

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

## 1. RECOMMENDATION

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

### Section 106 Head of Terms:

#### Affordable housing:

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

A viability review mechanism:

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

### **Sustainable Transport and Highways:**

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

### **Education**

A financial contribution of £48,954.60

### **Public art**

This is arrived at after the internal gross area of the development (in this instance approximately 6,294 sqm) is multiplied by a baseline value per square metre of construction arrived at from past records of Artistic Component contributions for this type of development in this area. This includes average construction values taking into account relative infrastructure costs.

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

**Open space and recreation/sports:**

Open space and recreation/sports: A contribution value of £111,514

Play: St Anne's Well Gardens and/or Hove Seafront/Kingsway, Hove Lagoon, Hove Park, Dyke Road Park

Outdoor Sports: St Anne's Well Gardens and/or Hove Seafront/Kingsway, Hove Lagoon, Hove Park, Hove Recreation Ground, Dyke Road Park, Withdean Sport Complex

Parks: Gardens including Amenity, Natural/Semi Natural: St Anne's Well Gardens and/or Hove Park, Dyke, Hove Seafront/Kingsway, Palmeira Square, Dyke Road Park

Indoor Sports: King Alfred Leisure Centre and/or Prince Regent Swimming Complex, Withdean Sports Complex

Allotments: Weald Avenue and/or Eridge Avenue

**Employment:**

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

**Conditions:**

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

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

Plan Type	Reference	Version	Date Received
To be added to Additional Representations List			

2. The development hereby permitted in phases 1 and 2 shall be commenced before the expiration of three years from the date of this permission.

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

3. The development hereby permitted must be begun not later than the expiration of five years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

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

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

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

5.

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

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

- (2) The development hereby permitted shall not be occupied or brought into use until there has been submitted to, and approved in writing by, the Local Planning Authority a written verification report by a competent person approved under the provisions of condition (1)c that any remediation scheme required and approved under the provisions of condition (1)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority the verification report shall comprise:

- a) built drawings of the implemented scheme;
- b) photographs of the remediation works in progress;
- c) certificates demonstrating that imported and/or material left in situ is free from contamination.

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

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

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

7. The Phase 1 development hereby permitted shall not commence (other than demolition works and works to trees) until full details of existing and proposed ground levels (referenced as Ordnance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in strict accordance with the approved details.  
**Reason:** As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policy QD27 of the Brighton and Hove Local Plan and CP12 of the Brighton and Hove City Plan Part One.
8. The Phase 2 development hereby permitted shall not commence (other than demolition works and works to trees) until full details of existing and proposed ground levels (referenced as Ordnance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in strict accordance with the approved details.  
**Reason:** As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policy QD27 of the Brighton and Hove Local Plan and CP12 of the Brighton and Hove City Plan Part One.
9. Five per cent of the dwellings hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings) prior to first occupation and shall be retained as such thereafter. All other dwelling(s) hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.  
**Reason:** To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.
10. Notwithstanding the approved plans, prior to occupation of Phase 1, a scheme for the refuse and recycling storage facilities shall be submitted to and approved in writing by the Local Planning Authority and implemented and made available for use in accordance with the approved details. The refuse and recycling storage facilities shall thereafter be retained for use at all times.

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

11. Notwithstanding the approved plans, prior to occupation of Phase 2, a scheme for the refuse and recycling storage facilities shall be submitted to and approved in writing by the Local Planning Authority and implemented and made available for use in accordance with the approved details. The refuse and recycling storage facilities shall thereafter be retained for use at all times.

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

12. None of the residential units hereby approved shall be occupied until each unit as built has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).

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

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

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

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

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

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

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

16. Within 4 months of first occupation of Phase 2 development hereby permitted a BREEAM Building Research Establishment has issued a Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM New Construction rating of Excellent and such certificate has been submitted to, and approved in writing by, the Local Planning Authority.  
**Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy CP8 of the Brighton & Hove City Plan Part One.
17. Details of any external lighting of the site within Phase 1 shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development hereby permitted. This information shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed prior to first occupation of Phase 1 and maintained and operated in accordance with the approved details thereafter.  
**Reason:** To safeguard the amenities of the occupiers of adjoining properties and comply with policy QD27 of the Brighton and Hove Local Plan.
18. Details of any external lighting of the site within Phase 2 shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development hereby permitted. This information shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed prior to first occupation/use of Phase 2 and maintained and operated in accordance with the approved details thereafter.  
**Reason:** To safeguard the amenities of the occupiers of adjoining properties and comply with policy QD27 of the Brighton and Hove Local Plan.
19. No development above ground floor slab level of any part of the development hereby permitted on Phase 1 shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
- a) samples of all brick, mortar, grouting, render and tiling (including details of the colour of render/paintwork to be used)
  - b) samples of all cladding to be used, including details of their treatment to protect against weathering
  - c) samples of all hard surfacing materials
  - d) details of the proposed window and door treatments
  - e) samples of balcony treatments
  - f) details of all other materials to be used externally
- The development shall be carried out in strict accordance with the approved details.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with policy CP12 of the Brighton and Hove City Plan Part One.

