

<b>Subject:</b>	<b>Sackville Trading Estate and Hove Goods Yard, Sackville Road, Hove: Appealed application ref. BH2018/03697</b>		
<b>Date of Meeting:</b>	<b>23 March 2020</b>		
<b>Report of:</b>	<b>Executive Lead Officer – Strategy Governance &amp; Law</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Hilary Woodward</b>	<b>Tel: 01273 291514</b>
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<b>Ward(s) affected:</b>	<b>Hove Park</b>		

## **1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 The Committee is being asked to agree formally to withdraw its reasons for refusal of planning application ref. BH2018/03697 (“the appealed application”) in the light of the Committee’s Minded to Grant resolution of the 4 March last in relation to planning application BH2019/03548 which is identical to the appealed application.

## **2. RECOMMENDATIONS**

That the Committee:

- 2.1 agrees to withdraw its reasons for refusal in relation to planning application reference BH2018/03697.

## **3. CONTEXT/ BACKGROUND INFORMATION**

- 3.1 On the 10 July 2019 the Planning Committee considered a report on planning application reference BH2018/03697 relating to the demolition and redevelopment of Sackville Trading Estate and Hove Goods Yard, Sackville Road, Hove. The application was refused by the Planning Committee, contrary to officer recommendation, for 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.
- 3.2 The refusal of planning permission has been appealed and the appeal will be heard by way of public inquiry. The inquiry will commence on 21 April next.
- 3.3 In November 2019 a planning application for a scheme that was similar to the appealed application was submitted: planning application reference BH2019/03548 (“the 2019 application”). This application went before the Planning Committee on 4 March last for determination, with the officer’s recommendation being Minded to Grant. The officer report set out the key differences between the appealed application and the 2019 application. These were:-
- 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
  - 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
- 3.4 The appellant requested that the Planning Inspector due to hear the appeal agree that various amendments could be made to the appealed application so that it then became identical the 2019 application. The Planning Inspector agreed that the appealed application could be amended as requested. Accordingly the appealed application and the 2019 application that went before the Planning Committee on March 4 are one and the same.
- 3.5 The decision of the Planning Committee on the 2019 application was to accept the Minded to Grant officer recommendation, having considered the revisions that had been made to the scheme since the proposals first came to Committee and the planning balance.
- 3.6 Insofar as Planning Committee has resolved, subject to a s106 planning obligation, to grant planning permission for a scheme identical to the revised appeal scheme, there would be no merit in defending the reasons for refusal on

the appealed application and the recommendation is that the reasons for refusal should be withdrawn.

- 3.7 Should the recommendation to withdraw the reasons for refusal be agreed the Council's role at the appeal would be limited to discussions with the Inspector and appellant on planning conditions and the terms of the s106 planning obligation. So far as the s106 planning obligation is concerned, although the Committee agreed heads of terms for the same when it determined the appealed application terms have not yet been agreed with the appellant, and the offer of 10% affordable housing has been withdrawn. Moreover, insofar as the decision on the appealed application may not be made until after 1 June next, when the Council is due to adopt CIL, the heads of terms agreed by Committee will need to be revised to take account of the same. It is anticipated that a report on the proposed revised s106 heads of terms will be taken to the 1 April 2020 Planning Committee for Members' decision.

#### **4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS**

- 4.1 An alternative option would be for the Council to proceed with its defence of the appeal for the reasons set out in the decision notice. However, insofar as these reasons have been superseded by the Planning Committee's decision on the 2019 application there is no merit in pursuing the same.

#### **5. COMMUNITY ENGAGEMENT & CONSULTATION**

- 5.1 None has been undertaken in view of the nature of the report.

#### **6. CONCLUSION**

- 6.1 In the light of the Planning Committee's positive determination of an application which is identical to the appealed application the recommendation is that the reasons for refusal of the appealed application should not be pursued and should be withdrawn.

### **SUPPORTING DOCUMENTATION**

#### **Background documents**

1. 4 March 2020 Planning Committee Report on application BH2019/03548;

