sizes to meet the accommodation requirements of particular groups within the city.
- 8.17. Policy CP19 of the City Plan Part One requires development to demonstrate regard to housing mix considerations and be informed by local assessments of housing demand and need. The Objective Assessment of Housing Need (GL Hearn, June 2015) indicates the strategic mix of homes to be delivered over the plan period which is 25% for 1 bedroom units, 35% for 2 bedroom units, 30% for 3 bedroom units, and 10% for 4-plus bedroom units. In terms of the demand for market housing, the greatest demand is likely to be for 2 and 3 bedroom properties (36% and 34% respectively).
- 8.18. The proposal is for 30 no. studio flats suitable for single person occupation, which reflects the development format. The proposal is for one particular type of housing, addressed to a specific affordable housing from a particular

demography (in this instance young persons living alone). The proposal would result in an overall improvement in the utilisation of affordable housing units, and the specialist housing provided for young persons would contribute to a wider balanced housing mix when considering the housing needs across the city. The type of development is further considered under Affordable housing below.

- 8.19. It is therefore considered the overall mix would meet the needs for affordable rented accommodation in the city, and it is considered appropriate for an exception to be made for a broad mix of units in this instance.

Affordable Housing:

- 8.20. The proposed development would provide low cost rented accommodation. The National Planning Policy Framework (NPPF) recognises affordable housing for rent for those where housing needs are not met by the market. Annex 2 of the NPPF sets out a definition of affordable housing, where Affordable housing for rent would need to have rent set at least 20% below market rent, and should remain at an affordable price for future eligible households.
- 8.21. The application details that the proposed 30 residential units would be used to provide supportive housing in the form of short term 'transitional' accommodation for young men (18-25 years of age) who are either in education, employment or training and to provide a step up to independent living, whilst still maintaining on site management during the daytime.
- 8.22. The Housing Strategy Team have acknowledged that in this instance 100% of the housing provided will be managed by the YMCA as affordable rented housing with low level support for young people. The homes will be subject to a nominations agreement meaning that the council will nominate directly to 50% of the flats.
- 8.23. Although the tenancies are referred to as temporary in nature, this would normally be for up to 2 years, which is not dissimilar to private sector housing tenancy durations. The occupiers are seen as being suitably accommodated and can stay in the properties for the medium term until they move on into secure accommodation or the private sector.
- 8.24. Policy CP20 requires all sites of 15 or more (net) dwellings to provide 40% affordable housing on site. As the proposal is a form of 100% affordable accommodation (Affordable housing for rent), the CP20 provision is met in this instance with a significant uplift. A s106 obligation is required to ensure that a minimum 40% policy compliant affordable units (12 units in this instance) are provided and the housing remains affordable rent in nature.
- 8.25. Final details of the affordable housing and its management would be secured within the s106 heads of terms.
- 8.26. According to Policy HO13, 10% of the affordable units would be required to be wheelchair accessible, which would be three units in this instance. The

proposal includes three wheelchair accessible units on the ground floor, which is considered an acceptable provision.

Developer contributions:

- 8.27. Developer contributions are sought in accordance with policy objectives as set out in the City Plan Part One and the remaining saved policies in the Brighton & Hove Local Plan 2005. The contributions will go towards appropriate and adequate social, environmental and physical infrastructure to mitigate the impact of new development. Contributions are required where necessary in accordance with City Plan policy CP7 Infrastructure and Developer Contributions.
- 8.28. The Affordable Housing Contribution is set out above. Further Developer Contributions are requested for the following:
- Employment contribution of £3,000 for the delivery of the council's Local Employment Scheme;
 - Open Space contribution of £36,106.
 - Sustainable Transport contribution of £13,600

Standard of Accommodation:

- 8.29. The accommodation is set within two blocks, each consisting of 4 no. units on the first three floors and 3 no. units on the top floor. Units above the ground floor are accessed via 'social' walkways arranged around three sides of a central outdoor amenity space. The layout of each individual unit is generally considered acceptable, with all rooms having good access to outlook and ventilation.
- 8.30. The Local Planning Authority does not have adopted minimal space standards for new dwellings, however it is appropriate to consider the Government's Technical housing standards: Nationally Described Space (NDS) standard published in March 2015 as a benchmark for an acceptable level of living space for future occupiers. A 1-bed 1 person unit should have a floor space of at least 37m².
- 8.31. The proposed units are of a modular build, with all of the units comprising a standard size and layout. The proposed units would all have a floorspace of 27.2m² or 27.3m², except for the 3 no. ground floor wheelchair accessible units which would have a floorspace of 31.8m², and are therefore below the NDS standard.
- 8.32. However these units, that are designed smaller than the standard floorspace, should be considered within the context of the requirements for the proposed development. The applicant has set out that the units are specifically designed as transitional homes with young people staying no longer than two years. A smaller space is considered more practical by the applicant in terms of being easier for young people to take care of as part of their adapting to a home of their own, and also ensuring that the person remains the only occupier of each individual unit. The applicant has added that smaller units also assist in managing expectations, as residents may be more reluctant to move out if they were larger. It will also discourage the opportunity for large

gatherings in an individual unit. Despite the limited space in each unit, they have an appropriate layout for independent living. Although each unit would have limited storage space, the applicant has stated that occupants are likely to have fewer than average personal possessions initially. On balance, the floorspace is considered acceptable in the context of this development, and an exception to the minimum space standards can be made in this instance.

- 8.33. The proposal includes a communal room on the lower ground floor. In support of the residents in maintaining their tenancies as they demonstrate the lifeskills and behaviours to live independently, a Project Worker will be based at the site during daytime office hours. Lead Tenants, one in each block, will act as peer mentors for residents. The communal room will be used for regular communication and monitoring meetings, as well as groupwork and activities that residents are obliged to sign up for.
- 8.34. The applicant has also confirmed that support will be available from a mobile night team between 8pm and 8am, and in emergencies from staff in 24-hour staffed projects located elsewhere in the city.
- 8.35. Brighton and Hove Local Plan policy HO5 requires the provision of private and useable external amenity space with new residential development. The proposed flats of the rear block would have access to private rear yards on the ground floor, and balconies on the first floor. The other flats would have no private outdoor amenity space. Given the character of this form of development and the surrounding context where many flats have no private outdoor space, the provision for these proposed flats is considered to be acceptable in this instance. The proposed residential development is required to provide open space and sports provision by way of developer contribution in accordance with the policies CP16 Open Space and CP17 Sports Provision.
- 8.36. The units are designed to be set out in two blocks facing each other. The majority of the units have a layout with the shower room and kitchenette at the front of the units facing into the central walkway, with the living areas at the rear close to the glazed doors/Juliet balconies. There would be some reduced privacy levels due to the units facing each other and set in around the communal walkways. However, the applicant has stated that the walkways will provide a sense of community and reduce the feeling of isolation as residents will be living alone. There is also a separating distance of approximately 12m between units. Overall, privacy and overlooking levels are considered adequate for this type of development.
- 8.37. The applicant has submitted a Daylight & Sunlight Assessment, which has been independently evaluated by the BRE by reviewing the scope and methodology, text and conclusions of the report.
- 8.38. Daylight provision to the units is considered to be reasonable. All the living areas would have good levels of daylight. Only 8 of the kitchenettes of the non-wheelchair units would meet the recommended guidelines. However these are small galley type kitchens and as such are not considered to be

habitable rooms. It should be noted that all of the kitchenettes open into the living room areas that are well-lit.