20. No development above ground floor slab level of any part of the development hereby permitted on Phase 2 shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
- a) samples of all brick, mortar, grouting, render and tiling (including details of the colour of render/paintwork to be used)
  - b) samples of all cladding to be used, including details of their treatment to protect against weathering
  - c) samples of all hard surfacing materials
  - d) details of the proposed window and door treatments
  - e) details of all other materials to be used externally
- The development shall be carried out in strict accordance with the approved details.
- Reason:** To ensure a satisfactory appearance to the development and to comply with policy CP12 of the Brighton and Hove City Plan Part One.
21. No development above ground floor slab for Phase 1 of the development, shall take place until an example bay study showing full details of window(s) and their reveals and cills for the Phase 1 development, including 1:20 scale elevational drawings and sections have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.
- Reason:** To ensure a satisfactory appearance to the development and to comply with policy CP12 of the Brighton & Hove City Plan Part One.
22. The development hereby permitted on Phase 1 shall not be commenced (other than demolition works and works to trees) until a detailed design and associated management and maintenance plan of surface water drainage for Phase 1 using sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design
- Reason:** To ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policy SU3 of the Brighton & Hove Local Plan.
23. The development hereby permitted on Phase 2 shall not be commenced (other than demolition works and works to trees) until a detailed design and associated management and maintenance plan of surface water drainage for Phase 2 using sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design
- Reason:** To ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policy SU3 of the Brighton & Hove Local Plan.

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

30. No music speakers are to be installed on the external terrace or amplified music played on the external terrace.  
**Reason:** To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton and Hove Local Plan.
31. Music or other audio equipment after 10.30pm, measured on the terrace of the flat above against the glazing line, should be no more than an average of 50db over 30 minutes. During the day, music from speakers as recorded on the terrace of the flat above against the glazing line should be no more than an average of 55db over 30 minutes.  
**Reason:** To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton and Hove Local Plan.
32. The sound insulation for glazing and ventilation throughout the development shall all be in accordance with the specification for Type B glazing set out in table 7.2 of the Noise Exposure Assessment produced by Ardent Consulting Engineers, Report Ref No. 173000-05, Project No. 173000 and dated May 2018. Details of the required mechanical ventilation shall be submitted to the Local Planning Authority and approved in writing prior to occupation.  
**Reason:** To safeguard the amenities of the future occupiers to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
33. All separating walls and floors between the residential units and commercial floorspace, plant rooms, recycling and refuse stores and vehicle and cycle parking areas shall be designed to achieve a sound insulation value of 5dB greater than that required by Approved Document E of the building regulations performance standard for airborne sound insulation for purpose built dwelling-houses and flats. Written details of the scheme, including calculations/specification of how this standard will be achieved, shall be submitted to and agreed by the Local Planning Authority prior to occupation.  
**Reason:** To safeguard the amenities of the future occupiers and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
34. No development above ground floor slab level of Phase 1 of the development hereby permitted shall take place until a scheme for the suitable treatment of all plant and machinery in Phase 1 against the transmission of sound and/or vibration has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the first occupation of the development and shall thereafter be retained as such  
**Reason:** To safeguard the amenities of the future occupiers of the development and adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
35. No development above ground floor slab level of Phase 2 of the development hereby permitted shall take place until a scheme for the suitable treatment of all plant and machinery in Phase 2 against the transmission of sound and/or vibration has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance

with the approved details prior to the first occupation of the development and shall thereafter be retained as such

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

36. Notwithstanding the plans submitted, within 6 months of the commencement of development of Phase 1 hereby permitted, a scheme for landscaping and external cycle store details shall be submitted to and approved in writing by the Local Planning Authority for the Phase 1 development. The approved landscaping scheme shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:

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

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

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

37. Notwithstanding the plans submitted, within 6 months of the commencement of development of Phase 2 hereby permitted, a scheme for landscaping and external cycle store details shall be submitted to and approved in writing by the Local Planning Authority for the Phase 2 development. The approved landscaping scheme shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:

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

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

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

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

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

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

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

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

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

**Reason:** To maximise the sustainable management of waste and to minimise the need for landfill capacity and to comply with policy WMP3d of the East

Sussex, South Downs and Brighton and Hove Waste and Minerals Local Plan.

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

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

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

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

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

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

44. The Phase 1 development hereby permitted shall not be occupied until a scheme for the fitting of odour control equipment to the building has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the first occupation of Phase 1 and shall thereafter be retained as such.

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

45. The Phase 2 development hereby permitted shall not be first occupied until a scheme for the fitting of odour control equipment to the building has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the first occupation of Phase 2 and shall thereafter be retained as such.

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

46. The Phase 1 development hereby permitted shall not exceed ground floor slab level until a written scheme has been submitted to the local planning authority for approval which demonstrates how and where ventilation will be provided to each flat within the development including specifics of where the clean air is drawn from and that sufficient acoustic protection is built into the system to protect end users of the development. The approved scheme shall ensure compliance with Building Regulations as well as suitable protection in terms of air quality and shall be implemented before to occupation and thereafter retained.

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

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

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

**Reason:** To ensure that the development is sustainable and makes efficient use of energy to comply with policies CP8 and DA4 of the Brighton & Hove City Plan Part One.

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

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

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

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

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

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

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

50. Within 6 months of the commencement of development of Phase 1, a scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration in respect of the Phase 1 development shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the first occupation of Phase 1 and shall thereafter be retained as such.

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

51. Within 6 months of the commencement of development of Phase 2, a scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration in respect of the Phase 2 development shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the first occupation of Phase 2 and shall thereafter be retained as such.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The above works must be implemented prior to the occupation of the building and thereafter be maintained as such.

