

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

## **1. RECOMMENDATION**

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

### **Section 106 Head of Terms:**

#### **Build to Rent Housing:**

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

#### **Affordable housing:**

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

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

### Sustainable Transport Contribution

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

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

### S278 Highway Works

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

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

#### Other

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

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

### Travel Plans

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

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

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

#### Management Plans

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

#### Education

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

### **Public art**

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

### **Open space and recreation/sports:**

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

### **Employment:**

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

### **Care Community**

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

### **Phasing**

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

### **Conditions**

1. List of approved plans.



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

landscaping proposals to maximise the survival rate of replacement trees;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The minimum figures shall be as follows:

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

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

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

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

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

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

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

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

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

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

17. Prior to the first use/occupation of the development hereby approved a Waste & Recycling Management Plan, which includes, inter alia, details of the types of storage of waste and recycling, types of vehicles used to collect these materials, how collections will take place and the frequency of collections shall be submitted to and approved in writing by the Local Planning Authority. All waste, recycling and their storage and collection activities shall thereafter be carried out in accordance with the approved plan.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25. Prior to the commencement of development (other than demolition works and works to trees) evidence should be submitted to demonstrate that the energy



plant/room(s) have capacity to connect to a future district heat network in the area. Evidence should demonstrate the following:

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

**Reason:** To ensure that the development is sustainable and makes efficient use of energy to comply with policies DA6 and CP8 of the Brighton & Hove City Plan Part One.

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

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

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

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

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

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

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

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

30. No servicing (i.e. deliveries to or from the premises) to the retail unit (A1) hereby permitted shall occur except between the hours of 07.00 and 21.00 Monday to Saturday, and 09.00 to 17.00 on Sundays, Bank or Public Holidays.  
**Reason:** To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
31. All separating walls and floors between the residential units and commercial floorspace, plant rooms, recycling and refuse stores and vehicle and cycle parking areas shall be designed to achieve a sound insulation value of 5dB better than that required by Approved Document E of the building regulations performance standards for airborne and impact noise. Written details of the scheme, including calculations/specification of how this standard will be achieved, shall be submitted to and agreed by the Local Planning Authority prior to occupation.  
**Reason:** To safeguard the amenities of the future occupiers and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
32. No development parcel of the development hereby permitted containing either A3 or C2 uses with a commercial kitchen shall be first occupied until a scheme for the fitting of odour control equipment (to include the sound insulation of the odour control equipment) to the specific unit(s) has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the first occupation of the development and shall thereafter be retained as such.  
**Reason:** To safeguard the amenities of the occupiers of adjoining properties and to comply with policy QD27 of the Brighton & Hove Local Plan.
33. No development above ground floor slab level in any development parcel hereby permitted shall take place until a scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration for the development parcel has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the first occupation of the development and shall thereafter be retained as such.  
**Reason:** To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
34. No parcel of the development hereby permitted shall be first occupied until
- i) details of external lighting for that parcel, which shall include details of; levels of luminance, hours of use, siting, predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors, hours of operation and details of

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

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

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

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

35. The commercial element of the live/work units hereby permitted shall only be used for a use that would be compatible with Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) and no other purpose and shall be retained as such in perpetuity.

**Reason:** The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the supply of commercial floorspace in the city given the identified shortage and also to safeguard the amenities of the area and to comply with policies CP3 and DA6 of Brighton & Hove City Plan Part One and policy QD27 of the Brighton and Hove Local Plan.

36. No development, including demolition and excavation, shall commence until a Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved.

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

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

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

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

38.

- (1) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority:
  - (a) A desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS 10175:2011+A1:2013 - Investigation of Potentially Contaminated Sites - Code of Practice;  
And if notified in writing by the local planning authority that the desk top study identifies potentially contaminant linkages that require further investigation then,
  - (b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS 10175:2011+A1:2013;  
And if notified in writing by the local planning authority that the results of the site investigation are such that site remediation is required then,
  - (c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such a scheme shall include nomination of a competent person to oversee the implementation of the works.
- (2) The development hereby permitted shall not be occupied or brought into use until there has been submitted to, and approved in writing by, the local planning authority a written verification report by a competent person approved under the provisions of condition (1)c that any remediation scheme required and approved under the provisions of condition (1)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local

planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority the verification report shall comprise:

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

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

**Reason:** To safeguard the health of future residents or occupiers of the site from unidentified contamination and to ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution or risk to public health from previously unidentified contamination sources at the development site and to comply with policies and SU3 and SU11 of the Brighton & Hove Local Plan and the terms of paragraph 170 of the National Planning Policy Framework.

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

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

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

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

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

42. Prior to the first occupation of development parcel 01 hereby permitted a Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall set out how noise will be managed throughout the site, including details of the management of the communal external amenity spaces, including roof terraces, smoking arrangements for commercial operations and management of on-site events.

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

43. Prior to the first occupation of each development parcel (02a, 02b 02c, 03a and 03b) hereby permitted a Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall set out how noise will be managed throughout the site, including details of the management of the communal external amenity spaces, including roof terraces, smoking arrangements for commercial operations and management of on-site events.

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

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

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

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

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

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

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

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

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

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

47. The development hereby permitted shall not commence until a monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports to the local planning authority, has been submitted to, and approved in writing by, the local planning authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by, the local planning authority.

**Reason:** To ensure that the site does not pose any further risk to human health or the water environment by managing any ongoing contamination issues and completing all necessary long-term remediation measures. This is in line with paragraph 170 of the National Planning Policy Framework and to comply with policy SU3 of the Brighton & Hove Local Plan.

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

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

49. Piling using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

**Reason:** To ensure that the proposed development, does not harm groundwater resources in line with paragraph 170 of the National Planning Policy Framework and Position Statement of the 'The Environment Agency's approach to groundwater protection' and to comply with policy SU3 of the Brighton & Hove Local Plan.

50. A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the local planning authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that require retention post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation.

**Reason:** To ensure that the proposed development, does not harm groundwater resources in line with paragraph 170 of the National Planning Policy Framework and Position Statement of the 'The Environment Agency's



approach to groundwater protection' and to comply with policy SU3 of the Brighton & Hove Local Plan.

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

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

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

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

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

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

53. No development above ground floor slab for any development parcel shall take place until an example bay study showing full details of window(s) and their reveals and cills and the commercial ground floor frontages including 1:20 scale elevational drawings and sections for the development hereby permitted in that development parcel have been submitted to and approved

in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details for each parcel and shall be retained as such thereafter.

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

54. All boiler flues shall have vertical termination above roof.

**Reason:** To safeguard the amenities of the local residents and minimise air pollution and to comply with policies SU9 and QD27 of the Brighton & Hove Local Plan and policy CP8 of the Brighton & Hove City Plan Part One.

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

**Reason:** To safeguard the amenities of the local residents and minimise air pollution and to comply with policies SU9 and QD27 of the Brighton & Hove Local Plan and policy CP8 of the Brighton & Hove City Plan Part One.

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

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

57. Prior to occupation of any development parcel of the development hereby permitted a wind mitigation scheme within each development parcel outlining specific landscaping and screening to ensure a safe and comfortable use of the public realm and the external amenity areas shall be submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure the safety and amenity of future occupiers and comply with policy QD27 of the Brighton and Hove Local Plan.

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

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

59. The glazed frontages to the ground floor non-residential uses on Sackville Road shall be fitted with clear glass which shall be retained and kept unobstructed at all times.

**Reason:** To ensure an active frontage is maintained and to comply with policy CP12 of the Brighton and Hove City Plan Part One.

60. No development shall take place (other than demolition, site clearance and tree works) until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policy HE12 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

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

**Reason:** To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policy HE12 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

#### Informatives.

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

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

Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or [www.southernwater.co.uk](http://www.southernwater.co.uk)

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

## **2. SITE LOCATION & APPLICATION DESCRIPTION**

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

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

### 3. **RELEVANT HISTORY**

#### Pre-Application History and Design South East Review Panel:

#### 3.1. Prior to Current application

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

#### Member's Pre-Application Response – November 2019

#### 3.2. Planning Policy

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

#### 3.3. Design / massing / townscape / Heritage

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

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

#### 3.4. Amenity

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

#### 3.5. Transport

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

#### 3.6. Affordable Housing

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

#### 3.7. Other Issues

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

#### 3.8. Pre-app Prior to application BH2018/03697

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

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

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

- 3.10. The current joint applicant Moda Living Ltd became involved late in 2017 with a new design team. A new scheme was presented to the design review panel in August 2018 which included 625 built to rent residential units, a 275 home care community and 4200sqm of office floor space and some retail, community uses.
- 3.11. A summary of the Design Review is set out below.  
This proposal has the potential to create a vibrant new neighbourhood, and many positive steps have been taken so far to achieve this. The mix of uses, including Build to Rent apartments, a care community, co-working space and crèche, could help create active and diverse public/communal spaces. However, the success of the scheme will depend to a large degree on how well it can connect to the surrounding area, and key issues relating to this remain unresolved. Clear east/ west connections towards Hove station must be achieved, and providing the necessary links should focus on creating pedestrian and cycle access to Newtown Road, rather than the construction of a pedestrian bridge over the railway. Providing these connections will depend on surrounding land owners, and a masterplan should be produced to show how in the long term neighbouring sites to the north and east could be developed, ensuring wider connectivity.
- 3.12. Across the site, a clearer hierarchy of public and private spaces should be established, and a sustainable drainage strategy incorporated. The way the scheme addresses Sackville Road requires further consideration, to create a more typical city street condition that better relates to the Victorian houses and other buildings opposite.
- 3.13. The introduction of a care community to establish cross-generational living could be a strength, but this use should be better integrated into the wider scheme. Within the residential part of the care community, the length of access corridors is a particular concern. The character is largely anonymous, and this requires addressing. The proportion of single aspect units is also problematic.
- 3.14. The lack of architectural propositions makes specific comments about the heights and the distribution of massing challenging. A further design review at a later stage to look at these issues more specifically would be invaluable.
- 3.15. The scheme continued to be revised, with the quantum of development slightly reduced overall up until the original submission at the end of 2018.

Councillor pre-app presentation feedback in August 2018



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

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

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

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

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

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

#### **4. REPRESENTATIONS**

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

##### Design / Appearance

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

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

#### Amenity

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

#### Transport

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

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

#### Housing

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

#### Other considerations

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

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

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

## 5. CONSULTATIONS

### External

#### 5.1. **County Archaeologist: Comment**

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

- 5.2. The archaeological potential has been considered in detail in a comprehensive *Archaeological Desk Based Assessment* submitted as part of this application. This has concluded that the site has a high potential for the 19<sup>th</sup> century and later, a moderate potential for the prehistoric and Roman periods, and a low potential for the Anglo-Saxon, medieval and earlier post-medieval periods. We concur with this assessment.
- 5.3. In the light of the potential for impacts to heritage assets with archaeological interest resulting from the proposed development, the area affected by the proposals should be the subject of a *programme of archaeological works*. This will enable any archaeological deposits and features that would be disturbed by the proposed works, to be either preserved *in situ* or, where this cannot be achieved, adequately recorded in advance of their loss. These recommendations are in line with the requirements given in the NPPF (the Government’s planning policies for England):

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



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

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

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

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

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

5.26. **Southern Water:** Comment

Southern Water has recently undertaken more detailed network modelling as part of a network growth review. The results of this assessment to our current modelling procedures and criteria, indicates that the additional foul sewerage flows from the proposed development will not increase the risk of flooding in the existing public sewerage network. Southern Water can hence facilitate foul sewerage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant.

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

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

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

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

**Impact on Surrounding properties**

Comments from original application BH2018/03697

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

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

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

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

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

Comments on current scheme in comparison to originally submitted scheme

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

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

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

**Comments on BTR units**

Original scheme – BH2018/03697

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

Current scheme

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

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

### **Comments on the Care Community**

#### Daylight in care community (current scheme)

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

#### Sunlight to rooms in care community (current scheme)

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

#### **Sun on ground**

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

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

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

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

Development Viability

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

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

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

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

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

Conclusion

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



- 5.64. Therefore the scheme cannot at present viably provide Affordable Housing. While I do not agree with some alterations to costs, and have adopted a discussed, but amended (from Turley's FVA) Gross Development Value (GDV) for the BTR scheme, overall I have reached the same conclusion on viability as Turley, that the current scheme cannot viably provide any Affordable Housing.
- 5.65. Consideration should be given to whether a review mechanism should be included within the S.106 agreement to review the various inputs at a later date to see if the property could viably provide a contribution to Affordable Housing.
- 5.66. A number of inputs in the appraisal could have significant impacts on the viability and should elements of the scheme change the viability situation should be reassessed.
- 5.67. Were the scheme to be assessed as two separate schemes, my conclusion on viability is likely to be different. The Care Community portion of the site essentially cross-subsidises the BTR element as the high sales values and lack of Affordable Housing mean the profit levels of this element are significantly more than what would be considered the minimum requirement. This is offset against the BTR element of the scheme which when considered independently from the Care Community, does not exceed the minimum required level of developer's profit. However, I am obliged to consider the planning application as a whole and this is how I have drawn my conclusions.
- 5.68. **Wind Microclimate Assessment (RWDI Consulting): Comment Response on application BH2019/03697**  
The wind microclimate assessment is based on physical scale-model testing of the proposed development in BMT's boundary-layer wind tunnel. Several test configurations have been analysed and presented in the report, specifically: the existing site, the proposed development in existing context (both with and without mitigation) and the proposed development in the context of future surrounding buildings (with mitigation).
- 5.69. The data from the wind tunnel has been combined with historical weather data for the region (corrected for local terrain), and classified according to the Lawson Comfort Criteria. Recommendations for mitigation measures have been made based on BMT's interpretation of the assessment results, which are detailed in their report.
- 5.70. Could BMT please elaborate on the implication of these exceedances for occupants/users of the proposed development. Please could they also

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

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

Comments on revised application

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

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

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

#### **Internal Consultees**

- 5.81. **Air Quality:** Comment  
Sustainable Transport commitments are set out in the Transport Assessment. Local air quality is a material consideration for the planning process (and is addressed here). For Hove and Goldstone areas, ambient air quality is well within national limits and complies with the Air Quality Assessment Levels (AQAL) for nitrogen dioxide (NO<sub>2</sub>) and particulate matter (PM). In recent years air quality has improved in the area.
- 5.82. Given Major developments size and potential to introduce road traffic emissions to an Air Quality Management Area (AQMA), emissions contributions have been assessed.
- 5.83. The contribution of road traffic emissions to Sackville Road (north) has been considered. As residential quarters are set back from the kerb, road traffic emissions are not deemed to be significant at this location. At diffusion tube monitor West 21, NO<sub>2</sub> levels have been recorded at < 40 µg/m<sup>3</sup> (AQAL) for more than two years. Other roadside monitoring sites in the City Centre or Portslade that recently recorded exceedance of the AQAL are more than 2km from the site. Traffic travelling to and from the site is likely to disperse before it reaches these AQMAs.
- 5.84. The proposed accommodation is to be set back from Sackville Road by at least six metres.