- 8.39. The bedroom areas of the 3 no. wheelchair accessible units on the ground floor would have limited daylight, however the adjacent living/kitchen areas all have good levels of light, and therefore on balance this is considered acceptable.
- 8.40. Sunlight provision would be above average, with 26 living rooms meeting the annual sunlight recommendation, and 18 would meet the winter recommendation. The remaining four would still receive some sun. The four ground floor outdoor yards would not meet the guidelines, and would suffer from limited sunlight.
- 8.41. It is therefore considered that future occupiers of the proposed units would overall experience adequate internal daylight levels contributing to an acceptable level of amenity.
- 8.42. In this proposal for 10 residential units, Policy HO13 requires 10% of affordable housing (and 5% of all housing) to be provided as wheelchair accessible. There are three proposed wheelchair accessible units on the ground floor which would be sufficient to be in accordance with Policy HO13.
- 8.43. For safety purposes, Sussex Police have recommended external lighting above the front entrances and footpaths, details of which are required by condition.
- 8.44. Future occupants will have access to cycle storage and refuse/recycling storage on the lower ground floor. The applicant has confirmed that a part-time caretaker will visit the site regularly to undertake small repairs and manage the refuse and recycling.
- 8.45. Overall, subject to relevant conditions the proposal would provide adequate living conditions for future occupiers in accordance with policy QD27 of the Brighton & Hove Local Plan.

Design and Appearance:

- 8.46. The NPPF attaches great importance to the design of the built environment and identifies good design as a key aspect of sustainable development. This is reflected in policy CP12 of the City Plan Part One which seeks to raise the standard of architecture and design in the city. CP12 requires new development in particular to establish a strong sense of place by respecting the diverse character and urban grain of the city's identifiable neighbourhoods.
- 8.47. The existing garages make no positive impact on the street scene. The replacement of the existing unattractive buildings with a better articulated and stronger design of the proposed building is welcomed. The design of the building is considered to have evolved positively since the pre-application submission.

Scale/Massing:

- 8.48. Policy CP12 of City Plan Part One and QD5 of the Local Plan encourage high quality design that makes a positive contribution to the streetscene. Good design will take the opportunities available for improving the character and quality of an area and respond to local character and history.
- 8.49. The proposed development of 30. no units on a site of this area would amount to a residential density of approximately 400 units/per ha, which would represent a very high density on what is a contained site. However the context of this should be considered. The proposed development has been amended during pre-application stage, where units were removed from the scheme.
- 8.50. In terms of neighbouring context, the nearby 3 storey 'Oakendene' block of flats is approximately 75 units/per ha, however this still represents a high density development making efficient use of its site. This site comprises 18no. 1&2-bed flats. It should be noted that the proposed development is for studio sized units only and is allocated in the emerging City Plan Part 2 for 24 residential units, which with a more broader mix of units (e.g. 1 or 2 no. bed units) could have resulted in a more bulkier form of building. The proposed units will instead be for single person households and as a result the level of crowdedness (as a measure of housing density) and occupancy level will be relatively low.
- 8.51. The buildings to the east and south of the site are mostly residential in use and generally are two storeys in height. There are some notable exceptions, with the 3-storey blocks of flats at Oakendene immediately to the east, as well as The Orchards, the senior assisted living three storey building further away to the south-west along Moulsecoomb Way. To the west and north of the site there are industrial buildings with the equivalent of approximately 3 or 4 storeys in height.
- 8.52. From the south elevation view from the corner of Eastergate Road and Moulsecoomb Way, the proposed building would be 3 storeys in height (with a lower ground floor level), with an additional top storey set back. Overall, it is considered that the height of the building would not appear over-dominant given the surroundings.
- 8.53. The options of massing have been fully considered by the applicant, and the option of two separate blocks was considered the most appropriate in terms of unit layout, circulation, overlooking and future resident amenity.
- 8.54. At pre-application stage, concerns were raised about the resultant massing and bulk. The design was reviewed, with one unit from each block nearest the adjoining parade on the side (south) elevation on the top floor. This was a positive step, and results in the staggering of the side elevation and reduces the stark profile.

- 8.55. The proposed front block has also been modestly set back from the Eastergate Road frontage. This would be beyond the building line of the side of the parade properties facing onto Moulsecoomb Way. However, it is considered that as there is no established building line fronting on Eastergate Road, the set back is sufficient for there to be no significant impact on the street scene.
- 8.56. For these reasons it is now considered that the building maximises the potential of the site whilst respecting the scale and massing of the adjacent buildings and the general rhythm and character of the street.