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

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

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

The above works must be implemented prior to the occupation of the building and thereafter be maintained as such.

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

59. Notwithstanding the plans hereby permitted, prior to first occupation of Phase 1 the development details of secure and safe cycle parking facilities and access for the occupants of, and visitors to, the development shall have been

submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of Phase 1 and shall thereafter be retained for use at all times.

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

60. Notwithstanding the plans hereby permitted, prior to first occupation of Phase 2 the development details of secure and safe cycle parking facilities and access for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of Phase 2 and shall thereafter be retained for use at all times.

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

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

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

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

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

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

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

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

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

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

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

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

66. Notwithstanding the approved plans, the vehicle parking areas in the basement of Phase 1 shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the residential development/commercial floorspace in Phases 1 hereby approved. No parking, waiting or loading shall take place in the external areas of the street except for the purposes of delivering and servicing the development.

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

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

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

68. All approved hard surfaces shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

**Reason:** To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policies CP8 & CP11 of the Brighton & Hove City Plan Part One.

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

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

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

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

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

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

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

consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.

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

73. No development above ground floor slab level of any part of the development hereby permitted shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved details.

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

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

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

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

75. The stands in Phase 3 and 4 of the development shall not exceed the following heights in each of the following positions within the site:

- a) The terrace in Phase 3 shall not exceed 5 metres in height
- b) The terrace in Phase 4 shall not exceed 5.5 metres in height

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

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

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

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

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

**Reason:** To maximise the sustainable management of waste and to minimise the need for landfill capacity and to comply with policy WMP3d of the East

Sussex, South Downs and Brighton and Hove Waste and Minerals Local Plan.

78.

- (1) No works pursuant to this permission in respect of Phases 3 and 4 shall commence until there has been submitted to and approved in writing by the Local Planning Authority:
  - (a) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS 10175:2011+A1:2013; And if notified in writing by the Local Planning Authority that the results of the site investigation are such that site remediation is required then,
  - (b) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such a scheme shall include nomination of a competent person to oversee the implementation of the works.
- (2) The development hereby permitted shall not be occupied or brought into use until there has been submitted to, and approved in writing by, the Local Planning Authority a written verification report by a competent person approved under the provisions of condition (1)c that any remediation scheme required and approved under the provisions of condition (1)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority the verification report shall comprise:
  - a) built drawings of the implemented scheme;
  - b) photographs of the remediation works in progress;
  - c) certificates demonstrating that imported and/or material left in situ is free from contamination.

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

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

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

80. Prior to the occupation of Phase 3 and Phase 4, a Noise and Site Management Plan for each respective Phase shall be submitted to and approved in writing by the Local Planning Authority, which shall include:

- restrictions on plant and equipment operation
- restrictions on events and the use of amplified music or public address systems (within the buildings and the open space)
- restrictions on the fire alarm and the life safety plant testing
- the opening times of the café/restaurant
- details of the management and monitoring of the open space when open and closed, and
- How people will be managed and removed from the open space at closing times.

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

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

81. Prior to the commencement of Phase 3 and 4, a scheme in respect of the following matters will be submitted in respect to Phase 3 and 4:

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

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

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

82. Phases 3 and 4 of the development shall not be occupied until a Delivery & Service Management Plan, which includes details of the types of vehicles, how deliveries servicing and refuse collection will take place and the frequency of those vehicle movements has been submitted to and approved in writing by the Local Planning Authority. All deliveries servicing and refuse collection shall thereafter be carried out in accordance with the approved plan.

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

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant should be aware that whilst the requisite planning permission may be granted, should any complaints be received with regards to noise, dust, odour or smoke, this does not preclude this department from carrying out an investigation under the provisions of the Environmental Protection Act 1990.
3. The Highway Authority would look for the number of fully accessible disabled bays designed in full accordance with the Department for Transport Traffic Advisory Leaflet 5/95, Parking for Disabled People, which requires a 1.2m clear zone either side of a bay, to be maximised.
4. The applicant is advised that details of the BREEAM assessment tools and a list of approved assessors can be obtained from the BREEAM websites ([www.breeam.org](http://www.breeam.org))
5. The water efficiency standard required is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.
6. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
7. The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting birds, their nests and eggs is a criminal offence. The nesting season is normally taken as being from 1st March - 30th September. The developer should take appropriate steps to ensure nesting birds, their nests and eggs are not disturbed and are protected until such time as they have left the nest.

8. The applicant is reminded that all species of bats are fully protected under the Wildlife and Countryside Act 1981, as amended, and the Conservation of Habitats and Species Regulations 2010, making them European Protected Species. Ivy on trees offers a potential bat roost feature, and as such, any ivy clad trees should be assessed for their bat roost potential prior to felling. If they are assessed as having moderate to high potential for bats, further surveys will be required to inform appropriate mitigation, which may include the need for a European Protected Species licence.
9. The applicant is advised that this planning permission does not override the need to obtain a licence under the Licensing Act 2003. Please contact the Council's Licensing team for further information. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton BN1 1JP (telephone: 01273 294429, email: [ehl.safety@brighton-hove.gov.uk](mailto:ehl.safety@brighton-hove.gov.uk), website: [www.brighton-hove.gov.uk/licensing](http://www.brighton-hove.gov.uk/licensing)).
10. The applicant is advised that the scheme required to be submitted in respect of restricting car parking permits should include the registered address of the completed development; an invitation to the Council as Highway Authority (copied to the Council's Parking Team) to amend the Traffic Regulation Order; and details of arrangements to notify potential purchasers, purchasers and occupiers of the restrictions upon the issuing of resident parking permits.