- 5.85. Based on the traffic generation figures provided, the air quality consultant predicts that the developments contribution of NO<sub>2</sub> along the Sackville Road part of the AQMA is negligible. Given the improvement in recent years this is likely to remain the case. Additional vehicle movement are not significantly different from the previously agreed plan. The new proposal reduces the number of residential units.
- 5.86. The Sussex air and mitigation guidance encourages developers to improve the existing environment and air quality by mitigated the cost burden of local road traffic emissions. For example:
- EV recharging infrastructure within the development (wall mounted or free standing in-garage or off-street points)
  - Car club provision or support to local car club/eV car club;
  - Designation of parking spaces for low emission vehicles;
  - Differential parking charges depending on vehicle emissions;
  - Use of ultra-low emission service vehicles;
  - Support local walking and cycling initiatives;
  - On-street EV recharging;
  - Contribution to low emission vehicle refuelling infrastructure;
  - Low emission bus service provision or waste collection services;
  - Bike/e-bike hire schemes;
  - Contribution to renewable fuel and energy generation projects;
  - Incentives for the take-up of low emission technologies and fuels.
- 5.87. It is noted that the developer contributions include provision for sustainable travel; cycling, walking and car club. To mitigate future road traffic emissions electromotive infrastructure in the year of operation shall at least meet the minimum standards set out in BHCC, SPD14 (2016). This action supports SU9. It is noted that the sustainable transport contributions does not offer match funding to further progress a low emission bus fleet.
- 5.88. Any changes to the Highway or bus stops shall not shift the carriageway kerb closer to building structures and residential dwellings, thereby reducing the distance for dispersion of emissions.
- 5.89. **Arboriculture: Comment**  
The Team reiterate their response from application BH2018/03697  
 The proposed development site is a large area of retail and industrial land, the vast majority is of hard surfacing and this has left little room for planting. The most prominent is upon the western boundary including a large area of hedging and trees above a high retaining wall, an important line of street trees, and some rowan trees to the north-west boundary. The two most prominent trees along this section are to be retained and this is to be welcomed.

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

Comments on revisions to BH2018/03697

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

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

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

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

- 5.102. This is arrived at after the internal gross area of the development (in this instance approximately 79,950 sqm) is multiplied by a baseline value per square metre of construction arrived at from past records of Artistic Component contributions for this type of development in this area. This includes average construction values taking into account relative infrastructure costs.
- 5.103. It is suggested that the Artistic Component element for this application is to the value of £450,000. It is recommended that an overall Artistic Component Strategy is sought allowing phased delivery of the Artistic Component elements where required which should consider consistent principles across the whole site.
- 5.104. **City Clean:** No objection
- 5.105. **Economic Development:** comment  
City Regeneration welcomes the:
- uplift in provision of B1 floorspace which will deliver more than the Council's minimum expectation of 5,080 sqm
  - the increased focus on employment generation on-site.
- 5.106. City Regeneration therefore welcomes this application in principle and the considerable economic benefits the redevelopment of this site will bring to the City but would have preferred to see no net loss of overall commercial floor space on the site.
- 5.107. Sackville Trading Estate is located to the south of Old Shoreham Road / A270, off Sackville Road. Local accessibility is good with a number of bus stops nearby and it is within close proximity to Hove railway station and the A23 providing quick access to London and the South East and by road Gatwick Airport is within 30 minutes' drive, opening up routes to Europe and a number of long haul destinations for freight and leisure travel.
- 5.108. The City Plan strategic allocations for the Hove Station Area, is to enable its development as a *mixed-use area focussed on employment*.

Existing Employment Floorspace

- 5.109. In City Plan Part 1 (footnote 75 on page 76) the floorspace totals 10,160 sqm and says 'Sackville Trading Estate is indicated to be 5,080m<sup>2</sup> B uses and 5,080m<sup>2</sup> restricted A1 retail within the planning report for BH2009/00761'

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

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

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

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

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

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

#### Proposed Employment Floorspace

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

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

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



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

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

#### Future Employment Land Requirements

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

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

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

- 5.126. There is currently limited land for new industrial development, with this having a detrimental impact on business growth, with almost no industrial development likely to take place in 2018. Demand remains strong despite the lack of stock, with an increasing number of enquiries for freehold buildings of all sizes and leasehold units particularly in the 350 – 1,000m<sup>2</sup> range.
- 5.127. The Industrial Estates Audit demonstrates that industrial units are still a valued proposition. The Audit states 'Brighton & Hove continues to prove an attractive location for a number of businesses although there is limited scope for existing companies or sites for new development. In the first six months of 2017, Brighton & Hove has seen a take-up of 4,924 sqm mostly in the Hove/Portslade area with the majority of transactions being smaller units. There remains a lack of good quality modern units in the 1,000 sqm plus range which continues to frustrate occupiers looking to expand or to move into the city. Limited land for new development is having a detrimental impact with almost no industrial development likely to take place in 2018. The proposed redevelopment of Sackville Trading Estate, Conway Street, Peacock Industrial Estate and Longley will represent a loss of circa 25,000 sqm of industrial space further hindering the supply of good quality stock.' In summary, opportunities to provide high quality employment floorspace are rare due to limited available land and therefore it is essential that advantage is taken to secure the maximum possible on new developments, such as Sackville Trading Estate.

#### Employment Type and Mix

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

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

#### Employment Numbers

- 5.132. Of further consideration is the employment generated from the proposal. It is an extremely underutilized site and, as stated in the Industrial Estates Audit, this is in-part due to the site having low levels of occupation in preparation for redevelopment. The Industrial Estate Audit Brighton & Hove (December 2017) prepared by Stiles Harold Williams on behalf of Brighton & Hove City Council, says Sackville Trading Estate has a low level of occupation and there is approximately 4,650 sqm vacant in preparation for redevelopment.
- 5.133. City Regeneration welcomes the revised application which proposes to create:
- 561 gross full-time equivalent jobs
  - 156 gross full-time construction jobs
  - 407 net new full-time equivalent jobs (indirect jobs through the supply chain, substitution, displacement etc)
  - 82 skills development, work-placements and apprentice starts for young people.
- 5.134. The application if approved provides the opportunity to create around 561 FTE jobs (gross) which is significantly above the existing c.50 FTE jobs on the site and the 120-150 jobs when the site was fully occupied (including the former Coal Yard). This amended application also provides an uplift in the number of FTE jobs proposed compared with the previous application (455 FTE jobs).
- 5.135. City Regeneration is seeking a significant increase in the number of jobs on site and the scheme will ensure that the number of jobs created by the B class office floor space alone will be significantly greater than currently exists on site. According to the guidance in the OffPAT Employment Densities Guidance, the proposed B1 employment floorspace (5,164 sqm) could create 430 FTE jobs which far exceeds the existing jobs.
- 5.136. Furthermore, employment densities are generally greater in B1 uses compared to other B uses and will therefore result in increased levels of jobs generated by the commercial floor space compared to the existing. City

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

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

Impact on Business

- 5.139. In terms of business occupants, in December 2017, the Industrial Estates Audit reported that Rayner have found a new location in Worthing and were in the process of moving, CEF were reportedly planning to relocate to Newton Road and Capital Hair & Beauty have a new headquarters at Crowhurst Road. The tenants were aware the site is earmarked for redevelopment but a lack of space to move to was cited as a barrier. City Regeneration regrets the loss of Rayner outside of the city because of their importance to the local community both as a major employer in the area and as a world leader in their field however its relocation to Worthing means that it remains with the Greater Brighton City Region and continues to benefit our local economy.
- 5.140. City Regeneration is concerned about any negative impacts the business occupants will encounter from having to relocate and any loss/interruption to trade they may suffer as a result and the applicant needs to mitigate and reduce any negative impacts that the proposed development, if approved, may have on the occupants. We would work with the occupiers where requested to try to mitigate impacts.

5.141. **Education:** Comment

In this instance we will not be seeking a contribution in respect of primary education as we have sufficient primary places in this area of the city for the foreseeable future. We will however be seeking a contribution in respect of secondary and sixth form education of £480,210.80 if this development was to proceed. The development is in the catchment area for Blatchington Mill and Hove Park Schools. Both of these schools are currently full and therefore it is entirely appropriate to seek a contribution in this respect. We would not seek a contribution for the older people accommodation and neither do we seek contributions for studio apartments.

5.142. **Environmental Health:** Comment

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

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

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

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

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

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

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

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



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

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

#### Relevant Design & Conservation Policies and Documents

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

#### The Proposal and Potential Impacts

- 5.161. The site falls within the Hove Station tall building node as set out on policy CP12 of City Plan Part 1 and SPGBH15 and is therefore suitable in principle for development of over 6 storeys in height, although SPGBH15 states that

tall buildings here “may represent an opportunity to contribute to the delivery of the council’s employment policies”. The proposed density of development substantially exceeds the minimum density required by policy CP14 and the amount of residential development proposed substantially exceeds that set out as a minimum in draft policy SSA4 of the draft City Plan Part 2, with less employment space than the minimum required. The overall scale and massing of the development as proposed is notably greater than its immediate context, as is apparent in a number of the views in the submitted TVIA. The long unbroken rooflines are particularly uncharacteristic in this respect. The disposition of heights and the topography result in blocks merging in longer views (especially from the east and west) to create a large mass of built development with long flat rooflines and little visual permeability. Taller elements are quite wide and do not distinguish markedly from the lower elements except in views from south of the railway line. This effect is heightened by the repeated grid-like elevations and lack of variation in modelling, as well as the absence of any distinct ‘signature’ or ‘marker’ building.

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

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

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

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

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

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

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

Further detail

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

### Tenure

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

### Wheelchair provision

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

### Design and Size of units

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

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

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

#### Unit mix

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

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

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

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

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

#### Recommendation:

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

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

5.193. **Planning Policy:** Comment

#### Summary

The strategy for the development area is to secure the long term regeneration opportunities around the Hove Station area and enable its development as an attractive and sustainable mixed-use area focussed on employment.

#### Housing Issues



- 5.194. In the context of Brighton & Hove, this is a very large scale C3 residential development proposal. The provision of 564 C3 residential units represents almost one years' annual housing supply based on the city's housing delivery target of 13,200 as set out in City Plan Policy CP1. In this respect the proposal could make a valuable contribution to the city's housing supply and this is welcomed in principle.
- 5.195. There is no objection in principle to the inclusion of a build to rent element within the proposed scheme. However the concentration of such a very large amount of build to rent on this proposed strategic site does raise concerns regarding the extent to which the proposal responds positively to the need for a mix of housing types, size and tenures as required through CPP1 policies and draft CPP2 policies.
- 5.196. No affordable housing is proposed. This is not compliant with the requirements set in Policy CP20 and the Council's Affordable Housing Brief (which indicates a city-wide objective for 55% of the affordable element provided at Local Housing Allowance rent levels), as well as the recommended level in the NPPG. In accordance with the Council's Viability Assessment Checklist, an independent review of viability should be sought from the District Valuer, with the applicant required to pay the costs of this process.
- 5.197. The housing mix has been adjusted in the revised scheme and shows a significant reduction in the number of studio units and increase in the proportion of two bedroom units. The changes to the housing mix are considered to be a satisfactory response to previous concerns and no objection is now raised on this issue.
- 5.198. There has been a marginal increase in the proportion of residential units with private amenity space, however concerns remain on this issue.
- 5.199. The care community proposals should be assessed against saved Policy HO11 of the 2005 Local Plan which relates to residential care and nursing homes. This policy states that planning permission will be granted for new residential care and nursing homes where it can be demonstrated that the proposal meets four criteria. Compliance with these criteria should be assessed by the case officer.
- 5.200. The applicant's Needs Assessment indicates a substantial unmet demand for private extra care accommodation in the city that this proposal would help to address. Since 'extra care' is a relatively new category of accommodation, it is perhaps not surprising that there is a limited existing supply of this type of accommodation in the city, however there may be overlap with demand for

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

#### Employment Issues

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

#### Retail

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

#### Community Facilities

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

#### Open Space

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

#### Context

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

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

Employment Floorspace Provision

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

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

#### Private Amenity Space

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

#### Housing Mix

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

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

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

#### Recommendation:

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

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

**5.217. Public Health: Comment**

From application BH2018/03697

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

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

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

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

**5.220. Sustainable Drainage: Comment**

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

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

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

- 5.222. Temporary flooding in the 100CC where 'at all points, the flooding is less than 1.8m<sup>3</sup>. Typically this would equate to a depth of water of less than 25mm over a 25m x 4m length of paved area. Provided that external areas are set below floor levels, temporary flooding from the 40% climate change rainfall event should pose no risk.' We have looked at the updated MicroDrainage calculations within BH2018/03697 in the DIA and agree this temporary flooding from a 40CC event is acceptable.
- 5.223. We also previously commented 'Considering the comments from the Environment Agency, the applicant should consider alternative methods of dealing with surface water in light of the location within the SPZ for the Goldstone Aquifer.' Applicant addresses this in their response to the EA. We have no further comments.
- 5.224. The applicant is required to assess the groundwater level and subsequent flood risk from this source posed to the proposed basements. From the 2018 documents, Appendix F of 'Geotechnical and Geoenvironmental Site Assessment Part 4 of 6 in 2017' it is understood that a gas and groundwater monitoring well was installed upon completion of some boreholes. The applicant will need to establish the groundwater level at these locations by undertaking a suitable ground investigation and/or assessing groundwater monitoring data. These results should be provided and the applicant should demonstrate how risk from this source is to be mitigated.
- 5.225. **Sustainability: Comment**  
Documents submitted include: Sustainability action plan, Energy Assessment, Sustainability checklist (as part of action plan), The Energy Statement and Sustainability Action Plan which formed part of the original application in 2018 have been re-submitted with no changes.
- 5.226. The overall presentation of the energy requirements for the site as a whole and each individual building (particularly the non-residential elements) could have been clearer. This has made evaluating the application more difficult.
- 5.227. Overall, the residential parts of the application meet the requirements under CP8 and the BREEAM Pre-assessment indicates that the "B1 office space" and "MODA Works flexible office space" meets the BREEAM Excellent requirement, albeit only just (71.67%). The applicant may wish to consider a greater contingency (i.e. higher target BREEAM score) as the post-construction scores are often slightly lower than during design phase.