Detailing and Materials:

- 8.57. The proposed modular units would consist of concrete, but would be clad with brickwork, with the top floor units clad with zinc sheets. The proposed palette of materials is considered acceptable and would contribute positively to the street scene. The predominant use of brick on the exterior would be an appropriate choice of material in this setting. The mixture of materials and brick colours will ensure some texture and variation of tone in order to avoid appearing too harsh. Samples of materials would be required by condition.
- 8.58. The fenestration pattern uses a mix of regular and unordered glazing and panels. This design is considered appropriate given its location amongst industrial buildings and residential buildings of various types and quality, as well as the mid-long range views that the building would be visible from.

Landscaping:

- 8.59. In terms of landscaping, the surroundings of the building within the perimeters of the site offer limited opportunity for soft landscaping. However areas of planting are proposed to soften the paved pedestrian paths. Details of landscaping, including the areas of green roof, are required by condition.
- 8.60. The bin and cycle stores are located away from street view within the lower ground floor of the building. This enables the stretch of bank to the north of the site in between the retaining wall and the proposed building to be used for soft landscaping.
- 8.61. The meadow flower bank to the north of the development is expected to receive limited sunlight, which would restrict the range of soft landscaping that could be grown there; further details are required by condition.
- 8.62. Overall, due to the proposed footprint of the building, and the layout of central staircase and walkway, there is limited space for soft landscaping, however the green spaces and planting detailed in the submission would soften the appearance of the building to an extent. For these reasons the proposal would accord with policies QD15 & QD16 of the Brighton & Hove Local Plan.

Impact on Neighbouring Amenity:

- 8.63. 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.

- 8.64. The nearest residential properties are flats above the parade shops to the south at 69-83 Moulsecoomb Way, as well as the block of flats to the east of the site at 'Oakendene', which is located at the corner of Moulsecoomb Way and Appledore Road.
- 8.65. Whilst the proposal would generate a certain amount of noise from private amenity areas within the 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. It should be noted that on-site management will take place by way of a Project Worker being present on the site during daytime office hours, and a mobile night team available to visit the site during the night if required.
- 8.66. A sunlight and daylight assessment has been submitted with the application. The Council has commissioned an independent review of this assessment which was completed by the Building Research Establishment (BRE).
- 8.67. A flats above the parade of shops (71 Moulsecoomb Way) would have one window of a room (which appears to be a kitchen) resulting in loss of light that is considered a minor adverse impact. Loss of daylight to flats at 'Oakendene', would be considered to be within the BRE guidelines and is therefore deemed negligible. It is considered that the loss of sunlight would not be an issue for any of these neighbouring flats, as the relevant windows face north.
- 8.68. The nearest area of Oakendene to the east is a car park, and so the impact here is not considered significant. The grounds of Oakendene, such as the grassed bank leading up to the block of flats, could lose sunlight as a result of the new development; however this appears to be used mainly for access to the car park rather than an amenity space, so loss of sun here would not be considered significant.
- 8.69. In terms of the potential for overlooking/loss of privacy, the proposed south and east elevation upper floor windows would result in some overlooking towards Oakendene and Moulsecoomb Way. However given the distances involved and that it would be expected that there would be some mutual overlooking between flats in a residential area, the potential overlooking and resultant loss of privacy here is not considered to be so significant as to warrant refusal of the application on this basis.
- 8.70. As such, it is considered that the proposed development would provide satisfactory amenity levels for neighbouring residents, and would comply with saved policies SU10 and QD27 of the Local Plan.

- 8.71. It should be noted that the units will be modular construction meaning they will be developed more quickly and with less disruption to the local neighbourhood during construction.