## **2. SITE LOCATION**

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

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

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

### **3. APPLICATION DESCRIPTION**

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

#### Phase 1 (full):

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

#### Phase 2 (full):

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

#### Phase 3 (outline):

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

#### Phase 4 (outline):

- 3.5. New seating upgrades to the south east corner of the site.
- 3.6. In terms of phases 3 and 4 only access is to be agreed at outline stage, all other matters are reserved for subsequent approval.

#### Vehicle and Cycle Parking Provision

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

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

#### **4. RELEVANT HISTORY**

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

3.5. This application was approved 10 May 2018.

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

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

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

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

#### **Pre-Application Discussions:**

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

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

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

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

#### **Applicants' Public Consultation Exercise**

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

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

## 5. REPRESENTATIONS

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

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

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

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

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

## 6. EXTERNAL CONSULTATIONS

### 6.1. **Daylight/Sunlight:** Comments

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

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

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

6.11. **County Ecologist:** Comment

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

6.12. **Environment Agency:**

No response

6.13. **Southern Water:** Comment

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

6.14. **Sports England:** Comment

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

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

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

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

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

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

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

## **7. INTERNAL CONSULTATIONS**

### **7.1. Air Quality:**

- The proposal's traffic productions will need to be agreed with the Highways authority.
- 7.2. Until there is consensus on traffic productions you should not carry out a detailed air quality assessment. In this case it is possible that weekday traffic additions to the AQMA can be screened out and a detailed air quality assessment is not required.
- 7.3. There are no sensitive receptors for NO<sub>2</sub> in the vicinity of the site which has air quality slightly above urban background. The nearest monitor-receptors offsite are located adjacent with:
- Western Road
  - Sackville Road North
  - Seven Dials and Terminus Road
  - New England Road and the far east of Old Shoreham Road
  - Wellington Road, Portslade
- 7.4. This is where we are interested in potential NO<sub>2</sub> contribution due to the development & cumulative. It will be unnecessary to assess additional receptors.
- 7.5. Based on these assumptions the submitted AQ assessment asserts negligible traffic emissions due to this proposal beyond 1km, for example the AQMA: New England Road and Wellington Road, Portslade.
- 7.6. The development proposes a large surface area of photovoltaic and pledges no Combined Heat and Power plant or biomass burner on site.

- 7.7. It does not say the development will be fully electric, so some form of gas boilers with emissions to air is likely.
- 7.8. The assessment is not likely to adversely impact on the AQMA, but we cannot be certain without independently approved 24-hour traffic productions.
- 7.9. It is recommended that any gas boilers are ultralow emission standard: <30 mg NO<sub>x</sub> per kWh.
- 7.10. Arboriculture:**  
A number of arboricultural documents have been submitted with the application, and this provides a generous level of information on the project itself, and on the methodologies proposed to enable long-term tree retention and protection throughout the demolition and construction process.
- 7.11. The two prominent elm trees (T1 and T2) located along the site frontage from Eaton Road, which form part of a wider arboricultural feature of mature street trees along Eaton Road itself, are likely to be the most significantly affected. However, the careful demolition of existing structures and surfaces combined with the construction methodologies set out within the submitted details should successfully mitigate any potential for permanent or irreversible damage to the rooting environments of these trees; particularly that of T1.
- 7.12. A number of arboricultural documents have been submitted with the application, and this provides a generous level of information on the project itself, and on the methodologies proposed to enable long-term tree retention and protection throughout the demolition and construction process.
- 7.13. The arboricultural details of Phases 3 and 4 are limited to a site wide tree survey, and so additional information will be required by way of a planning condition for these aspects of this hybrid application.
- 7.14. It is encouraging to see that the proposals incorporate a significant amount of manual excavations prior to major site clearance, to ascertain the numbers, sizes, and significance of any roots present within the construction footprint. This will allow for ongoing and pro-active management of the tree stock whilst meeting the demands of the project, and this meets the general recommendation principles set out in British Standard BS5837:2012 'Trees in relation to design, demolition and construction – Recommendations'.
- 7.15. In terms of the impact on existing trees, the belt of specimens along the western flank of Phase 1 will be safeguarded through the erection of protective fencing and the placement of temporary ground protection. The combination of these should allow for successful retention if the recommendations made within the submitted arboricultural impact assessment and method statements are followed in full.
- 7.16. The two prominent elm trees (T1 and T2) located along the site frontage from Eaton Road, which form part of a wider arboricultural feature of mature street

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

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

**7.18. Artistic Component:**

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

Type of contribution

7.19. To safeguard the implementation of these policies, it is important that instances in which approval/sign off from the council is needed is clearly identified and secured.

7.20. Commissioning and installation of an Artistic Component based on GIA 7,420 sqm overall to the value of £38,600 within the development in public view or in the immediate vicinity of the site. This could comprise an 'uplift' in the value of public realm provision to incorporate an artistic component.

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

**7.22. Economic Development:**

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

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

**7.24. Education:**

Contribution sought of £48,954.60.