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

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

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

5.234. **Sustainable Transport: Comment**

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

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

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

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

Public realm

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



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

#### Sackville Road and site access

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

#### Parking standards

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

#### Parking overspill into surrounding streets

- 5.240. Notwithstanding the above, we have consistently noted that The parking demand profiles of individual uses (C3/C2/B1/A1/A3/D1/D2) and users (staff/residents/visitors) within the site is not always matched to on-site provision. This is an issue because not all over-spill can be prevented by restricting permit/voucher eligibility. Meanwhile submitted parking surveys from the previous application (which we consider recent enough to still be valid) show that overnight parking is already over-stressed in those local streets most likely to be impacted. This includes streets in zone R around Artists Corner and non-CPZ streets to the north around Orchard Rd. In the latter case, parking is also over-stressed during the day-time too and will have likely been further exacerbated by the overflow from the newly introduced P zone. For example:
- We don't consider it acceptable to entirely remove the entitlement of residents of new development to visitor permits for the relevant CPZ (R in this instance) if there is not a reasonable level of on-site visitor parking. In the case of the C2 Care-Community component, a good level of visitor parking is proposed so we can do so. However, no on-site visitor parking has been proposed for the C3 Build-to-Rent component.
  - Both residents of the C2/C3 residential components and staff/customers of the commercial components will still be able to use shared-use bays within nearby CPZ streets – even if the former have had their permit eligibility removed. Shared-use bays are those that may be used *both* by permit-holders (including people with visitor permits) *and* pay and display users. However, the extent of that overspill impact would be less since bays may often be occupied by permit holders.
  - Overspill from the commercial components may also impact on a few non-CPZ streets to the north of Old Shoreham Rd around Orchard Rd, as well as Newtown Rd to the east. This is because commercial staff/customers tend to be willing to park further from their destination than residents do from their homes.
- 5.241. The applicant has previously agreed to conditions being imposed that would (1) remove the entitlement of C2 and C3 residents to zone R permits and (2) remove the entitlement of C2 visitors to visitor permits. This is an acceptable means of managing overspill in both instances. However:
- We can only reduce the visitor permit entitlement of the C3 use if no reasonable supply of visitor parking is provided on site. Whilst that reduction will prevent a good deal of overspill it will still leave related unmet demand for about 39 spaces.
  - The C3 residents demand for spaces is predicted to be 162 spaces, with a provision of 142 this will leave an over spill of 20.
  - There will be overspill of around 12 spaces from the flexible A class retail uses - though note that this based on a worst-case scenario in which all that floorspace is used for grocery purposes.

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

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

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

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

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

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

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

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

8 spaces.

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

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

#### Cycle parking

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

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

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

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

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

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

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

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

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

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

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

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

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

- 5.257. Narrative / Concept: The Design & Access statement outlines a significant amount of contextual analysis with regard to existing urban grain, and an understanding of council policy with regard to the Sackville Trading Estate site, which has informed the site strategy well.
- 5.258. Key policy objectives and considerations from City Plan Part 1 Policy DA6 include improvements to public realm and streetscape / street frontages, especially in regard to Sackville Road; improved green infrastructure and



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

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

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

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

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

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

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

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

## **6. MATERIAL CONSIDERATIONS**

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

- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
- East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only - site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.

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

## 7. **POLICIES**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
SA6	Sustainable Neighbourhoods
DA6	Hove Station Area
CP1	Housing delivery
CP2	Sustainable economic development
CP3	Employment land
CP4	Retail provision
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP13	Public streets and spaces
CP14	Housing density
CP15	Heritage
CP16	Open space
CP17	Sports provision
CP18	Healthy city
CP19	Housing mix
CP20	Affordable housing

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

TR4	Travel plans
TR7	Safe Development
TR14	Cycle access and parking
SU5	Surface water and foul sewage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD5	Design - street frontages

QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection
QD25	External lighting
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO11	Residential care and nursing homes
HO13	Accessible housing and lifetime homes
HO21	Provision of community facilities in residential and mixed use schemes
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas
HE10	Buildings of local interest
HE11	Historic parks and gardens
HE12	Scheduled ancient monuments and other important Archaeological sites

#### Draft City Plan Part 2 (These are emerging policies)

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

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

#### Supplementary Planning Guidance:

SPGBH15 Tall Buildings

#### Supplementary Planning Documents:

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

#### Planning Advice Notes (PAN)

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

#### Further Guidance:

Affordable Housing Brief (December 2016)

Developer Contributions Technical Guidance (March 2017).

## **8. CONSIDERATIONS & ASSESSMENT**

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

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

### **Background**

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

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



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

### **Planning Policy Context and Principle of Development**

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

#### **DA6 Hove Station Area**

- 8.8. The site is set within the Hove Station Development Area. The strategy for the development area is to secure the long term regeneration opportunities around the Hove Station area and enable its development as an attractive and sustainable mixed-use area focussed on employment. The aim is to secure the creation of a high quality employment environment that will attract investment and new employment opportunities for the city and promote the

efficient use of land through, predominantly employment and residential, mixed use developments. The policy sets out 10 local priorities to achieve this strategy. Those most relevant to the application site include:

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

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

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

- A minimum of 500 residential units (Use Class C3);
- A minimum of 6000m<sup>2</sup> B1 employment floorspace;
- Ancillary retail and food and drink outlets;
- High quality public realm including a public square;
- Children's play space and/or an informal multi use sports area; and
- Community facilities based on local need.

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

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

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

#### Hove Station Neighbourhood Forum

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

#### Employment provision

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

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

to the existing offer. The main office block, the Moda works building and the commercial units on 'The Boulevard' all have the potential to cater for different employment uses and as such this does accord with the DA6 criteria of maintaining and strengthening the creative industries business cluster in the area.

- 8.25. In addition, the proposed B class floorspace of 4471sqm could provide for approximately 490 FTE jobs (based on 10.5m<sup>2</sup> per job) which would be a significant increase in the existing number of B class jobs on site (even if the trading estate were to be fully occupied) and this is welcomed.
- 8.26. Whilst policies CP3 and DA6 relates solely to B class employment uses it is acknowledged that the other uses to be provided (A1, A3, C2 and D1 or D2) would also result in a range of other diverse employment generating uses which also add to the economic benefits of the scheme overall. Some of these uses will also include higher skilled jobs than the existing uses on the site.
- 8.27. It is also acknowledged that a more employment focussed scheme would likely further reduce the viability of the scheme with residential floorspace generally more profitable and therefore impact upon the deliverability of the scheme. Given the major benefits of the scheme in respect of the significant housing provision, providing a deliverable mixed use scheme for the site is of key importance. In addition, it is noted that any significant increase to the level of employment floorspace also has the potential for increased overspill parking within the surrounding area which could not be easily mitigated.
- 8.28. City Regeneration welcomes in principle the proposal to redevelop this site which would provide an increased provision of high quality B1 floorspace and a greater diversity of employment floorspace, providing opportunities for better quality jobs, compared to the existing arrangement.
- 8.29. The Planning Policy team, when assessing the alterations to the current scheme set out,  
*These revisions marginally exceed this previously stated minimum expectation, and although the balance of uses in the overall scheme are not considered to represent an area focussed on employment in line with the requirements of Policy DA6, the level of employment provision is now considered to be adequate.*
- 8.30. Whilst it is disappointing that the employment potential of the site has not been fully maximised the modern and flexible employment provision is welcomed as is the increase in employment density.

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

Housing provision:

- 8.32. The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually.
- 8.33. The Council's most recent housing land supply position is published in the SHLAA Update 2018 (February 2019). The figures presented in the SHLAA reflect the results of the Government's 2018 Housing Delivery Test which was published in February 2019. The Housing Delivery Test shows that housing delivery in Brighton & Hove over the past three years (2015-2018) has totalled only 77% of the City Plan annualised housing target. Since housing delivery has been below 85%, the NPPF requires that a 20% buffer is applied to the five year housing supply figures. This results in a five year housing shortfall of 576 net dwellings (4.5 years supply). In this situation, when considering the planning balance in the determination of planning applications, increased weight is given to housing delivery in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 8.34. In the context of Brighton & Hove, this is a very large scale C3 residential development proposal. The provision of 564 C3 residential units represents a very significant proportion of the city's annual housing target based on the city's overall housing delivery target of 13,200 as set out in City Plan Policy CP1. In this respect the proposal would make a valuable contribution to the city's housing supply and this is welcomed in principle. The proposed amount of C3 development exceeds the requirement for 525 residential units for the Policy DA6 Hove Station Development Area as a whole and the requirement for a minimum of 500 dwellings on the site proposed through the draft CPP2 Policy SSA4. A greater quantum of development (than set out in SSA4 and in the SCHLAA) may be acceptable provided that other policies and priorities in the development plan can be satisfied.

Build to Rent:

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

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

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

Draft Policy DM6

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

- 8.39. Build to rent developments will be expected to contribute towards meeting the city's identified need for affordable housing. The council will negotiate to achieve the following requirements:
- a) a proportion of affordable housing based on the requirements of Policy CP20 (40% on sites of 15 or more (net) dwellings), normally in the form of affordable private rent;
  - b) the affordable homes to be offered at discounted rent levels to be agreed with the council;
  - c) eligibility criteria for the occupants of the affordable homes to be agreed with the council and included in the S106 agreement;
  - d) the size mix of affordable housing units to be agreed with the council in accordance with Policy CP20; and
  - e) the affordable homes to be secured in perpetuity - the council will seek inclusion within the S106 agreement of a 'clawback' arrangement in the event of affordable units being sold or taken out of the build to rent sector.
- 8.40. Whilst emerging policy DM6 holds limited weight at this stage, it does give the direction of travel of local policy and does broadly accord with national policy guidance, which is a material consideration of some weight.
- 8.41. In view of the above national policy context and emerging local policy, the provision of BTR housing is accepted in principle. Policy CP20 promotes mixed tenure as the most effective way of ensuring a balanced community. The council considers that BTR can help to boost the supply of housing to rent in the city by providing more choice of good quality rented accommodation and secure longer term tenancies. The emerging policy aims to facilitate the delivery of high quality BTR schemes that will contribute towards meeting identified housing needs in the city. Provided appropriate Heads of Terms are secured via S106 to accord with emerging policy DM6 and National Planning Policy, and the scheme is covenanted as a BTR tenure, the proposal is considered acceptable in principle.

**Affordable Housing and Viability:**

- 8.42. City Plan Policy CP20 requires housing development of over 15 units to provide 40% affordable housing. The 40% target may be applied more flexibly where the council considers this to be justified, as set out in the policy. Of consideration in particular is the financial viability of developing the site (as demonstrated through the use of an approved viability model).
- 8.43. The NPPG recognises that the economics of BTR schemes differ from build for sale in that they are based on a long term income stream and do not generate an early capital sum. As a consequence, viability assessment requires a different approach. The NPPG states that 20% affordable housing



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

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

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

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

#### **Principle of Care Community**

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

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

- 8.55. Policy HO11 of the 2005 Local Plan relates to residential care and nursing homes. This policy states that planning permission will be granted for new residential care and nursing homes where it can be demonstrated that the proposal meets four criteria.
- a) will not adversely effect the locality or neighbouring properties by way of noise or disturbance; or by way of size, bulk or overlooking;
  - b) provides adequate amenity space - (a minimum depth of 10m and not less than 25m<sup>2</sup> per resident - although a lower standard may apply for nursing homes where residents are less mobile);
  - c) is accessible to people with disabilities; and
  - d) provides for operational parking in accordance with the council's standards
- 8.56. Whilst it is noted that a care community offer is a different model from a standard residential care or nursing home development the proposal is considered to be broadly in accordance with the criteria of HO11 and is acceptable in this regard.
- 8.57. Whilst this policy does not set out that a specific need must be demonstrated the applicant has provided a Needs Assessment study which indicates a substantial unmet demand for private extra care accommodation in the city that this proposal would help to address. The Policy Team have stated that since 'extra care' is a relatively new category of accommodation, it is perhaps not surprising that there is a limited existing supply of this type of accommodation in the city, however there may be overlap with demand for other types of older people's accommodation.
- 8.58. The Adult and Social Care Team have outlined concerns that there may be inadequate need within the City for the service and as such this could result in older age clients with increasing health needs from outside the area moving into the City and placing increased demand on health services.
- 8.59. The applicants submission sets out that due to the extensive facilities onsite that care community residents statistically have a reduced reliance on local health services and as such are not considered to result in a significant additional burden on local services.
- 8.60. Notwithstanding the above consultee comments and the information from the applicant in respect of the likely need and impact on services there is no current planning policy which sets out that a need for such housing provision must be demonstrated. Furthermore the provision of the care community

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

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

Community Facilities

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

**Design, Scale and Appearance and impact on wider townscape:**

- 8.66. National and local policies seek to secure good quality design which respects general townscape and the setting of heritage assets. Taller and higher density development than that is typically found in an area can be considered appropriate in the right location. Policies DA6, CP12 and the Supplementary Planning Guidance on Tall Buildings (SPGBH15) identify the application site

as within an area with the potential for development of higher density and tall buildings (18m in height or approximately 6 storeys above existing ground level).

- 8.67. Policy CP12 on Urban Design sets that development should hit certain criteria. The keys points are set out below:
- Raise the standard of architecture and design in the city;
  - Establish a strong sense of place by respecting the diverse character and urban grain of the city's identified neighbourhoods;
  - Achieve excellence in sustainable building design and construction;
  - Conserve or enhance the city's built and archaeological heritage and its settings;
  - Protect or enhance strategic views into, out of and within the city;
  - Be inclusive,
  - adaptable and accessible:
  - Ensure that the design of the external spaces is an integral element of the overall design approach, in a manner which provides a legible distinction between public and private realm;
- 8.68. SPGBH15 requires all new tall buildings to be of a high quality of design, such that they can make a positive contribution to the city's urban form and skyline, support the city's continued regeneration, and are generally well received. The council will expect very tall developments in particular to be, at least in part, accessible to the public. All tall buildings must be integrated into the public realm, be responsive to environmental conditions and embrace principles of sustainability. A full visual assessment is required to enable a full appreciation of the likely resultant townscape.
- 8.69. The overall design approach of the current scheme has been progressed through a Design Review Panel process, a significant number of pre-application meetings and further revisions during the lifetime of the refused application (BH2018/03697).
- 8.70. The general layout of the site in the proposed scheme has not fundamentally changed from the previous application and is made up of the BTR residential accommodation and the retail / commercial / business units to the south of the vehicular access off Sackville Road and the care community to the north of this access. A pedestrianised street running from north to south, described as 'The Boulevard' provides the main access through the site. The application documentation has split the BTR / commercial into 6 main blocks (A-F inclusive) and then the care community complex to the north of the site.
- 8.71. There were significant alterations to the design, massing and materials of the scheme throughout the life of the previous application through discussions between the applicant and the LPA. There have been some further changes

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

- 8.72. The built form of the final revised scheme before committee consists of the following as described below.

Blocks A and B

- 8.73. This includes the Sackville Road frontage to the west and the western side of the buildings on the Boulevard, extending down to the Hub Square in the south. Fronting Sackville Road the proposal has commercial at ground floor level with residential above. The main office block is sited at the northern corner of the Boulevard with further office accommodation / commercial on the lower floors along the Boulevard. The buildings range from 3 to 5 storeys with the exception of the office block which is 7 storeys.

Block C

- 8.74. This block extends along the boulevard and turns the corner to the east. It includes a tower of 13 storeys and two lower adjoining elements either side. There is office / commercial at ground floor level with residential above. This block also contains the main BTR energy / plant room and the delivery hub.

Block D

- 8.75. This is located to the south west corner of the site and includes the 2 storey Moda works office building which extends out to Sackville Road and a taller residential tower which houses the main lettings and management offices for the BTR development at ground floor level.

Block E

- 8.76. Block E is the tallest tower at 15 storeys and is sited to the east and parallel to Block D. It is residential throughout and includes a lower element to the south with roof terrace.

Block F

- 8.77. Block F is made up of two linked residential buildings, the first, a block sited north / south, adjacent to Block E. The second building, lower in height is angled away towards the narrowest part of the site and aligned to face Hove Station to the south west.

Care community

- 8.78. The care community consists of a partially enclosed square to the western half of the development, with 4 and 5 storeys elements fronting Sackville Road. To the eastern half of the development there is a raised external amenity area accessed from the south with residential blocks up to a

maximum of 8 to 10 storeys in height enclosing the amenity area. Undercroft parking is provided accessed from the south.