Sustainable Transport:

- 8.72. 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).
- 8.73. City Plan Part One policy CP9 sets out the Council's approach to sustainable transport and seeks, generally to further the use of sustainable forms of transport to reduce the impact of traffic and congestion and in the interests of health to increase physical activity.
- 8.74. Due to space constraints, no parking is proposed on site. It is noted that the site is located in a Controlled Parking Zone (CPZ D), however permit restrictions only apply on match or event days. The site is in an outer area of the city, however future occupiers of the development would have reasonable access to bus and rail routes, as well as the opportunity to walk and cycle to local amenities. As such, occupiers would not be solely reliant on car travel to meet their day-to-day needs.
- 8.75. The applicant has stated that residents would not have ownership of vehicles, as car ownership would be made not permissible by the management of the site. However this cannot be guaranteed, and there would likely be some (potentially low) use of vehicles by staff. As the site is not located in a CPZ, it would be important that even if measures are used so that residents are discouraged from using a car, that the proposal would not generate a significant on-street parking demand in the vicinity.
- 8.76. The applicant has submitted a Transport Statement, with parking surveys indicating some spare capacity. The Highway Authority have stated that it is accepted that parking demand is likely to be low. Based on the nature of the proposed development and the submitted information (indicating availability of on-street parking in the local area), it is considered that the proposal would not result in a significantly detrimental parking impact.
- 8.77. The proposed development would provide sufficient cycle parking space for future occupants, however further details are required by condition in relation to access, design, as well as accessibility for visitors and disabled users.
- 8.78. Further information, including a Delivery & Service Management Plan, and level access/bin storage will be secured either by condition or planning obligation. Given the perceived uplift in trips generated by the development a contribution of £13,600 is sought to improve sustainable transport infrastructure in the vicinity of the site.

- 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.

Land Contamination:

- 8.80. The applicant has submitted a Phase 1 Contamination Assessment. The Environmental Health Team has no objection recommendations of the report. A full land contamination condition is required.

Biodiversity:

- 8.81. There is little or no vegetation at the site currently, however the proposed development represents an opportunity to increase biodiversity and provide ecological enhancement. The proposal includes green roofs, and the applicant has offered the opportunity to include bird/bat/insect boxes to the development, although no details are provided. A scheme to enhance the nature conservation interest of the site is required by condition.

Sustainability:

- 8.82. 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.
- 8.83. Solar photovoltaics are proposed on the roof however there are limited details of design and amount, details of which are therefore conditioned. The scheme will also incorporate sustainability measures including air source heat pumps and green roofs. Further details of heat technology, future heat network, green roofs and overheating are required by condition.

Other Considerations:

- 8.84. 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.

Conclusion:

- 8.85. The proposed development is of a suitable scale and design that would make a more efficient and effective use of the site without harm to the surrounding townscape. The development would provide housing units, including affordable housing for a specific need, without significant harm to the amenities of adjacent occupiers and without resulting in an unacceptable increase in parking pressure. Approval of planning permission is therefore recommended subject to the completion of a s106 planning legal agreement and to the conditions within the report.

9. EQUALITIES

- 9.1. The scheme would provide at least 40% affordable housing, and includes 3 wheelchair accessible homes on the ground floor.

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:

1. The proposed development fails provide a financial contribution towards the City Council's Local Employment Scheme to support local people to employment within the construction industry contrary to policy CP7 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
2. The proposed development fails to provide an Employment and Training Strategy specifying how the developer or their main contractors will provide opportunities for local people to gain employment or training on the construction phase of the proposed development contrary to policy CP7 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
3. The proposed development fails to provide a financial contribution towards the improvement and expansion of 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.
4. The proposed development fails to provide affordable housing contrary to policy CP20 of the Brighton and Hove City Plan Part One.
5. The proposal fails to deliver a Construction Environmental Management Plan (CEMP) contrary to Policies CP7 and CP9 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
6. The proposed development fails to provide a financial contribution towards 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.
7. The proposed development fails to provide required s278 highway works to comply with policies TR7 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One
8. The proposal fails to deliver a Delivery and Servicing Management Plan contrary to Policies CP7 and CP9 of the Brighton & Hove City Plan Part

One, Policy TR7 of the Brighton & Hove Local Plan, and the City Council's Developer Contributions Technical Guidance.