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

**7.26. Environmental Health:**

Land Contamination:

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

Noise:

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

7.28. **Heritage:**

Initial comments:

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

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

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

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

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

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

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

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

7.50. **Housing Strategy:**

The city-wide Housing Strategy adopted by Council in March 2015 has as **Priority 1: Improving Housing Supply**, with a commitment to prioritise support for new housing development that delivers a housing mix the city needs with a particular emphasis on family homes for affordable rent. The council has an Affordable Housing Brief based on evidenced housing needs in the city. Housing will work positively with developers to answer housing need.

7.51. Brighton and Hove is a growing city with 290,395 people with the population due to increase to 311,500 by 2030. Our affordable housing brief reflects the very pressing need for affordable homes in the city. With half of all households in the city earning less than £29,100 per annum, the city's private sector housing is unaffordable for many local residents.

7.52. CP20 requires 40% of properties to be developed as affordable housing on site in schemes of more than 15 dwellings. Developers are required to prove where it is not viable for them to meet this policy provision. Offsite provision via a commuted sum payment is considered in schemes with exceptional circumstances.

7.53. In terms of need for affordable rented accommodation in the city: We have 9,100 people listed on the joint housing register - 75% of whom are in demonstrable need - Bands A to C [as of December 2019]. We also had 1,772 households in Temporary Accommodation [as of Dec 2019].

7.54. Viability of a scheme is an agreed reason for reviewing the affordable housing provision when confirmed by an independent assessment commissioned by the council. The viability at this scheme over the four phases has assessed it was unable to provide any affordable housing. An independent assessment completed by the council, however, concluded that an affordable housing contribution (32%) could be provided by looking at phase 1 in isolation.

7.55. After negotiation between the applicant and Planning it was agreed that 50% of this amount is provided through a commuted sum payment of £893,000 towards the provision of affordable housing off site and the remaining 50% being used to facilitate the later phases of development.

7.56. This is a 16% affordable housing provision. Whilst this could be seen as disappointing in the context of the council's 40% policy requirement, this also needs to be considered in the light of the outcome of the independent viability assessment conducted by the council, and the council successfully agreeing an affordable housing contribution through looking at phase 1 in isolation.

7.57. Whilst onsite provision is always preferred, a commuted sum is a policy compliant alternative in exceptional circumstances which include non-viability and the absence of a Registered Provider purchaser. The rationale for a commuted sum at this scheme is it would prove difficult to attract Registered

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

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

**7.59. Open Space:**

Contributions towards open space:

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

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

**7.60. Planning Policy:**

As originally submitted:

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

- 7.61. The provision of new business floorspace is supported by Local Plan Policy EM4. Further information regarding how the existing B class floorspace is used and what is envisaged for the replacement, for example whether the whole space is intended for use by the Cricket Club or whether it will be marketed to third parties, and the intended balance between B1 and D1.
- 7.62. The demolition and replacement of the public house meets the criteria in Local Plan Policy HO20 and is acceptable in principle, careful consideration should be given to the design and layout of the replacement to ensure its attractiveness as a focus for the local community and viability as a standalone venue throughout the year, rather than focussing solely on serving large crowds during events at the cricket ground.

Improvements to Spectator Facilities at the Cricket Ground:

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

Waste Management:

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

Additional comments – January 2020:

- 7.68. A revised affordable housing offer has been proposed by the applicant which has been subjected to an independent viability assessment. The proposed affordable housing offer is considered to be acceptable.
- 7.69. **Private Sector Housing:**  
No comment
- 7.70. **Sustainable Transport: Comments**  
The Local Planning Authority appointed an external expert transport consultancy (RGP) to support the assessment of the developer’s scheme, due to exceptional resource capacity issues within the Local Highway Authority during the summer 2019. The Local Highway Authority has

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

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

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

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

#### **Sustainable Urban Drainage:**

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

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

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

7.78. Maintenance schedule is acceptable.

### **8. MATERIAL CONSIDERATIONS**

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

8.2. The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016)

- Brighton & Hove Local Plan 2005 (retained policies March 2016);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
- East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only - site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- Shoreham Harbour Joint Area Action Plan (adopted Oct 2019)

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

## 9. POLICIES

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP2	Sustainable economic development
CP3	Employment land
CP5	Culture and tourism
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP13	Public streets and spaces
CP14	Housing density
CP15	Heritage
CP16	Open space
CP17	Sports provision
CP18	Healthy city
CP19	Housing mix
CP20	Affordable housing

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

TR4	Travel plans
TR7	Safe Development
TR12	Helping the independent movement of children
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD5	Design - street frontages
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection
QD25	External lighting

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

#### Supplementary Planning Guidance

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

#### Supplementary Planning Documents:

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

#### Further Guidance:

Affordable Housing Brief (December 2016)

Developer Contributions Technical Guidance (March 2017).