- 8.79. A Townscape and Visual Impact Assessment (TVIA) has been submitted with the application. A further revised TVIA was submitting during the life of the application including changes to materiality and architectural detailing. The TVIA set out keys views (short, medium and one long view) which were agreed with the LPA at pre-application stage and provides photo montages of the proposed development and analysis of the likely townscape impact. Two of the views have been provided for both summer and winter. The Design and Access Statement also provides a detailed assessment of the design approach of the scheme.
- 8.80. The character of the immediate area consists of traditional terraced housing to the west on Sackville Road and predominantly low rise commercial, industrial and retail buildings to the east of the site. Existing development on Old Shoreham Road to the north is also predominantly a mix of low rise residential and commercial buildings. Further to the east on Newtown Road is a recently constructed 7 storey residential block and a number of associated townhouses. To the south of the railway line there are four 10 storey residential towers which are currently the most prominent buildings in close vicinity of the site.
- 8.81. The site itself has very limited townscape merit with modern commercial sheds on the Trading Estate and more ad hoc development and open storage on the Hove Goods Yard.
- 8.82. Whilst it is acknowledged that the application site, as set out in policies CP12 and DA6 is suitable for higher density development and tall buildings (over 6 storeys) the proposed built form is required to raise the standard of architecture and design in the city and establish a strong sense of place by respecting the diverse character and urban grain of the city's identified neighbourhoods.

Evolution and consideration of application BH2018/03697

- 8.83. When application BH2018/03697 was originally submitted concerns were expressed in respect of the overall design of the scheme and how it would impact on a number of views as set out in the TVIA. The development has largely been designed on a rigid plan form, predominantly set out north to south in a grid-like pattern. The facades are generally flush throughout with the relief coming predominantly in the detailing and materials of the elevations rather than the form, design and layout of the buildings.

- 8.84. The taller towers in the originally submitted scheme were deep (north to south) and this coupled with the long horizontal emphasis of the lower elements of the buildings with little in the way of breakages created a very dense development and a lack of permeability. This was especially evident in the more easterly and western views (including from Hove Park). The predominance of the use of long flat roofs and the limited variation in the height and general form of the buildings contributed to the overly dominant impact of the development.
- 8.85. Blocks A and B fronting Sackville Road were generally considered to be of an appropriate design and whilst of a greater scale than the existing terraced housing opposite the site were not considered to be overly dominant and would have an acceptable impact on then streetscene. In comparison to the existing commercial buildings that turn their back on Sackville Road, this element of the proposal would improve the public realm and townscape, creating an active street frontage at ground floor level and as such is in accordance with the respective local priority set out in policy DA6.
- 8.86. In respect of the BTR element of the scheme as originally submitted, Blocks C-F when assessed together were considered to be the most problematic in respect of their form, density and lack of visual permeability.
- 8.87. To the north of the site, whilst the care community development as originally submitted was lower in height overall than much of the BTR scheme the siting of this part of the scheme to the northern third of the site was such that it has more prominence in views from the north of the site. The 8 storey blocks appeared particularly dominant, and this in conjunction with Blocks C and F of the BTR scheme was considered to result in a somewhat impenetrable stretch of development, particularly in views from the north to the west. In addition, the proposed materials of the care community, consisting predominantly of a light grey cladding, with limited depth and articulation were considered to result in largely bland, featureless facades which emphasised the horizontal massing of this block.
- 8.88. It is noted that the Heritage Team set out that elements of the scheme would result in a negative impact on a number of existing heritage assets and this is set out in further detail within the Heritage section of the report.
- 8.89. It is noted that the Design Review Panel response to the applicant's pre-application proposal in September 2018 set out that whilst the proposed massing did not raise any obvious concerns that the lack of architectural propositions made specific comments about the heights and the distribution of massing challenging.



- 8.90. During the application process itself for BH2018/03697 the applicant engaged with the LPA in order to address concerns that were raised in respect of the design, massing and impact on the streetscape and a number of amendments were tabled. The key aims of the revisions were to help break up some of the massing of the built form to provide greater visual permeability and provide greater variety in the form and heights of the scheme overall. This was in conjunction with alterations to the materials and detailing to enliven some of the facades. The main alterations are set out below.
- 8.91. Block C was altered significantly, with the tower reduced in width and the two side elements of the block reduced in height to present themselves as more of a mansion block typology. A zinc standing seam was used to provide visual separation between the tower and the lower elements, whilst increased façade articulation and detailing was proposed on the flank facades.
- 8.92. Block E was increased in height from 13 to 15 storeys and as such is clearly the tallest building on the site. This block has a slimmer profile with a shoulder introduced that steps down 3 storeys from the top of the building and the massing broken up with different colour brickwork and indents proposed.
- 8.93. A shoulder was introduced to the taller element of Block F reducing the overall depth of the building, whilst a lighter brick has been used to soften the overall impact of the building.
- 8.94. Alterations to Blocks A and B included an additional storey to the office block and increased glazing to more clearly the signpost this commercial building and differentiate its appearance from what is predominately a more residential typology throughout the buildings.
- 8.95. An increased number of inset balconies have been added to the BTR buildings throughout which has helped enliven the facades, create visual interest and provide more of a residential feel.
- 8.96. The care community proposal changed significantly with the two main 8 storey blocks broken up into 4 taller elements (8-10 storeys) with three lower 5 storey elements in between. The Sackville Road elevation was altered with the set-back top storey replaced with a flush brick façade with a metal parapet termination. The materials were revised throughout with the proposal featuring predominantly masonry façades with some areas of bronzed metal cladding.
- 8.97. The revisions outlined above, specifically alterations to the height and form added variety to the scheme. This is especially evident in longer views, for

example from Hove Park, where increased separation between elements of the buildings and greater variation in height was sufficient to break down some of the massing of the scheme. Whilst the proposal would still be very prominent in views from Hove Park, especially in winter when there is less tree cover the proposed alterations responded better to the undulations of the tree canopy and the greater articulation of the facades resulted in buildings of greater visual interest in these views.

- 8.98. When viewed from the east, the revisions improved what was originally a somewhat impenetrable stretch of continuous development. The alterations to Block C specifically, with the lowering of the two horizontal elements provided breathing space to this part of the site whilst the greater articulation and detailing of the facades further differentiated this block from some of the other proposed buildings.
- 8.99. Whilst the additional height to Block E increased the prominence of this building, the overall profile was slimmer and as such this was considered to result in an improvement to the scheme.
- 8.100. The alterations to the care community building were considered to have improved the overall appearance of this element of the scheme considerably. The variation in heights reduced the dominant, horizontal emphasis of the scheme and helped to break up the massing and provide some views through the scheme. The change in materials to provide a predominantly brick façade was a significant improvement over the originally proposed cladding system which had little relief and gave the appearance of an institutional feel. Further articulation and de-cluttering of the Sackville Road frontage was achieved by removing protruding balconies and this uplifted the quality of the scheme.
- 8.101. It is noted that the scheme only fronts the public domain on the western boundary, with the other boundaries adjoining either the backs of existing development or the railway line. Whilst the height and massing of the development was considered to make it highly visible in longer views, especially from the north and south, the proposed development on Sackville Road has more of a lower rise character and thus would provide an acceptable link between the terraced housing on the western side of the road and the taller, more dominant built form located further into the site. In more localised views from Newtown Road and Old Shoreham Road it was considered that the built form as set out in BH2019/03697 would be screened to a degree by the existing buildings and as such this would reduce the dominance of the proposal on these street frontages.

- 8.102. Notwithstanding the revisions that were secured to the previously refused scheme, which significantly improved various elements of the proposal it was still undoubtedly a very high density development which exceeded the number of residential units and thus the density envisaged for the site in policy SSA4 and within the SCHLAA.
- 8.103. Whilst the massing had been reduced in areas of the development the scheme still included buildings of significant scale that would inevitably alter the character of the immediate locality. The three southernmost blocks especially were considered to be deep (from north to south) for buildings of this height and would have a dominant presence in some views as seen in the TVIA from the west on Prinsep Road. The care community element was also considered to have a very dense built form and overall the development was still of an imposing scale in comparison to the general form of development in the area. Whilst the improvements to the overall design of the scheme were noted the general approach throughout the site of rectangular blocks within a grid form was retained and although materiality and detailing added visual interest the overall effect was a built form that is somewhat regimented without significant variety in general form.
- 8.104. Assessing the design approach of the previous scheme holistically, officers were mindful that the site is located within a specific development area that has been highlighted as being able to accommodate tall buildings and as such it is expected that the character of the area will undoubtedly change over time. It was also noted that the scheme would deliver a significant amount of much needed new homes. It was considered that given the significant historic under delivery of housing within the city in comparison to the Objective Assessed Need (OAN) the need to fully maximise the potential of large brownfield sites such as the application site was compelling. It was finally acknowledged that further reductions in the built form would erode the limited viability of the scheme further, or result in compromises on other important aspects of the development and thus jeopardise the deliverability of the scheme. Overall the general design approach of application BH2018/03697 was accepted by officers.

#### Consideration of the current application

- 8.105. As originally submitted the key design change in the current application was a reduction to the massing to three of the towers in the care community. This has involved squaring off the elevations of the towers that face in towards the main amenity space. This has reduced the depth (north to south) of the towers by 1.6m and has increased the central gap between the towers by 3.2m. Whilst these alterations have been undertaken ostensibly to improve the daylighting within the scheme, these alterations also serve to slightly

reduce the bulk of the towers and provide increased visual permeability through the scheme in views from east to west.

- 8.106. During the life of the current scheme the applicant engaged with officers (Including the council's Urban Designer) with the aim of exploring whether alterations to the architectural expression and materiality of the scheme could be made to more strongly ground the development within the local vernacular.
- 8.107. Subsequent to these discussions, alterations were made to Blocks C, D and F and the care community. In respect of Block C there were concerns that the large area of champagne metal cladding on the tower of Block C appeared very flat and expansive. The newly proposed profiled cladding system of darker tone presents additional relief, texture and depth to the appearance of this elevation and is welcomed.
- 8.108. The most significant alterations are to Block D. The western elevation of Block D which forms the primary view up the stepped access from Sackville Road had previously presented a somewhat unfriendly appearance with narrow, vertical recesses and a corporate aesthetic. However, these concerns have also been addressed by breaking up the elevation to create a more layered, permeable aesthetic, reducing the perceived mass. The introduction of red brick tones responds well to the contextual material palette of Sackville Road brings warmth to the appearance, and heightens the profile of this building as the focal point of the scheme.
- 8.109. Similar alterations to block F, where a red brick has replaced the previous grey brick again results in a warmer, more friendly appearance.
- 8.110. Revisions have also been proposed to the inset bronze metal panelling on the towers of the care community. The increased articulation in the panelling in conjunction with alterations in the fenestration help break up and enliven what were somewhat flat and featureless sections of cladding and improve the appearance of this part of the scheme.
- 8.111. Comments from the Urban Designer set out that, 'generally, the material palette is positive, varied and textural; and presents an improvement to the previously refused scheme.'
- 8.112. Overall the height, massing and scale of the proposed development are ostensibly unchanged from application BH2018/03697 and as such the scheme still remains a very high density development with a number of design compromises which were highlighted in the assessment of the previous scheme. Notwithstanding that the fundamental form of the scheme

in unchanged, the current revisions do represent a clear improvement to the appearance of the scheme and result in a friendlier, more residential feel to the proposals and do serve to more successfully ground the development in the local context.

- 8.113. Notwithstanding the design improvements in the current scheme it is acknowledged that the first reason for refusal (in application BH2018/03697) includes excessive height, scale, massing and design. This reason for refusal specifically relate to the impact on the 'designated and non-designated heritage assets' and is not a more general 'design' reason for refusal encompassing streetscene, more localised townscape impacts and the appearance of the scheme. Whilst it is acknowledged that general design impacts cannot be entirely separated out from the heritage harm it is clear that there is a significant distinction between the two.
- 8.114. In summary, the design of the current scheme represents an improvement over the previously refused scheme and whilst some concerns remain, including the heritage impact outlined later in the report, considering the significant public benefits of the scheme that will accrue with the redevelopment of the site, the overall design, scale and appearance of the scheme and its impact on the character of the surrounding area is considered acceptable.
- 8.115. Conditions requiring details / samples of materials and detailed large scale drawings / sections of elevational details are proposed to ensure a high quality build is maintained through to completion.
- 8.116. During the application process details were provided as to how potential development could come forward on the northern and eastern boundaries of the site. Gaps have been left whereby routes through to the east to Newtown Road could potentially be added in the future. Whilst the height and form of future development on adjoining sites are likely to be restricted to a degree it is considered that there would be sufficient spacing to enable a satisfactory level of built form on these sites without significant detriment to the amenity of future occupiers and the application is acceptable in this regard.

### **Heritage**

- 8.117. The site lies immediately to the north west of the Hove Station Conservation Area and has a clear historic relationship with this area. The special character of the Hove Station Conservation Area derives from the relationship between the station itself and the surrounding late Victorian buildings which connect the station with the main part of Hove along Goldstone Villas. This is a busy, tree-lined road with terraced properties to the north and more domestic, lower scale property to the south. The most

significant features of Goldstone Villas are two long terraces close to the railway station and the public house at the north end. Around the corner in Station Approach the space is defined to the north and west by the station and to the south by the Ralli Memorial Hall. The locally listed Dubarry building is sited immediately to the north of the station. The locally listed Hove Park is sited to the north east of the site and to the north of the Old Shoreham Road.

- 8.118. In considering whether to grant planning permission which affects a listed building or its setting the Council has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 8.119. Case law has held that the desirability of preserving a listed building or its setting must be given “considerable importance and weight”.
- 8.120. It must also be noted that Paragraph 196 of the NPPF sets out that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 8.121. Furthermore it is pertinent to set out that paragraph 197 of the Framework sets out that there is a lower level of protection for non-designated heritage assets stating, *The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*
- 8.122. The first reason for refusal on application BH2018/03697 set out that the excessive height, scale, massing and design of the scheme had a detrimental impact on designated and non-designated heritage assets.
- 8.123. The applicant has set out that in line with the Heritage information that they have submitted with the application that they do not agree their scheme would result in heritage harm and that undertaking significant revisions to remove the necessary height off Blocks C, E and F to satisfy the concerns of B&HCC Heritage Team would result in an unviable and undeliverable scheme due to very limited possibilities to add further massing on other parts of the site.
- 8.124. As such, whilst there have been changes in the current scheme to the detailing and materiality of some of the blocks the fundamentals of the

heights, scale, massing and design are unchanged from the refused scheme. The Heritage Team have reviewed the current scheme, including the additional viewpoints in the TVIA which show that in closer views to the listed Station that the proposed development would not be visible. Their overall response is unchanged from the position on the refused application.

- 8.125. The Heritage Team response sets out that the scheme would impact upon the designated heritage assets of the listed building of Hove Station and the Hove Station Conservation Area, as seen from Station Approach. The development would directly impinge upon the outline of the 1879 Station building and the adjacent Edwardian forecourt canopy, which together present a distinctive silhouette of hipped and gabled roof forms against the sky. Instead there would be a series of long flat rooflines either side of the ridge of the Station roof. The Heritage Team state that the Station is, by its function, scale and design, intended to be a highly legible and architecturally distinct building in the street scene and this is part of its significance and it is therefore considered that there would be clear harm to the Station's setting.
- 8.126. The Heritage team response states that the Station, the public house and the adjacent Victorian terrace have a very clear historic relationship and the Station has historically been the dominant architectural element in the area, as befits its use and status, It remains a key focal point, both visually and functionally, in the approaches, especially from the east along Station Approach. It is therefore considered that there would be clear harm to the setting of the Hove Station conservation area.
- 8.127. The Heritage Team consider that the scale of the proposal would also result in some harm to the setting of the Dubarry building, to the north of the station and would diminish its role as a locally listed landmark.
- 8.128. The Heritage Team is satisfied that whilst the proposal will be highly visible in views from the locally listed Hove Park that the built form would generally sit within the existing tree canopy and that it would not result in harm in heritage terms to the park.
- 8.129. In respect of the impact on Hove Park, whilst the Heritage Team did not identify any specific harm it was acknowledged that the proposal would 'substantially change views southwards and would make these views much more visibly urban in place of the Park's existing suburban setting, the development would though just about sit within the maximum height of the tree canopy in these views and would provide a counterpoint to the shallow bowl of the park at its southern end.'

- 8.130. Notwithstanding the consultee response from the Heritage Team, the reason for refusal on the previous scheme set out more generally that there was harm to 'designated and non-designated heritage assets'. It is understood that Members considered that this 'heritage harm' also included an impact on the locally listed Hove Park which would experience significant changes in views out towards the application site.
- 8.131. A long distance view from Three Cornered Copse from within the Woodland Drive conservation area, shows that the development would be similar to the existing large scale 20<sup>th</sup> century development that breaks the skyline in an undulating manner and would not detract from the foreground of the copse and as such the Heritage Team are satisfied that there would be no harm to the setting of the Woodland Drive Conservation Area.
- 8.132. The Heritage Team set out that the identified harm to the settings of the designated heritage assets referred to above would be demonstrable but would be less than substantial in each case under the terms of the NPPF. It must nevertheless be given great weight in the decision-making process, as the legislation and paragraph 193 of the NPPF both require. The Heritage Team conclude that there are no heritage benefits to the proposed development that may be weighed against that harm.
- 8.133. It is noted that the Conservation Advisory Group (CAG) has also objected to the scheme, outlining concerns about the impact on views from the Hove Station Conservation Area, the Dubarry Building and from Hove Park.
- 8.134. The applicant's Heritage Statement has considered each of the heritage assets affected and the contribution that setting makes to their significance. It is concluded that overall the proposed development will result in change within the setting of the assets but overall that their significance will be sustained.
- 8.135. In addition to the Heritage Statement by Turley Heritage the applicant has submitted a further Heritage Review of the scheme by Chris Miele, Montagu Evans LLP. This review is in agreement with the applicant's original Heritage Statement and sets out that in the respect of all of the impacted heritage assets that their significance would not be harmed and thus would meet the tests in the relevant paragraphs of the NPPF and would not conflict with section 66 the Listed Buildings and Conservation Area Act 1990.
- 8.136. The Heritage Team has considered the Heritage Review by Chris Miele and overall has concluded that it does not alter the harm that they have identified.



- 8.137. Whilst it is disappointing that the applicant has not attempted to address the identified heritage harm set out in the first reason for refusal of application BH2018/03697 it is also recognised that the southern part of the application site, adjacent to the railway has less constraints in respect of residential amenity and localised streetscene impacts than the north of the site and this has to be considered with a view to maximising the potential capacity of the site. Given the proposed high density of the scheme it is not considered that additional height or massing could easily be accommodated to the north and west of the site without introducing negative impacts on amenity and also design, including potentially increased impact on Hove Park.
- 8.138. It is acknowledged that to solely reduce the heights significantly to blocks C, E and F to mitigate the heritage concerns on Hove Station and the Conservation Area would further reduce the viability and deliverability of the scheme.
- 8.139. The Heritage harm which has been assessed as 'less than substantial' has to be weighed against the public benefits of the scheme in line with Paragraph 196 of the NPPF.
- 8.140. In this instance there are considerable public benefits associated with the redevelopment of key brownfield site which would deliver a significant level of residential accommodation for a number of different user groups and significant amount of employment, commercial and community floorspace. This weighs strongly in favour of the scheme.
- 8.141. To conclude, it is considered that the proposal does result in clear harm to the setting of the Grade II Listed Hove Station, the Hove Station Conservation Area and the locally listed Dubarry Building, contrary to saved policies HE3, HE6 and HE10 of the B&H Local Plan. Members concerns on the setting of the locally listed Hove Park are also noted. The heritage harm that has been identified above weighs against the scheme. Whilst the proposed scheme does not result in any specific heritage benefits the redevelopment of the site does bring wider public benefits and when taking a holistic assessment of the overall scheme and the heritage harm, which is assessed as 'less than substantial' in the terms set out in the NPPF, the harm is not considered so significant as to warrant the refusal of the application.

#### **Landscaping / public realm**

- 8.142. National and local plan policies place great emphasis on securing good design and placemaking. City Plan Policy CP13 requires the quality, legibility and accessibility of the city's public urban realm to be improved in a comprehensive manner through new development schemes, transport

schemes and regeneration schemes. Such proposals are required to produce attractive and adaptable streets and public spaces that enrich people's quality of life and provide for the needs of all users by:

1. Positively contributing to the network of public streets and spaces in the city;
2. Enhancing the local distinctiveness of the city's neighbourhoods;
3. Conserving or enhancing the setting of the city's built heritage;
4. Reducing the adverse impact of vehicular traffic and car parking;
5. Utilising high quality, robust and sustainable materials for all elements of the street scene;
6. Incorporating street trees and biodiversity wherever possible;
7. Encouraging active living and healthier lifestyles;
8. Helping to create safe and inclusive public spaces;
9. Incorporating an appropriate and integral public art element; and
10. Reducing the clutter of street furniture and signage

8.143. The general layout of the site and public realm was progressed through the pre-application process and the overall approach is generally supported. There is a clear separation of the more public elements of the scheme, including the main boulevard and the square to the south west with the more private spaces to the far south of the site. Whilst the height and siting of the built form will impact upon the sunlight penetration into much of the public areas, especially in the winter months it is acknowledged that the nature of a high density scheme will invariably result in some compromises in this regard. Increasing separation distances between buildings to improve sunlighting can also result in less defined spaces, which bleed into each other and as such it is not necessarily the most appropriate design solution to create high quality public spaces.

8.144. Earlier schemes at pre-application stage included either underground or undercroft parking to the south of the site allowing a greater amount of amenity space rather than the surface car parking in the application scheme. The level of surface parking over more useable amenity space is disappointing and is discussed later in the amenity section of the report.

8.145. The applicant has set out that the complexity and cost of providing hidden parking throughout was such that it was not possible to undertake whilst achieving a viable scheme. Whilst the level of surface parking provided is regrettable and has had an impact upon the quality of the spaces between the buildings, the landscaping, in the form of trees and planters is such that the parking provision is not overly dominant and with the deliverability of the scheme a significant consideration the overall approach is considered acceptable.

- 8.146. The proposed pedestrian access to the site to the south, adjacent to the railway bridge is considered to be successful in enlivening this section of the Sackville frontage and creating a sense of arrival to the site. The landscaped steps are leading up to the main square provide both a functional and attractive entrance to the site. The delivery of a public square is in accordance with the council's future aspirations of the site as set out in policy SSA4 of the draft City Plan Part 2 and this is welcomed.
- 8.147. Whilst ideally the layout of the site would have included a greater level of public and private amenity space, the proposed high quality palette of materials and the significant number of trees and planting proposed are considered to provide a good quality public realm throughout the site.

### **Artistic Component**

- 8.148. Contributions are sought from significant major schemes towards direct on-site provision by the developer as part of a scheme or in the immediate vicinity of the development. City Plan Policy CP5 Culture and Tourism supports investment in public realm spaces suitable for outdoor events and cultural activities and the enhancement and retention of existing public art works. Policy CP7 Infrastructure and Developer Contributions seeks development to contribute towards necessary social, environmental and physical infrastructure including artistic components secured as public art and public realm improvements; and policy CP13 Public Streets and Spaces seeks to improve the quality and legibility of the city's public realm by incorporating an appropriate and integral public art element.
- 8.149. The artistic component is calculated via a standard formula linked to the overall floorspace of the scheme and in this instance the value of the contribution totals £450,000. This contribution is not a monetary payment to be sought by the council but rather an uplift to the quality of the scheme to the value of this amount and will be secured within the legal agreement.
- 8.150. It is recommended that an overall Artistic Component Strategy is sought allowing phased delivery of the artistic component elements where required which should consider consistent principles across the whole site.
- 8.151. Taking into consideration an approved Artistic Component Strategy for suitable projects this may include street furniture, hard or soft landscaping, internal or external murals or sculptures or uplift in materials that may also include improvements to adjacent public realm. The objective is to bring an individual identity to the scheme with an uplift to the public realm and the development over and above proposed plans.

- 8.152. The applicant has indicated a keen willingness to involve ward councillors, schools and the wider local community in the process of developing an artistic uplift to the site and this is welcomed. It is considered that an Artistic Component Strategy has the potential to offer significant design and public realm benefits that can increase the distinctiveness of the scheme help and ground the development within the local community.

**Open Space and amenity / sports provision**

- 8.153. Policy CP16 on Open space sets out a number of key criteria in respect of open space. Developments will be required to optimise the provision of safe onsite public open space with good passive surveillance and accord with Biosphere Reserve principles and objectives. Where it is not practicable for all or part of the open space requirements to be provided on site, an appropriate alternative agreed provision and/or contributions towards off-site provision will be required.
- 8.154. All new provision should optimise accessibility to all users (including the local community and visitors), reflect the open space requirements, facilitate sustainable means of access, provide measures to improve public safety within and around the respective spaces and seek to improve the variety and quality of safe provision in the city.
- 8.155. The scale of the proposed development generates a significant demand for all of the open space typologies. These cannot all be feasibly accommodated on site in most instances and as such contributions will be sought.
- 8.156. The 2011 Open Spaces study requires amenity green spaces to be able to accommodate recreational function beyond acting as a visual amenity or a landscape buffer. So a certain degree of informal activity is envisaged in them and it should be of the size and scale to accommodate that activity. The combined Hub Sun Lawn and Moda Works Hub and the Mounded Sunbathing and Play Lawn appear to satisfy that. The main external amenity area in the care community is also considered to satisfy the requirements. These areas outlined above provide a total of 2680sqm and these have been discounted from the overall open space contribution.
- 8.157. The children's play areas on-site appear smaller than the minimum size 400 sqm (+ buffer) for formal provision. Whilst off site provision for older children is acceptable, there is a concern over the accessibility of off-site provision for 0-5 year olds. Whilst it recognised that the proposed play areas provided do still provide an amenity function a fully policy compliant children's play area would have been preferable. The proposed allotments provide some value to the future occupiers but again are below the 500sqm required to make a

policy compliant contribution and as such an off-site contribution for allotments and children's play has been sought.

- 8.158. It is acknowledged that there is limited space on site for significant indoor or outdoor sport provision and as such a full contribution has been sought.
- 8.159. It is welcomed that the applicant has agreed to fully meet the financial contribution of £1,742,647.68 towards enhancement of outdoor/indoor sports, parks and gardens, children's play space, allotments, amenity greenspace and semi-natural space in accordance with the requirements of policies CP7, CP16 and CP17 and the Developer Contributions Technical Guidance.

**Impact on Neighbouring Amenity**

- 8.160. Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.161. There is not considered to be any significant changes to the current scheme in comparison to the previously refused scheme which would alter the impact on the amenity of neighbouring properties.
- 8.162. The main impacts will be to the properties on the western side of Sackville Road, directly opposite the site and also to the south of the site to properties sited to the northern side of Conway Street.
- 8.163. A sunlight and daylight assessment by GIA has been provided with the application which assesses the impact on neighbouring properties.
- 8.164. The Council commissioned an independent review of this assessment which was completed by the Building Research Establishment (BRE) as part of the previous planning application. In respect of the impact on neighbouring properties the BRE stated,
- 8.165. "Even numbered houses in Sackville Road would face towards the proposed development across the road. Numbers 126-138, 144 and 146 would have a moderate adverse impact on their daylight, and of these numbers 126, 130 and 134 would also have a moderate adverse impact on sunlight. Numbers 124, 140, 142, 148-156 and 162-176 would have a minor adverse impact on daylight. Loss of daylight and sunlight to other houses on Sackville Road would be within BRE guidelines.

- 8.166. For many of the houses the residual levels of daylight would not be far below the BRE recommendations. The windows are mostly fairly large, and there are similar houses elsewhere in Brighton with higher levels of obstruction.
- 8.167. Loss of daylight to nineteen windows at The Courtyard, a block of flats across the railway line to the south, would be outside the BRE guidelines. This is assessed as a minor adverse impact, in most cases the daylight levels with the new development in place would be only just below the recommended value. Loss of sunlight would not be an issue for these windows as they face north.
- 8.168. There are no other dwellings that could be significantly affected.”
- 8.169. As set out above the BRE review indicates that the proposed development will result in harm to the amenity of a number of properties on the western side of Sackville Road in respect of a loss of daylight and sunlight. Of these properties there are 9 specifically which would have a moderate adverse loss of daylight and a further 16 with a minor adverse impact. Three properties would have a moderate adverse loss of sunlight.
- 8.170. Whilst the loss of daylight and sunlight for the affected properties on Sackville Road is regrettable, it is acknowledged these properties currently have very limited impediments to light, with low rise buildings to the east across the highway. They generally also have large windows and also benefit from rooms to the rear with outlook onto gardens to the west. Whilst the loss of light will be clearly noticeable for some properties the overall daylight and sunlight provision would still be considered reasonable for an urban location and overall the harm is not considered so significant as to warrant the refusal of the application.
- 8.171. The Courtyard is a purpose built block of flats to the south of the railway line. The majority of the flats in the building have aspects to the south with communal corridors running to the north of the buildings. Loss of daylight to the Courtyard would be relatively minimal and the application is considered to be acceptable in this regard.
- 8.172. There would be a degree of overlooking from the proposed residential units fronting Sackville Road towards the properties on the western side of the road, opposite the site. There would though be sufficient separation from the development and these properties across a busy public road and it is not considered that the proposal would result in any significant loss of privacy to the neighbouring occupiers. Similarly, whilst there would be views afforded from Blocks D, E and F towards properties to the south of the site, the separation distances involved, which also includes the railway line is such

that again, any loss of privacy to neighbouring occupiers would not be considered significant and the application is acceptable in this regard.