## **10. CONSIDERATIONS**

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

#### **Development Proposal:**

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

#### Phase 1:

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

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

Phase 2:

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

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

Phase 3:

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

Phase 4:

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

**The Principle of Development:**

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

Sports Facilities:

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

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

Design & Appearance:

- 10.29. National and local policies seek to secure good quality design that respects the characteristics of the site and its surroundings. City Plan Part 1, Policy CP12 sets out the design objectives for development, including raising the standard of architecture and design in the City and establishing a strong sense of place by respecting the diverse character and urban grain of the City’s identified neighbourhoods (which is set out in the Urban Characterisation Study 2009).
- 10.30. Saved Policy QD15; City Plan Part One Policies CP12, CP14, and CP16 and emerging City Plan Part Two Policy DM18 and DM22 seek to deliver quality developments, raise the standard of architecture and design in the City and establishing a strong sense of place by respecting the diverse character and urban grain where landscape is an integral part of the design.
- 10.31. Policy CP12 on Urban Design in particular sets that development should hit certain criteria. The keys points are set out below:
- Raise the standard of architecture and design in the city;
  - Establish a strong sense of place by respecting the diverse character and urban grain of the city’s identified neighbourhoods;
  - Achieve excellence in sustainable building design and construction;
  - Conserve or enhance the city’s built and archaeological heritage and its settings;
  - Protect or enhance strategic views into, out of and within the city;
  - Be inclusive,
  - adaptable and accessible:
  - Ensure that the design of the external spaces is an integral element of the overall design approach, in a manner which provides a legible distinction between public and private realm;

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

Heritage:

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

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

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

#### **Phase 1 – Consideration of the Detailed Proposals:**

##### **Design & Appearance:**

- 10.39. The Phase 1 development proposes the demolition of the existing public house and dwelling on the site and proposes a building that would rise from 3 storeys at the north end of the structure to 9 storeys on the frontage with Eaton Road.
- 10.40. SPG15 Tall Buildings classifies buildings over 18 metres (6 storey) as a tall building. The SPG does encourage tall buildings in either corridors or nodes. The application site is not located in either a tall building corridor or node, however, the immediate context in which the application site is located is also a consideration. Guidance contained in SPG15 does require all new tall buildings to be of a high quality of design, such that they can make a positive contribution to the city's urban form and skyline, support the city's continued regeneration, and are generally well received. The council will expect very tall

developments in particular to be, at least in part, accessible to the public. All tall buildings must be integrated into the public realm, be responsive to environmental conditions and embrace principles of sustainability. A full visual assessment is required to enable a full appreciation of the likely resultant townscape. It states that 'In general new tall buildings in Brighton and Hove should not be within conservation areas, nor should they visually impinge on the setting of/or important views of listed buildings or conservation areas. Tall building proposals within conservation areas or affecting the setting of listed buildings or conservation areas or registered historic parks and gardens will only be approved if applicants can demonstrate, through a conservation impact assessment, that the surrounding area's character or appearance or the setting of any listed building or historic park or garden will be preserved or enhanced.'

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

Impact on Heritage Assets & Conservation Areas:

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

Impact on neighbouring amenity:

- 10.51. Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing

and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

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

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

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

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

Housing Provision:

- 10.63. The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually.
- 10.64. The Council's most recent housing land supply position is published in the SHLAA Update 2018 (February 2019). The figures presented in the SHLAA reflect the results of the Government's 2018 Housing Delivery Test which was published in February 2019. The Housing Delivery Test shows that housing delivery in Brighton & Hove over the past three years (2015-2018) has totalled only 77% of the City Plan annualised housing target. Since housing delivery has been below 85%, the NPPF requires that a 20% buffer is applied to the five year housing supply figures. This results in a five year housing shortfall of 576 net dwellings (4.5 years supply).
- 10.65. In this situation, when considering the planning balance in the determination of planning applications, increased weight should be given to housing delivery in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 10.66. The scheme proposes a net increase of 36 residential units and subject to the consideration of other Development Plan Policies and the NPPF taken as a whole, it is considered that the uplift would represent an efficient use of the site. The NPPF at paragraph 123 indicates that "where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of site." At the same time the NPPF advises that local planning authorities should refuse applications that fail to make efficient use of land and support a flexible approach in the application of policies or guidance where they would otherwise inhibit making efficient use of a site.

Affordable Housing:

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

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

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

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

- 10.72. The affordable housing contribution would result in a 50:50 split with £892,983 being supplied as an offsite payment contribution to affordable housing and £892,983 being held back to contribute to the delivery of Phase 2, 3 and 4.
- 10.73. This approach is subject to agreement to a number of conditions, as follows:
- Include provision for Review to confirm costs/sales
  - Best endeavours to secure maximum Grant Funding from England and Wales Cricket Board, other suitable funding sources and direct fund raising activities for the delivery of Phases 2-4.
  - If Sussex County Cricket Club is successful in obtaining sufficient grant or other funding to meet the costs of Phase 2-4 in full or part, a mechanism will be incorporated to redistribute the affordable housing sum assessed in Phase 1 to the Council
  - A requirement to pay a sum equivalent to the funding generated through Phase 1 (£892,983) to support the cost of Phases 2-4 if construction does not commence on Phase 2 before a set deadline (to be agreed)
  - Upon completion of the building works of all of the Phases 2-4, to finally review the costs against the surplus funds from Phase 1, the S106 commuted sum to spend on delivery of Phases 2, 3 & 4 and any grant or other funding raised or secured from the England and Wales Cricket Board or others
  - The council to covenant to apply any affordable housing payment to the provision of affordable housing.
  - The S106 will hold regular monitoring meetings with Sussex County Cricket Club to receive updates from them on their progress with grant applications and other fund raising activities

Housing Mix:

- 10.74. Brighton & Hove City Plan Policy CP19 relates to housing mix and seeks to improve housing choice and ensure that an appropriate mix of housing (in terms of housing type, size and tenure) is achieved across the city. Schemes should demonstrate that proposals have had regard to housing mix considerations and have been informed by local assessments of housing demand and need.
- 10.75. The scheme would provide the following housing mix:
- 1 bed: 12 units (32%)
  - 2 bed: 16 units (43%)
  - 3 beds: 8 units (22%)
  - 4 beds: 1 unit (3%)

- 10.76. Policy CP19 does not set specific requirements for housing mix, but expects developments to provide an appropriate mix of housing type, size and tenure informed by local assessments of housing demand and need, whilst having regard to the characteristics of existing neighbourhoods and communities. Compared to the overall pattern of need/demand across the city set out in CPP1 (para 4.213) the proposed mix is strongly focused towards smaller 1 and 2 bed units.
- 10.77. Whilst the proposed housing mix, which is overly skewed towards smaller dwellings weighs against the scheme when the proposal is assessed in its totality, with the significant benefits of the housing units being provided and consideration of the viability of this specific scheme which would be compromised further with a higher percentage of larger units it is not considered to be so significant as to warrant refusal of the scheme on this basis.

#### Standard of Accommodation

- 10.78. Whilst the Local Planning Authority does not have adopted space standards, for comparative purposes the Government's Technical Housing Standards – National Described Space Standards March 2015 document sets out recommended space standards for new dwellings and can be used as a benchmark for an acceptable level of living space for future occupiers. The application drawings demonstrate the Gross Internal Space provision for each flat would be provided within the following ranges as set out in the National Described Technical Space Standards:

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

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

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

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

Open Space:

- 10.86. Policy CP16 on Open Space sets out a number of key criteria in respect of open space. Developments should optimise the provision of safe onsite public open space with good passive surveillance and accord with Biosphere Reserve principles and objectives. Where it is not practicable for all or part of the open space requirements to be provided on site, an appropriate alternative agreed provision and/or contribution towards off-site provision will be required.
- 10.87. The development would generate demand for all the open space typologies which cannot be accommodated on site and as such a full contribution has been sought in this instance.

Commercial Space:

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

Loss of the Public House:

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

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

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

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

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

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

## **Phase 2 – Consideration of the Detailed Proposals:**

### Design & Appearance:

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

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

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

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

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

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

Impact on Heritage Assets & Conservation Areas:

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

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

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

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

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

Impact on neighbouring amenity:

- 10.112. Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 10.113. The existing site plan shows that there is a separation distance of 40.6 metres between the current building that is part of Phase 2 and the rear wall of 44 Wilbury Road. Whilst the proposed Phase 2 block would bring the development closer, reducing the separation distance to 32.4 metres, it is similar in scale to the 2009 planning application. The BRE report that has assessed the application for the Local Planning Authority advises that the “loss of sunlight to the gardens of Saffron Gate and 44 and 46 Wilbury Road would be within the BRE guidelines. It is unlikely that the proposed development could cast a shadow on the cricket ground playing surface during the season. However the proposed grass lawn seating area abutting Phase 2 of the development is likely to be overshadowed by the Phase 1 buildings to the south for some of the day, at least.”
- 10.114. The proposal retains a sufficient separation and the existing tree planting will be retained on the west boundary of the site to provide appropriate screening so that the scheme does not result in an unacceptable loss of amenity that would warrant refusal of the application.

**Phase 3 & 4 – Consideration of the Outline Proposals:**

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

Design and Appearance

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

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

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

Impact on Heritage and Conservation Areas:

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

Impact on Amenity:

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

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

10.128. In terms of Phase 4, the proposed stand is shown to be approximately 5.5 metres in height and is shown to be located approximately 13 metres away from Ashdown to the south west of the site in the accompanying plans. Similar to phase 3, since the scale and siting of this element is reserved for future approval a condition is recommended ensuring that the heights and positioning are in accordance with this.

10.129. Whilst scale and siting is reserved for later approval, if the reserved matters scheme adhere to this siting and height, it is not considered that phases 3 or 4 of the proposal would have a detrimental impact on amenity subject to conditions securing the heights and positioning of the stands.

**Transport:**

10.130. 'Saved' Policies TR4, TR7 and TR18 and CPP1 Policy CP9 seeks to ensure that developments provide safe access and movement to and from a site for vehicles, pedestrian and cyclists and provide sufficient on-site parking. There are, however, situations where requirements for on-site provision of parking, for example, can be reduced particularly if the site is in a sustainable location and within walking distance of public transport.

10.131. The Transport Assessment submitted with the application indicates that the site is located within walking and cycling distance of many amenities with residents being able to access shopping, health and community facilities and some educational facilities within easy reach of the site.

10.132. The overall scheme proposes a total of 60 parking spaces consisting of 35 residential parking spaces, 8 commercial spaces, 4 visitor spaces within basement and 13 external visitor spaces at ground floor level. These will include a policy compliant number of wheelchair accessible spaces (designed to comply with Traffic Advisory Leaflet 9/95) and 12 spaces with EV charging points. The final layout and configuration of the spaces will be agreed in accordance with the recommended conditions.

10.133. In order to mitigate any potential overspill parking and delivery disruption from the residential development in Phase 1, the applicant has agreed to a condition to develop, implement and manage a Car Parking Management Plan for the development, which will seek to maximise the use of all of the available parking spaces provided throughout both the day and night.

10.134. A total of up to 84 cycle parking spaces are proposed at the site, which accords with Brighton and Hove City Council's minimum cycle parking standards (74 spaces required). The proposed provision comprises a mix of cycle parking forms at ground and basement level, which is welcomed. The applicant has also agreed to make appropriate locker and changing facilities available for employees working in the B1 use part of Phase 1 of the development. The actual configuration will be agreed in accordance with the

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

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

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

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

**Sustainability:**

10.142. City Plan policy CP8 requires that all developments incorporate sustainable design features to avoid expansion of the City's ecological footprint, radical reductions in greenhouse gas emissions and mitigate against and adapt to climate change. The policy specifies the residential energy and water efficiency standards required to be met, namely energy efficiency standards of 19% reduction in carbon emissions over Part L Building Regulations requirements 2013 and water efficiency standards of 110 litres per day and conditions are proposed to secure these standards. A further condition is

proposed to secure a BREEAM rating of excellent for the B1 office element of the scheme.

**Ecology:**

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

**Flood Risk:**

- 10.144. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SUDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development. This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development. The disposal of surface water from this development should be in compliance with the following hierarchy of Part H3 of Building Regulations: a) An adequate soakaway or some other adequate infiltration system. b) A water course. c) Where neither of the above is practicable: a sewer.

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

**Artistic Component:**

- 10.146. Contributions are sought from major schemes towards direct on-site provision by the developer as part of a scheme or in the immediate vicinity of the development. Policy CP7 Infrastructure and Developer Contributions seeks development to contribute towards necessary social, environmental

and physical infrastructure including artistic components secured as public art and public realm improvements.

- 10.147. The artistic component is calculated via a standard formula linked to the overall floorspace of the scheme and in this instance the value of the contribution is £38,600. This contribution is not a monetary payment to be sought by the council but rather an uplift to the quality of the scheme to the value of this amount and will be secured within the legal agreement.

**Conclusion & Planning Balance:**

- 10.148. Paragraph 11 of the NPPF makes it clear that planning application decisions should apply a presumption in favour of sustainable development. Furthermore, it sets out that where relevant development policies are out of date planning permission should be granted unless any adverse impacts on doing so would significantly and demonstrably outweigh the harm.
- 10.149. As noted above, the Council is currently unable to demonstrate a 5 year housing supply and as such the relevant planning policies relating to housing delivery are considered to be out-of-date and the tilted balance of paragraph 11 must be applied.
- 10.150. When assessing the scheme before us, in applying the planning balance, there are a number of factors which weigh both for and against the scheme.
- 10.151. The proposals will improve and upgrade the existing community, leisure and sporting facilities with new high quality facilities that will financially support the Club in the long term. Enhancing the current sporting facilities is supported by policies in the development plan.
- 10.152. The creation of additional residential units, all of which meet the Nationally Described Standards weighs in favour of the scheme. However, the proposed housing mix, which is skewed towards the smaller units and the deficiencies in the standard of accommodation in respect of sunlight and daylight provision to the residential units and the limited private amenity space to all of the units also weigh against the scheme. The impact on neighbouring amenity has been highlighted as another concern.
- 10.153. Furthermore, the comments from the LHA Transport Team in respect of outstanding transport matters relating to the scheme are noted. However, it is considered by officers, that the concerns can be mitigated and addressed through conditions and the s106 Head of Terms outlined in the report.
- 10.154. In favour of the scheme, the development has the potential to provide a significant investment in recreational provision for Brighton & Hove, increasing the options to retain the cricket ground for the local community which is in accordance with Policy CP17 of the Development Plan.
- 10.155. The proposed design is considered to be appropriate in the context of the higher density built form of the adjacent sites and the development is

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

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

## **11. EQUALITIES**

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

## **12. SECTION 106 HEADS OF TERMS:**

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

1. The proposed development fails provide a financial contribution towards the City Council's Local Employment Scheme to support local people to employment within the construction industry contrary to policy CP7 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
2. The proposed development fails to provide an Employment and Training Strategy specifying how the developer or their main contractors will provide opportunities for local people to gain employment or training on the construction phase of the proposed development contrary to policy CP7 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
3. The proposed development fails to provide a financial contribution towards the improvement and expansion of capacity of local schools required as a result of this proposed development contrary to policy CP7 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
4. The proposed development fails to provide a financial contribution towards the improvement and expansion of open space and recreation in the vicinity of the site required as a result of this proposed development contrary to policies, CP7 and CP16 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.

5. The proposed development fails to provide a financial contribution towards sustainable transport measures contrary to policies CP7 and CP9 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
6. The proposed development fails to provide a financial contribution towards off site sports provision contrary to policies CP16 and CP17 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
7. The proposed development fails to provide a financial contribution towards an onsite artistic component provision contrary to policies CP5, CP17 and CP3 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
8. The proposed development fails to provide a construction & Environmental Management Plan (CEMP) which is fundamental to the protection of amenity, highway safety and managing waste throughout development works and to comply with policies QD27, SU9, SU10 and TR7 of the Brighton & Hove Local Plan, policy CP8 of the Brighton & Hove City Plan Part One, and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03 Construction and Demolition Waste.
9. The proposed development fails to provide a Delivery & Service Management Plan which is fundamental to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with policies SU10, QD27 and TR7 of the Brighton & Hove Local Plan.