- 8.173. The separation distances between the development and neighbouring residential properties, both to the west over Sackville Road or across the railway line to the south in conjunction with the spacing between the taller blocks is such that the proposal is not considered to result in a detrimental enclosing or overbearing impact or result in a loss of outlook to neighbouring occupiers.
- 8.174. All other residential properties south of the railway and those to the north on Old Shoreham Road are considered to be sited sufficient distance away for there to be any significant loss of amenity as a result of the proposed development.
- 8.175. Noise and disturbance from the proposed development, be it from future occupiers or transport related impacts can be controlled via either a Servicing and Delivery Plan and a Noise Management Plan to be secured via the legal agreement or relevant condition and it is not considered that neighbouring properties will be significantly impacted in this regard.
- 8.176. Noise and dust during the construction of the scheme will be controlled by a Demolition and Environmental Management Plan (DEMP) and Construction and Environmental Management Plan (CEMP).
- 8.177. Impacts in respect of the loss of daylight and sunlight to the neighbouring commercial occupiers to the northern and eastern boundaries of the site have not been assessed by the applicant. Due to the height and siting of the built form adjacent to these boundaries there will be some degree of impact in respect or loss of sunlight, daylight and outlook and in some cases a somewhat overbearing impact. It is considered though that for commercial premises, which have a lower level of protection than for residential properties that any harm to amenity would not be so significant as to warrant refusal.
- 8.178. It is noted that concerns were raised by adjoining commercial operators on application BH2018/03697 that the siting of residential development in close proximity to commercial uses could result in noise complaints which could threaten the ongoing viability of their businesses. It is considered that a condition for further acoustic testing will identify which parts of the proposed development will require upgraded sound insulation and as such this approach is considered to provide mitigation in respect of this concern.
- 8.179. Notwithstanding the above, consideration must be given to the councils future aspirations for the site, which includes a significant amount of

residential development. It is acknowledged that any redevelopment scheme aiming to maximise the capacity of the site is likely to include residential development in relatively close proximity to adjoining commercial occupiers and as such the proposed arrangement is considered acceptable in this regard.

### **Standard of accommodation**

#### **Built to rent**

- 8.180. Whilst the Local Planning Authority does not have adopted space standards, for comparative purposes the Government's Technical Housing Standards – National Described Space Standards March 2015 document sets out recommended space standards for new dwellings.
- 8.181. The proposed units have been designed to accord with the Nationally Described Space Standards other than the standard one bedroom units which average 45.6sqm rather than the 50sqm set out in the standards. The applicant submission sets out that these units have been designed to be open plan, without a central hallway and set out that these units would have a larger habitable space than a standard 52sqm one bedroom unit. The proposed layout inevitably has led to some compromises, for example the bathroom is only assessed from the bedroom which places some limits on the usability of the units. Overall this approach is not considered to detract significantly from the quality of these units and the accommodation throughout the BTR scheme provides acceptable standards in respect of size, layout and circulation space.
- 8.182. The originally submitted daylight and sunlight reports for this element of the scheme sets out that there are good levels of daylight and sunlight throughout. This includes 95% of the scheme achieving the required Annual Daylight Factor (ADF). The built form is generally orientated from north to south which minimises the number of north facing units with the taller elements of the scheme especially are largely uninterrupted from the impacts of adjoining buildings. The information in respect of the original scheme has been reviewed by the BRE who are satisfied that the modelling is robust and that the scheme would provide good levels of daylighting for a high density scheme of this type and also reasonable levels of sunlight throughout.
- 8.183. In respect of the current scheme the BRE set out due to revisions to the internal housing mix and layout that whilst the daylighting and sunlighting was likely to be similar (to the original scheme) there could be some variation and suggested that new information was to be provided for the lower floors of the current scheme. This information was submitted during the life of the application and the LPA is satisfied that this shows that the daylight and



sunlight to be comparable to the originally submitted scheme and as such the proposal is acceptable in this regard.

- 8.184. Some concerns were raised with the original application in respect of compliance with Local Plan Policy HO5 which requires private useable amenity space in new residential development where appropriate to the scale and character of the development.
- 8.185. The relatively low level of private amenity formed part of the second reason for refusal on application BH2018/03697.
- 8.186. The revised plans show a marginal increase in the proportion of new BTR homes with private balconies or defensible private space at ground floor or podium level (from 32.4% to 33.7%) compared to the previously refused scheme.
- 8.187. It is acknowledged that the amenity offer also includes a number of private communal roof terraces and other semi-private communal amenity areas and more public amenity areas within the site that do add to the overall amenity offer. These include the Hub building which has been revised in the current application to provide a more useable and sheltered shared amenity area for residents of the site.
- 8.188. Whilst the larger terraces do provide a welcome communal amenity benefit they do provide a different offer than is provided by a more private balcony, terrace or defensible space which can bring a greater sense ownership to a home within a high density scheme.
- 8.189. Although it is recognised that the community offer is key within the BTR model it is not considered that private and communal amenity offers should be mutually exclusive.
- 8.190. In addition, it is considered that the high level of surface car parking has been at the expense of usable external amenity areas for future occupiers.
- 8.191. Overall, considering the scale and density of the scheme the level of private amenity space provision in its totality (including balconies, communal roof terraces and semi-private amenity areas) is somewhat disappointing and whilst the need to maximise the potential of the site is acknowledged this does weigh against the scheme to a degree.
- 8.192. There will be a significant level of mutual overlooking between the windows and balconies of the respective blocks and the external communal areas. Whilst this will impact the privacy of future residents there will inevitably be a

certain degree of overlooking in a scheme of this density and overall the scheme is considered to be acceptable in this regard. Whilst there are a number of ground floor units and units adjacent to raised terraces / amenity areas that have the potential to be compromised in respect of privacy and noise disturbance there is sufficient space for acceptable boundary treatments and or screening to ensure an acceptable standard of amenity will be provided for and this will be secured via the landscaping condition.

#### Care Community

- 8.193. This element of the scheme as revised is made up of 260 units set around an inner courtyard opening onto Sackville Road and containing the entrance to the scheme and a larger amenity space enclosed on three sides. The units all exceed the nationally described minimum space standards and are considered acceptable in respect of size and circulation space.
- 8.194. The residents of the care community are also afforded a number of communal facilities which adds to the overall offer and weighs in favour of the scheme.
- 8.195. The applicant submitted a daylight and sunlight report with the original scheme which was assessed by the BRE.
- 8.196. The submitted assessment set out that, extrapolated out across the scheme 84% of the rooms (and an estimate of 80-85% of the living areas) would meet the British Standard target with the rooms failing the target situated on the lower floors (0-3 inclusive). The BRE considered that this was a poor standard of daylighting, especially considering the scheme is for older people who are likely to be spending more time indoors than occupiers of regular housing.
- 8.197. In respect of sunlight provision the relatively high number of single aspect north facing units impacted on the 'overall compliance' rate for Annual Probable Sunlight Hours (APSH) which for the entire scheme stands at 51%. This was not considered a particularly good level of sunlight provision considering the limited existing constraints of the site.
- 8.198. The poor level of daylighting in the care community formed part of the second reason for refusal in application BH2018/03697 and is an area that the applicant has looked to address in the current application.
- 8.199. In the current revised scheme there have been some revisions to the massing of the taller tower elements of the scheme, revisions to internal layouts to remove separate kitchens to create open plan living areas (with

kitchen / diners) and also alterations to the siting of balconies and extent of the fenestration.

- 8.200. The applicant's Daylight and Sunlight assessment sets out that 99% (733 out of 742) of the habitable rooms within the scheme will see levels of ADF that either meet or exceed the BRE recommendations.
- 8.201. The BRE have assessed the care community element of the scheme and agree that the applicant's methodology and results are robust. They conclude that, 'overall, this represents a good level of daylight provision, much better than for the previous design for the building.'
- 8.202. Overall there have been significant improvements to the daylighting to the care community which would result in a good level for a scheme on this type and as such it is considered that the applicant has fully addressed the previous concerns in this regard.
- 8.203. Out of the 260 living rooms analysed, 204 (78.5%) would meet both the annual and winter sunlight recommendations. Another three would meet the annual recommendation but not the winter one, and four would meet the winter recommendation but not the annual one. 49 living rooms, 18.8% of the total, would not meet either recommendation. These mostly face north towards Old Shoreham Road.
- 8.204. The BRE commented that 'this represents a reasonable level of sunlight provision overall in a large flatted development.'
- 8.205. The main external amenity will inevitably be overshadowed to some degree due to the height of proposed built form, though from spring to autumn it is considered to have reasonable levels of sunlight. The proposed woodland amenity area to the northern boundary of the site, whilst providing a useful buffer with the development to the north will be shaded for most of the year and is considered to have limited amenity value.
- 8.206. 138 of the care community apartments (51%) have private balconies or defensible spaces on roof terraces, which again represents a very small increase on the 136 in the previously refused scheme.
- 8.207. Whilst the level of private amenity space is mitigated to some extent by the provision of the main central external amenity area and three further raised terraces these communal areas cannot fully compensate for the lack of private balconies / spaces to some of the units.
- 8.208. It is noted that the ground floor units on the west and south facing elevations of the scheme are single aspect with frontages onto Sackville Road and the

entrance to the site. This is not ideal in respect of privacy and noise / disturbance and landscaping / screening will have to be carefully considered to ensure acceptable living conditions for future occupiers.

- 8.209. Similar to the certain elements of the BTR development there will be a level of mutual overlooking and loss of privacy between some of the units. It has been noted that some of the internal layouts of the units have been designed to provide some mitigation in reducing direct views. Further details will be required to be provided via the landscaping condition to ensure that there is adequate screening built into amenity spaces (including the raised terraces) to ensure that there is sufficient privacy afforded to future occupiers.
- 8.210. Overall, when considering the standard of accommodation of the scheme as a whole the concerns in respect of daylighting to the care community have fallen away and there are significant improvements in both daylight and sunlight for this element of the scheme which has raised the quality of the standard of accommodation.
- 8.211. Notwithstanding the above, in attempting to maximise the quantum of development on the site this has resulted in some deficiencies in the amenity for future occupiers. This includes a high quantum of single aspect units throughout and a relatively low proportion of private amenity space.
- 8.212. Whilst there have been marginal improvements to the level of private amenity space the Planning Policy Team set out that, 'concerns over the low level of private amenity space provision remain.'
- 8.213. Whilst the deficiencies in the provision of private amenity space is noted it is acknowledged that the built to rent and care community models both put a significant onus on the wider communal benefits which include communal internal and external amenity areas of both a private and a semi private nature in addition to the more public amenity areas of the wider site.
- 8.214. Overall, in the context of the wider public benefits and the need to provide a deliverable scheme the under provision of private amenity space on its own is not so significant as to warrant the refusal of the application and the application is considered acceptable in this regard.

#### Noise Impacts for future occupiers

- 8.215. The site is surrounded with a number of potential noise sources. This includes busy highways to the west and north (Sackville Road and Old Shoreham Road), the railway line to the south and the commercial / industrial units which abut the site to the north and to the east.

- 8.216. There will also be a number of potential noise sources from the proposed development, eg. from plant, cycle and refuse stores, external terraces and deliveries.
- 8.217. A Noise and Vibration Assessment (dated 28/11/18) by Vanguardia was submitted with the previous application and resubmitted with the current application. This report outlines that in a number of locations in the proposed development that enhanced glazing (over and above standard double glazing) will be required to ensure satisfactory noise levels for future occupiers.
- 8.218. A condition is recommended requiring further noise assessment of the revised scheme and then a later assessment taking into account the potential noise sources within the development along with necessary mitigation to ensure acceptable noise conditions for future occupiers.
- 8.219. A condition requiring a noise management plan is proposed which would clearly set out how the differing uses and related external amenity areas will be effectively managed to ensure the amenity of future occupiers is safeguarded.
- 8.220. Further conditions are required in respect of deliveries / servicing, hours of use for specific commercial operations, soundproofing and noise and odour measures for plant.
- 8.221. Subject to compliance with the suggested conditions it is not considered that there will be any significant impact to future occupiers in respect of noise and disturbance.

**Housing Mix:**

- 8.222. Policy CP19 relates to housing mix and states it should be demonstrated that proposals have had regard to housing mix considerations and have been informed by local assessments of housing demand and need.
- 8.223. The third reason for refusal on the previous scheme, BH2018/03697 related to the proposed housing mix which was considered to be too heavily weighted towards studio provision and smaller units.
- 8.224. The previous scheme was for 581 residential units and 10 live/work units and had the following housing mix;
- 114 x studio (19%)
  - 203 x one bed (34%)
  - 241 x two bed (41%)
  - 33 x three bed (6%)

- 8.225. The applicant had set out that the nature of BTR schemes and flatted developments in general are such that a mix more in favour of smaller units is required.
- 8.226. Policy CP19 does not set specific requirements for housing mix, but expects developments to provide an appropriate mix of housing type, size and tenure informed by local assessments of housing demand and need, whilst having regard to the characteristics of existing neighbourhoods and communities. Compared to the overall pattern of need/demand across the city set out in CPP1 (para 4.213) the proposed mix of the refused scheme was strongly focused towards smaller units with limited numbers of 3 or more bedroom units.
- 8.227. In the assessment of BH2018/03697 it was noted that studios lack the flexibility of one bed units which can be used by a couple and overall the proposed level of studio provision was considered disappointing and there was conflict with Policies CP19 and SA6 which encourage developments to provide a housing mix that will help create mixed and sustainable communities.
- 8.228. The applicant has sought to address the reason for refusal in respect of housing mix in the current scheme which is made up of 564 residential units containing the following;
- 52 x studio (9%)
  - 202 x one bed (36%)
  - 268 x two bed (48%)
  - 42 x three bed (7%)
- 8.229. The current revised scheme is a significant improvement on the previously refused application with the amount of studios reduced by over half. Furthermore, significantly over half (55%) of the units now proposed are either two or more bedroom units.
- 8.230. The Planning Policy Team has set out that the significant reduction in the number of studio units and the increase in the proportion of two bedroom units represents a better housing mix and responds well to previous comments that the council would wish to see, as a minimum, a much better balance between the studio/one and two bedroom units. Although the number of three bedroom flats remains low compared to the demographic analysis of demand/need set out in para. 4.213 of the supporting text to City Plan Policy CP19, it is noted that the applicant considers that the proposed unit size mix reflects the nature of the Build to Rent market.

- 8.231. Notwithstanding that the current proposal still contains a limited number of larger three or more bedroom units, it is acknowledged that the location of the site, close to transport hubs, and the nature of flatted developments do not lend itself as well to larger, family sized units. It is further noted that the addition of the care community does broaden the types of occupiers that the overall development would support.
- 8.232. Overall the Policy Team conclude, 'the changes to the housing mix are considered to be a satisfactory response to previous concerns and no objection is now raised on this issue.'
- 8.233. Within the care community the housing mix is as follows is made up of 223 two bedroom units and 37 one bed units. The proposed mix is predominantly for two bedroom units and the applicant has set out that they are expecting approximately 1.5 occupants per residential unit. The additional bedroom allows for a future occupier with care needs living with a spouse the flexibility to have separate bedrooms if care needs were such that this was required or otherwise would allow for a guest bedroom so family and friends were able to visit.
- 8.234. Overall, the housing mix has improved significantly in comparison to the refused application and it is now considered that the proposal delivers a satisfactory housing mix in accordance with policy CP19.

**Sustainable Transport:**

- 8.235. City Plan policy CP9 seeks to promote sustainable modes of transport and cycling and walking in particular, to reduce reliance on the private car. Local plan policy TR4 promotes the use of Travel Plans. Policy TR7 seeks to ensure highway safety. Development is expected to meet vehicular and cycle parking standards set out in SPD14.
- 8.236. It is noted that there have been objections from local residents raising concerns over increased parking pressures in the vicinity, localised traffic congestion and highway safety concerns and all of these issues have been thoroughly assessed by the Local Highway Authority.
- 8.237. The site is in a sustainable location, close to services and is well located to take advantage of existing public transport links, including Hove Station.
- 8.238. The current scheme follows a very similar approach to application BH2018/03697. The general approach to application BH2018/03697 is set out below.

- 8.239. In accordance with the aims of DA6 the site layout has been designed to enable future links to Newtown Road should development on the eastern boundary of the site come forward in the future.
- 8.240. The existing vehicular access to the trading estate, off Sackville Road has been retained whilst a further pedestrian access has been added to the southern end of the site, adjacent to the railway bridge. The gradient of the site is such that this access is formed of a wide landscaped set of steps. It is not feasible to provide a ramped access due to the land level changes and as such a lift is proposed that is large enough to accommodate cyclists, children's buggies and any disabled or less mobile persons. This will be operational on a 24 hour basis and will be secured for use by all in perpetuity within the s106 agreement.
- 8.241. In respect of the originally submitted application the Highways Team raised a number of queries during the application process. These included;
- Further clarification required on trip generation, distribution and modelling,
  - The potential for parking overspill from the development and the impact of this on surrounding areas,
  - The layout of the new streets and spaces within the site. Particular concerns have included how to accommodate the needs of all users given the predominantly shared space proposals, and suitable arrangements for parking and deliveries/servicing,
  - The quantity and quality of cycle parking provision,
  - The compliance of the proposed care community component with SPD14 maximum car parking standards.
- 8.242. Further information was submitted by the applicant during the life of the original application and subject to relevant conditions and obligations the Highways Team were satisfied that the proposed development was acceptable in respect of highways impacts and transport policy requirements.
- 8.243. In highways terms the proposed scheme is very similar to application BH2018/03697. The key difference in the current application is an increase in B1 office floorspace, the omission of the live/work units and a reduction in the overall numbers of residential units. The submitted Transport Assessment sets out that these alterations will result in a marginal increase in vehicular trips to and from the site of 25 per day.
- 8.244. The Sustainable Transport Team are satisfied with the information submitted in respect of the trip generation, distribution and modelling. Whilst the existing trading estate is only partially in operation it is acknowledged that the site could be lawfully, fully occupied at any point in the future and as such the applicant's approach of comparing the proposed scheme against a fully



occupied trading estate is accepted. A comparison between the proposed scheme and the existing, under occupied site has also been carried out by the applicant for information.

- 8.245. Overall, the current application is considered to result in a relatively minor increase in the number of vehicular trips when compared to both the previous application and also to a hypothetical fully occupied site. There would be a significant increase though in trips by sustainable modes (pedestrians / cyclists / public transport) in comparison to existing.
- 8.246. The likely impact of the development on various local road junctions has been modelled within the TA with the latest additional trips not making a significant impact. This includes the existing site access junction (with proposed changes) and the junction of Neville Road/Old Shoreham Road/Sackville Road, amongst others. Some of these are already over saturated and experience significant queues. This remains true whether or not the existing site is assumed to be partly or fully occupied. The addition of the proposed development traffic in the current scheme is not forecast to exacerbate this to any significant level (again, whether or not the existing site is considered as partly or fully occupied). As such the proposal would not result in an unacceptable impact on highway safety, or a severe impact on the road network as set out in the terms of NPPF.
- 8.247. The uplift in trips (for sustainable modes) results in a sustainable transport contribution of £637,000. This has been reduced to £477,000 to allow the difference to be used to fund highway improvements that can be undertaken by the developer alongside their site junction works on Sackville Road. The remaining sustainable transport contribution may be allocated to one or more of a range of schemes to enhance sustainable movement associated with the site, including:
- Introducing advanced signals and ‘early starts’ for cyclists to the Neville Rd/Old Shoreham Rd/Sackville Rd junction,
  - Public realm enhancements to the local centre around the above, including repaving and decluttering works,
  - Improving the signalised junctions south of the development by introducing intelligent signal control equipment to improve journey times for sustainable modes,
  - Improvements to pedestrian access and amenity en-route to Hove Station along Clarendon Rd,
  - Improvements for pedestrians and cyclists to local schools and centres,
  - Introducing BTN Bike Share Hubs and cycle parking hangars to other local streets in the vicinity of the development,
  - A lighting and appearance scheme for the railway bridge over Sackville Rd.

- 8.248. The Sustainable Transport Team originally outlined a number of concerns relating to the access to the site from Sackville Road for pedestrians and cyclists. Amongst other things, bus stops are not close enough and a crossing is required to make getting to/from these safe and convenient, along with associated accessibility improvements to footways. The existing road layout is unsuitable for the significantly increased number of cyclists who will be accessing the site. This can be addressed by a highway improvement scheme for Sackville Road, which is to be secured as a s106 obligation.
- 8.249. Whilst the roads within the site are not proposed to be adopted it is important that the public realm is a safe place for all types of users. Some concerns have been raised as to how the proposed shared surfaces would operate and whether they would be safe for all users. Whilst some revisions were made to the internal site layouts during the assessment of the previous application to address these concerns the Sustainable Transport Team have set out that further alterations are required in a number of areas and these will be secured via a street design condition.
- 8.250. The applicant has set out in the TA that the site is well connected to local transport hubs and that future occupiers of the site will be encouraged to use sustainable modes. To help achieve these ends specific Travel Plans are proposed, along with two on-site car club bays and Bike share hubs. Further car club bays are proposed in the surrounding streets.
- 8.251. The following parking provision, totalling 289 spaces is proposed on the site as set out in the text within the TA. The overall number of spaces is unchanged. The only difference is an additional 7 spaces for the office (taken from the C3 allocation) representing the increased office floorspace on site.
- C2 retirement village: 74 spaces (staff and visitor)
  - A1/A3/D1 uses: 13 spaces (including 3 dual use loading area)
  - B1 Office: 52 spaces (staff and visitors)
  - C3 residential: 150 spaces (resident and visitor)
  - Car Club: 2 spaces
- 8.252. The Transport Team have noted that not all of the parking demand profiles for all of the proposed uses is matched with appropriate on-site parking provision. The application site sits within Controlled Parking Zone R. Parking surveys indicate that neighbouring streets, including those within Zone R of the CPZ are, as existing above over-stressed during the night time, whilst streets to the north around Orchard Street are also over-stressed during the day time as well.
- 8.253. The Transport Team have set out that without mitigation there is the potential for overspill parking of 102-112 vehicles from a variety of different uses on surrounding streets. Whilst it is noted that much of the overspill would be

concentrated on different times of the day depending on the use, reducing the impact, it is still considered that a number of mitigation measures are required to ensure that there would not be unacceptable levels of overspill parking from the scheme and these are discussed below.

- 8.254. It is proposed that the entitlement for parking permits is removed from all of the future occupiers within the care community and the BTR residences to control overspill parking and in addition visitor parking permit entitlement removed from the care community as sufficient visitor parking is provided on-site.
- 8.255. Existing residential occupiers within the controlled parking zones close to the site are permitted between 50 and 100 visitor permits each year (depending on the zone). As there is some visitor parking proposed in the current scheme on site for the BTR units it is considered that this entitlement should be reduced significantly to only 25 visitor permits per dwelling (rather than either 50 or 100 per resident) but it is not considered that it would be justified to remove visitor parking entitlement completely.
- 8.256. Further mitigation measures are the use of car club bays, two on neighbouring streets and two within the site.
- 8.257. Despite the mitigation set out above the Sustainable Transport Team consider that there would still be an unacceptable level of overspill to the Artist's Corner area which is already significantly overstressed in the late evening / overnight without further measures. As such, the Sustainable Transport Team is recommending a condition whereby minimum and maximum motor vehicle parking spaces are set on site, including the allocation of a number of on-site visitor parking spaces for the BTR residential development. Subject to compliance with this condition it is considered that the proposed scheme would be able to provide sufficient parking provision for a range of different uses throughout the day to ensure that there would be no harmful overspill parking within neighbouring streets and the application is acceptable in this regard.
- 8.258. Disabled parking provision is in accordance with the standards set out in SPD14.
- 8.259. Cycle parking provision has been provided for residents in stores either at ground floor level or basement level with further visitor cycle parking provision within the public realm. Additional provision for the increased office use has been provided for.

- 8.260. Concerns were raised during the previous application by the Sustainable Transport Team in respect of the quantum and quality of this provision. Discussions between the applicant and the Council have resulted in significant improvements to the cycle parking provision now the stores contain predominantly Sheffield stands with an upper tier system of racks above. Provision has also been made for oversized and adapted bikes and increases in rack spacing and aisle widths in the stores has improved the accessibility and convenience of the offer in line with the aims of Policy TR14. Whilst it is noted that the low height of the upper tier of the racks will make them somewhat awkward to use for some users overall the changes are welcomed as significant improvements on the original proposal. Notwithstanding the above, the improvements in quality have come at the expense of the overall quantity of cycle parking provision which has now dropped below the minimum standard set out in SPD14. Whilst this is disappointing, the Transport Team have outlined that overall the quantity and quality of the cycle parking provision is considered to be acceptable.
- 8.261. A delivery hub is proposed within the site to coordinate deliveries and this is welcomed. The exact details of this and other servicing arrangement will be secured within a Delivery and Service Management Plan.
- 8.262. A Demolition and Environment Management Plan (DEMP) and a Construction and Environmental Management Plan (CEMP) will be required as part of the Section 106 obligations to ensure the demolition and construction of the scheme does not result in any adverse environmental health or transport impacts.
- 8.263. In summary, the highways impacts associated with the current proposal have not altered significantly from the previous application and are considered acceptable. Assessing the scheme as a whole the transport / highway impacts of the application are considered to be in accordance with the development plan and in compliance with the terms of the NPPF.

**Sustainability:**

- 8.264. City Plan policy CP8 requires that all developments incorporate sustainable design features to avoid expansion of the City's ecological footprint, achieve significant reductions in greenhouse gas emissions and mitigate against and adapt to climate change.
- 8.265. Relevant local priorities in policy DA6 include;
- 8.266. Creative use of development to integrate new green infrastructure including green space, accessible green roofs, green walls and other features which

support Biosphere objectives and for development to consider low and zero carbon decentralised energy and in particular heat networks.

- 8.267. Policy CP8 specifies the residential energy and water efficiency standards required to be met, namely energy efficiency standards of 19% reduction in carbon emissions over Part L Building Regulations requirements 2013 and water efficiency standards of 110 litres per day and conditions are proposed to secure these standards. A further condition is proposed to secure a BREEAM rating of excellent for the commercial elements of the scheme.
- 8.268. Whilst the One Planning Living approach to the development is welcomed the Sustainability Team are disappointed that green roofs and walls are not included in the scheme as these can help mitigate against the heat island effect, moderate internal temperatures as well as improve biodiversity.
- 8.269. The extensive soft landscaping, which includes a 250 trees and allotments to the north west of the site are welcomed, improving the sustainability and biodiversity credentials of the scheme.
- 8.270. Photovoltaic panels are proposed for a number of the flat roofs. The exact quantum and siting will be secured via a proposed condition.
- 8.271. Ten percent of the parking spaces on-site will have active electric charging, with a further ten percent having passive provision to allow for later introduction.
- 8.272. The applicant has indicated that the proposed development is designed in such a way that it will be able to integrate into a future district heating system and these details will be conditioned.
- 8.273. Overall, subject to compliance with the suggested conditions the proposal is considered to have an acceptable impact in respect of sustainability.

### **Ecology**

- 8.274. There are no sites designated for their nature conservation interest that are likely to be impacted by the proposed development.
- 8.275. The site is currently predominantly covered in buildings and hardstanding and is of relatively low biodiversity value. The proposed scheme includes a significant amount of soft landscaped areas, circa 250 trees and as such will result in an uplift in respect of biodiversity.
- 8.276. An ecology plan has been submitted which includes details on bird and bat boxes. Further details of these are required by the County Ecologist and as

such this will be conditioned. It is suggested that bird boxes, swift bricks, bat boxes and also bee bricks / bug boxes are provided throughout the scheme.

- 8.277. Further nature enhancements to the scheme will be secured via an Ecological Design Strategy condition and overall subject to compliance with these conditions the proposal is considered to be in accordance with development plan policies in respect of ecology.

**Arboriculture:**

- 8.278. The existing development site is predominantly made up of hard surfacing and this has left little room for planting. The most prominent is upon the western boundary including a large area of hedging and trees above a high retaining wall, an important line of street trees, and some rowan trees to the north-west boundary. The two most prominent trees along this section, a London Plane near the entrance and an ash, further to the south are to be retained and this is to be welcomed.
- 8.279. Within the site itself there are 25 trees to be removed, none of these are worthy of a tree protection order. A landscape public realm general arrangement plan has been supplied with the application which includes over 250 trees to be planted at ground level, in addition to other planting at ground and at various altitudes, including roof levels.
- 8.280. Two council street trees have been proposed for removal within Sackville Road to enable the development, opposite Prinsep Road. One is a small dead elm sapling T30 and the other is a London Plane T31. The arboriculture team are satisfied with the removal of these two poor specimens subject to the planting of replacement street trees within hard surfaces close to the site or within the ward if this is not possible.
- 8.281. The Arboriculture Team are satisfied that the current scheme has not altered significantly in respect of tree issues and their previous comments are still valid.
- 8.282. The Arboriculture Team assessed the original application and whilst they welcomed the much improved potential tree cover on the site over the existing situation there was a concern that a large number of trees will find it difficult to establish and thrive due to sunlight deprivation for long periods of the day caused by the proposed high-sided buildings. It was set out initially that the most problematic areas were on the eastern and northern boundaries of the site where trees will be shaded for large periods of time during the year and directly to the north of blocks D, E and F.

- 8.283. Whilst revisions to the original scheme provided increased variation in the height of the buildings and reduces the total shading throughout the site the 'Sun Hours on Ground Report' submitted with the revised drawings still sets out that 55 individual trees are sited in locations which receive less than 2 hours direct sunlight during the day on 21 March.
- 8.284. The Arboriculture Team have recommended further information is required by condition outlining specific trees species and planting specifications to ensure those trees in the most shaded areas are able to survive given the harsh conditions. Whilst the number of trees in shaded locations is disappointing it is acknowledged that in order to achieve sufficient development density to provide a viable scheme that this will inevitably involve taller buildings and thus impacts in respect of shading.
- 8.285. Overall, notwithstanding the reservations in respect of the shading which will impact a significant number of trees it is considered that the overall site condition in respect of trees cover would be improved significantly and subject to satisfactory conditions to ensure the trees become well established the application is considered to be acceptable in respect of arboriculture.

#### **Contaminated Land**

- 8.286. The east and south sides of the site has some history of contaminative use and this is referenced in the land contamination report by RSK dated 4/8/17 submitted with the application. This report forms a desk-top study and further work is required when the cover is removed during the demolition enabling further sampling and surveys would be required to fully evaluate potential contaminants. The Environmental Health Team is satisfied with the information submitted at this stage. A full land contamination condition is required should planning permission be granted.

#### **Health Impact Assessment**

- 8.287. A Health Impact Assessment has been submitted as required by City Plan Policy CP18 for strategic scale developments. The HIA has used a recognised methodology and as such the different dimensions expected to be assessed have been included. Based on the evidence submitted, it is noted that there are potential beneficial effects with regards to active travel including cycling facilities for residents and visitors, intergenerational connections and interactions, and opportunities for social cohesion, opportunities for food growing and the employment opportunities the proposed development may create. Overall it is considered the application scheme adequately addresses policy CP18.

#### **Sustainable Urban Drainage / Flood Risk**

- 8.288. Policy CP11 in the City Plan Part One sets out that the council will seek to manage and reduce flood risk and any potential adverse effects on people or property in Brighton & Hove, in accordance with the findings of the Strategic Flood Risk Assessment (SFRA). Saved policies SU3, SU5 and SU11 in the B&H Local Plan relates to water resources and their quality, surface water and foul sewage disposal infrastructure and Polluted land and buildings.
- 8.289. A Drainage Impact Assessment by Nolan Associates was submitted in support of the application. In addition, further information was submitted during the life of the application in response to consultation responses by relevant internal and external consultees.
- 8.290. The Local Lead Flood Authority is satisfied that the proposal would not result in an unacceptable flood risk and subject to the imposition of a condition requiring a management and maintenance plan for surface water and further information detailing how the coal yard currently infiltrates do not object to the proposal.
- 8.291. Southern Water had initially raised concerns that the proposal would be built over an existing public sewer and water main and that the proposal would increase the risk of surface water flooding. The applicant has set out that the existing sewerage system on the site will be divested and removed as part of the scheme.
- 8.292. Southern Water has confirmed that the additional foul sewerage flows from the proposed development will not increase the risk of flooding in the existing public sewerage network. Southern Water can hence facilitate foul sewerage disposal to service the proposed development.
- 8.293. Southern Water do not object subject to the imposition of a number of specific conditions.
- 8.294. The previous use of the proposed development site as a railway yard and industrial site presents a high risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is within a source protection zone 1 and, as well as being located upon a principal aquifer.
- 8.295. The site rests upon superficial head deposits (Secondary A Aquifer) which are underlain by the Tarrant Chalk Member (Principal Aquifer). The site is located within Source Protection Zones 1 and 2 associated with the Goldstone Public Water Abstraction. This abstraction is located 640m North of the site. The Environment Agency sets out that the applicant's submission assumes that groundwater flow (within Principal Aquifer) is southerly,



however, the abstraction will have a significant influence on groundwater flow. Furthermore the EA states that 'given the unpredictable and heterogeneous secondary porosity and permeability of chalk aquifers we feel that there is an appreciable risk to the Goldstone Abstraction.'

- 8.296. The Environment Agency response sets out that further information is required before they are satisfied that development can commence in order to protect the integrity of the aquifer from potential contamination. The Environment Agency has not objected to the proposed development subject to this further information being submitted and agreed prior to commencement and as such relevant condition are proposed to be attached to any grant of planning permission.

### **Air Quality**

- 8.297. Policy SU9 of the Local Plan relates to pollution and nuisance control. The policy states that development that may be liable to cause pollution and/or nuisance to land, air or water would only be permitted where human health and safety, amenity and the ecological well-being of the natural and built environment is not put at risk; when such development does not reduce the Local Planning Authority's ability to meet the Government's air quality; and other sustainability targets and development does not negatively impact upon the existing pollution and nuisance situation.
- 8.298. Since 2013 an Air Quality Management Area (AQMA) has been designated in Brighton Hove. The AQMA takes in Sackville Road and part of Old Shoreham Road, including the junction between these roads.
- 8.299. For Hove and Goldstone areas, ambient air quality is well within national limits and complies with the Air Quality Assessment Levels (AQAL) for nitrogen dioxide (NO<sub>2</sub>) and particulate matter (PM). In recent years air quality has improved in the area.
- 8.300. The contribution of road traffic emissions to Sackville Road (north) has been considered. As residential quarters are set back from the kerb, road traffic emissions are not deemed to be significant at this location. At diffusion tube monitor West 21, NO<sub>2</sub> levels have been recorded at less than 40 µg/m<sup>3</sup> (AQAL) for more than two years. Other roadside monitoring sites in the City Centre or Portslade that recently recorded exceedance of the AQAL are more than 2km from the site. Traffic travelling to and from the site is likely to disperse before it reaches these AQMAs.
- 8.301. Given the proposed size of the development with potential to introduce road traffic emissions and residential in an extant AQMA, the applicant has submitted an Air Quality Report with their planning application. Traffic

generation is relatively low given the number of residential units. The site is close to public transport links and has a number of sustainable travel initiatives.

- 8.302. The air quality report assesses air quality at the development site and potential impacts on the nearest Air Quality Management Area (AQMA) including along Sackville Road and the junction with Old Shoreham Road.
- 8.303. Based on the traffic generation figures provided, the air quality consultant predicts that the developments contribution of NO<sub>2</sub> along the Sackville Road part of the AQMA is negligible. Given the improvement in recent years this is likely to remain the case. It is noted that the additional vehicle movements are not significantly different from the previously proposed application which was also considered acceptable in respect of its impact on air quality.
- 8.304. The Air Quality Officer is satisfied that subject to suggested conditions in regard to boiler emissions, electric charging points for car parking and adequate flue termination / siting and a CEMP that includes measures in relation to air quality the proposal is considered to be acceptable in respect of air quality in accordance with policy SU9.

#### **Wind Microclimate**

- 8.305. The application submission includes a Wind Microclimate Study and further Supplementary Statements by BMT Group which were submitted as part of the original application. The overall height, massing and site layout of the current scheme is unchanged from the previously refused scheme and as such the assessment remains valid.
- 8.306. The wind tunnel study has enabled the pedestrian level wind environment at the site to be quantified and classified in terms of suitability for current and planned usage, based on the industry standard Lawson criteria for pedestrian comfort and safety. The study considers the proposed development in the context of existing surrounds and approved future surrounds.
- 8.307. The study sets out that the proposed development without mitigation would result in a deterioration of the wind microclimate, with several assessment locations failing to meet the criteria for safety and comfort around the site.
- 8.308. The study set out that with the introduction of soft landscaping proposals and wind mitigation measures in place the safety criteria and all met and comfort levels improve considerably.
- 8.309. The council appointed an external consultant RWDI Consulting Engineers and Scientists to independently assess the applicant's Wind Microclimate

Study (and subsequent further information). It is considered that the impact of the development in terms of wind speeds has been robustly assessed. RWDI raised a number of questions in respect of the assessment which applicant adequately responded to.

- 8.310. It is noted that whilst the proposed mitigation ensures a safe development some of the outdoor amenity areas have relatively poor comfort levels for occupiers wishing to spend longer periods sitting outside. Given the importance of the outdoor amenity areas given the limited amenity space of the site a condition is required to revisit the landscaping / screening with a view of achieving higher comfort levels in some of the key areas within the site.

### **Archaeology**

Although the proposed development is not located within an Archaeological

- 8.311. Notification Area, the site lies within an area of recognised prehistoric and Roman archaeological potential. An Archaeological Notification Area defining the site of a probable Roman villa lies just c. 60m to the north-east of the proposal site, and a Roman aisled building/villa has also been excavated to the north-west of the site.
- 8.312. The archaeological potential has been considered in detail in a comprehensive *Archaeological Desk Based Assessment* submitted as part of this application. This has concluded that the site has a high potential for the 19<sup>th</sup> century and later, a moderate potential for the prehistoric and Roman periods, and a low potential for the Anglo-Saxon, medieval and earlier post-medieval periods. The County Archaeologist concurs with this assessment and recommends and in the light of the potential for impacts to heritage assets with archaeological interest resulting from the proposed development, the area affected by the proposals should be the subject to conditions requiring a programme of archaeological works in accordance with the NPPF and policy HE12.

### **Conclusion and planning balance**

- 8.313. Paragraph 11 of the NPPF makes it clear that planning application decisions should apply a presumption in favour of sustainable development. Furthermore, it sets out that where relevant development policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 8.314. As noted previously the Council is currently unable to demonstrate a 5 year housing supply and as such the relevant planning policies relating to housing delivery are considered to be out-of-date and the tilted balance of paragraph 11 must be applied.

- 8.315. When assessing the scheme before us, in applying the planning balance, there are a number of factors which weigh both for and against the scheme.
- 8.316. It is acknowledged that as no significant alterations are proposed to the scale, height and massing of the scheme, in comparison to the refused application that the harm to heritage assets previously identified and which formed the first reason for refusal on the earlier scheme still remain. It is noted that great weight should be given to the protection of designated heritage assets. The heritage harm to the setting of the listed Hove Station and to the Hove Station Conservation Area, in addition to the harm to the locally listed Dubarry building and the impact identified by Members on the locally listed Hove Park, weigh against the scheme. Notwithstanding this harm, as set out earlier in the report the public benefits associated with the redevelopment of this brownfield site, including a significant delivery of housing are considered to be such that they outweigh the heritage harm identified.
- 8.317. It is acknowledged that the nature of the BTR and 'care community' models is such that the provision of communal amenity spaces for residents are a key element of these schemes. It is considered that communal amenity whilst a positive benefit should be in addition and not as a substitute for more private types of amenity space for residents and as such the deficiencies in the amount of private amenity space to be provided across the site weighs against the scheme to a degree.
- 8.318. In addition, the detrimental impact on neighbouring amenity in respect of the loss of light and sunlight for a number of properties on Sackville Road has been highlighted as another concern.
- 8.319. Whilst it is disappointing that the high density of the scheme has contributed in part to some deficiencies in the amenity for future occupiers and some harm to neighbouring residents the LPA is mindful of the need to maximise this important brownfield site and achieve a viable and deliverable scheme and these impacts must also be weighed against the positive benefits of the scheme which are set out later in the conclusion.
- 8.320. Outlining the positives of the scheme, the public benefits include the contribution of 581 residential units towards the City's housing target of 13,200 new homes over the plan period within a development area (DA6) that has been allocated through CPP1 for higher density, mixed use development. It is further acknowledged that the Council is currently unable to demonstrate a 5 year housing land supply and as such the proposed housing would make a very significant contribution towards this shortfall and

this weighs strongly in favour of the scheme. Notwithstanding that the scheme has been independently assessed as being unable to viably provide affordable housing the applicant has agreed to provide for 56 affordable homes, equivalent to 10% of the total provision and this also weighs in favour of the scheme. In addition to the 581 residential units the scheme provides for 260 care community units, creating a total of 841 residences, catering for a range of different tenures, occupiers and age groups.

- 8.321. The application also provides for modern and flexible office floorspace and whilst the proposed development is not considered to be solely an 'employment focussed' scheme in line with the aspirations of policy DA6 it does contain an increase of circa 700sqm of office floorspace over the previously refused application and as such meets the Planning Policy Team's minimum expectation for employment floorspace. It is also recognised that any further increase in employment floorspace would likely have to come at the expense of residential floorspace, thus further eroding the viability of the scheme. In addition, it is noted that the modern floorspace proposed is of a significantly higher employment density and quality than existing whilst the other non-residential uses proposed will increase the overall employment offer and add variety and vitality to this mixed use scheme.
- 8.322. The redevelopment of the site will also result in the creation of active frontages along Sackville Road and within the site, improved public realm, including a public square, significant tree planting and a number of commercial and community uses all accessible to the public and this is considered a further positive benefit of the scheme.
- 8.323. The design of the scheme has evolved positively during the application and is considered to be an improvement on the previously refused scheme. Whilst some design issues still remain, when the application is assessed holistically, considering the need to maximise the potential of the site and the significant public benefits of the proposed housing, the overall design approach is found to be acceptable.
- 8.324. Subject to the proposed conditions and obligations the Local Highway Authority are satisfied that the proposal will have an acceptable impact on the local road network, would support the use of sustainable modes and would not result in highway safety concerns or any significant parking stress within the surrounding area.
- 8.325. Other factors including impacts relating to ecology, sustainability, arboriculture, archaeology, landscaping, flood risk, land contamination, wind and air quality have been assessed and have been considered acceptable.

- 8.326. Overall, the proposal is considered to be marked improvement when compared with the previously refused scheme with a much improved housing mix, an increase in overall employment floorspace and potential jobs, excellent levels of daylight within the care community, some marginal improvements to the private amenity offer and improvements to the appearance and design.
- 8.327. it is considered that the public benefits of the scheme as a whole which includes the provision of a significant amount of housing are such that they outweigh the heritage harm, any shortfall in private amenity space, and the limited harm to the amenity of neighbouring occupiers.
- 8.328. The proposed development will make a significant contribution towards sustainable development in the City and thus complies with the NPPF and contributes towards meeting the objectives of City Plan Part One Policy CP1 and approval of planning permission is therefore recommended subject to the completion of a s106 planning legal agreement and to the conditions recommended above.

## **9. EQUALITIES**

- 9.1. Access to the site for disabled users and less mobile users has been accommodated. This includes an accessible pedestrian / cyclist lift from the southern end of Sackville Road. Wheelchair accessible housing (5%) and disabled car parking is to be incorporated throughout.

## **10. S106 AGREEMENT**

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

1. The viability of the scheme and subsequent level of affordable housing has been based on the scheme being Build To Rent and in the absence of any Section 106 Agreement mechanisms which covenant the housing as Build to Rent only, and which secure an element of affordable housing, the development fails to satisfactorily meet the identified housing needs in the city or provide satisfactorily mixed balanced housing scheme, contrary to policies CP7, CP19 and CP20 of the Brighton and Hove City Plan Part One.
2. The proposed development fails to provide appropriate mitigation of the transport impacts of the development or promote sustainable transport modes contrary to policies TR7 of the Brighton & Hove Local Plan and DA4, CP7 and CP9 of the Brighton and Hove City Plan Part One.

3. The proposed development does not include an appropriate artistic element commensurate to the scale of the scheme and therefore fails to address the requirements of CP5, CP7 and CP13 of the Brighton and Hove City Plan Part One.
4. The proposed development fails to provide an Employment and Training Strategy specifying how the developer or their main contractors will provide opportunities for local people to gain employment or training on the construction phase of the proposed development contrary to policies DA4 and CP7 of the Brighton and Hove City Plan Part 1 and the City Council's Developer Contributions Technical Guidance.
5. The proposed development fails provide a financial contribution towards the City Council's Local Employment Scheme secured via Section 106 Agreement to support local people to employment within the construction industry contrary to policies DA4 and CP7 of the Brighton and Hove City Plan Part 1 and the City Council's Developer Contributions Technical Guidance.
6. The proposed development fails to provide a financial contribution towards the improvement and expansion of capacity of local schools required to meet the demand for education created by the development, contrary to policy CP7 of the Brighton and Hove City Plan Part 1 and the City Council's Developer Contributions Technical Guidance.
7. The proposed development fails to provide a financial contribution towards the enhancement of open space to meet the demand created by the development contrary to policies CP7 and CP16 of the Brighton and Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
8. The proposed development fails to provide a mechanism in the legal agreement whereby a specified level of access to the identified community resource with the care community is secured or fails to provide for an acceptable eligibility criteria, or minimum care package to ensure the care community operates in accordance with a C2 use class, contrary to policy HO19 of the Brighton and Hove Local Plan and policies CP19 and CP20 of the Brighton and Hove City Plan Part One.

