

<u>No:</u>	BH2020/01403	<u>Ward:</u>	Goldsmid Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	64 - 68 Palmeira Avenue & 72 - 73 Cromwell Road Hove		
<u>Proposal:</u>	Redevelopment of land on the corner of Palmeira Avenue & Cromwell Road for the erection of 94 flats (C3) with basement parking, landscaping & associated works. (Revised design including additional balconies, revised elevational materials & design, revised layout to ground & lower ground floor residential units & supporting information)		
<u>Officer:</u>	Luke Austin, tel: 294495	<u>Valid Date:</u>	29.05.2020
<u>Con Area:</u>		<u>Expiry Date:</u>	28.08.2020
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	SF Planning Limited 12 Royal Crescent Cheltenham GL50 3DA		
<u>Applicant:</u>	RKO Developments Ltd C/O SF Planning Ltd 12 Royal Crescent Cheltenham GL50 3DA		

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be **Minded to Grant** planning permission subject to the expiry of the re-consultation period expiring on the 21st of August 2020 and no new planning considerations arising, and subject to a s106 Planning Obligation and the Conditions and Informatives as set out hereunder, **SAVE THAT** should the s106 Planning Obligation not be completed on or before the **2nd October 2020** the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 9 of this report:

S106 Heads of Terms

- Affordable Housing: Contribution of £354,503 towards off-site provision
- A contribution of £57,589.40 towards education
- A contribution of £250,065.24 towards open space and recreation provision
- A contribution of £26,100 to the Council's Local Employment and Training Strategy including a commitment to using 20% local employment during the demolition and construction phases of the development.
- An artistic component / element as part of the proposed scheme to the value of £32,300.
- A scheme to secure 3 replacement street trees for every tree lost within five years of commencement of development.
- A contribution of £82,500 towards sustainable transport improvements in the vicinity, including:
 - Pedestrian footway improvements on the island crossing on Cromwell Road to the right of the Palmeira Ave junction to include tactile paving;

- Pedestrian footway improvements on but not limited to Palmeira Ave; and
 - Bus stop improvements on Cromwell Road including RTP1, accessible kerbs and/or cage strengthening.
- A s278 in order to secure:
 - Closure of 3 x existing site accesses on Cromwell Rd and 1x existing access on Palmeira Ave;
 - Amendments to on-street parking and the proposed re-location of the solo motorcycle bay; and
 - Creation of a new pedestrian-priority vehicular cross-over on Palmeira Ave, which will serve as the basement car park access for the site.
 - Removal/relocation of bus stop and shelter and creation of new loading bay.
- A 5 year Travel Plan to secure variety of incentive measures including:
 - A travel pack for residents to include information on local options for sustainable transport and road safety.
 - Offering the first occupants of each residential unit 1 year subsidised tickets/memberships for one of the following local public and shared transport services per resident -
 - Local buses and/or train services;
 - BTN Bike Share; and
 - Enterprise Car Club
- Formal cyclist training for a minimum of 6 residents on request, to be marketed throughout the development and offered on a first come first serve basis.
 - maintenance stands together with pumps and basic maintenance and repair tools within the cycle stores for resident use.
 - Providing first occupiers of each unit a voucher of ≥£150 per unit to go towards the cost of purchasing a bicycle
 - Establishing a Bicycle User Group for residents and any employees. 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.
 - Providing information on sustainable transport options and the other measures and offers above in all
 - marketing material (including any on-line).
 - Provide and maintaining on site notice boards to provide 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, the Travel Plan Coordinator and the Bicycle User Group relating to any of the above

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Detail	31-601		27 May 2020
Detail	31-602		27 May 2020
Detail	31-603		27 May 2020
Proposed Drawing	00-224	PL13	27 July 2020
Proposed Drawing	00-202	PL15	27 July 2020
Proposed Drawing	00-100	PL14	27 July 2020
Proposed Drawing	00-200	PL14	27 July 2020
Proposed Drawing	00-201	PL14	27 July 2020
Proposed Drawing	00-203	PL13	27 July 2020
Proposed Drawing	00-204	PL13	27 July 2020
Proposed Drawing	00-205	PL13	27 July 2020
Proposed Drawing	00-206	PL13	27 July 2020
Proposed Drawing	00-207	PL13	27 July 2020
Proposed Drawing	00-208	PL13	27 July 2020
Proposed Drawing	00-209	PL13	27 July 2020
Proposed Drawing	00-210	PL14	27 July 2020
Proposed Drawing	00-211	PL14	27 July 2020
Proposed Drawing	00-212	PL14	27 July 2020
Proposed Drawing	00-213	PL14	27 July 2020
Proposed Drawing	00-220	PL13	27 July 2020
Proposed Drawing	00-221	PL13	27 July 2020
Report/Statement	GHA/DS/12 5860:18	ARBORICULTURAL REPORT	26 May 2020
Report/Statement	18144 - 1.0	BAT SURVEY	26 May 2020
Report/Statement	18144 - 1.0	ECOLOGY REPORT	26 May 2020
Report/Statement	18426.NIA.0 1	NOISE REPORT	26 May 2020

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

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

3. Other than the balcony areas and terraces identified on the approved plans, access to the flat roofs of the development hereby approved shall be for maintenance or emergency purposes only, and the flat roofs shall not be used as a roof garden, terrace or patio or similar amenity area.

Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policy QD27 of the Brighton and Hove Local Plan.

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

The external lighting shall be installed, operated and maintained in accordance with the approved details and thereafter retained.

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

5. No development shall take place until a Demolition and Construction Environmental Management Plan (DEMP/CEMP) has been submitted to and approved in writing by the Local Planning Authority. The DEMP/CEMP shall include, inter alia,:
- (i) The phases of the Proposed Development including the forecasted completion date(s) ;
 - (ii) A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to Commence Development until such consent has been obtained;
 - (iii) A scheme of how the contractors will liaise with local residents, businesses and elected members to ensure that they are all kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme);
 - (iv) A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise, dust management, vibration, site traffic, parking by staff and contractors and deliveries to and from the site;
 - (v) Details of hours of construction including all associated vehicular movements;
 - (vi) Details of the construction compound, including the proposed location, design and construction of vehicular accesses to this from the highway, associated measures to manage local traffic movements around this (including those by pedestrians and cyclists) and any associated on- street restrictions and other measures necessary to minimise congestion on the highway and permit safe access by site vehicles;
 - (vii) A plan showing traffic routes for vehicles connected to demolition and construction;
 - (viii) A scheme to minimise congestion, delays and disturbances to traffic and public transport services in the vicinity of the site owing to staff and contractor car parking and site traffic. This will include the identification of areas for staff and contractor parking. The scheme shall be informed by 16 hour parking stress surveys of the streets and public car parks in the vicinity of the site. These shall be carried out in accordance with the Lambeth methodology and shall be conducted on one neutral weekday

and one Saturday, with the survey extent, dates and times to be agreed in advance with the Council;

(ix) An audit of all waste generated during construction works.

The construction shall be carried out in accordance with the approved CEMP.

Reason: As this matter is fundamental to the protection of amenity, highway safety and managing waste throughout development works and to comply with policies QD27, SU9, SU10 and TR7 of the Brighton & Hove Local Plan, policy CP8 of the City Plan Part One, and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03 Construction and Demolition Waste.

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

Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policy QD27 of the Brighton and Hove Local Plan and CP12 of the Brighton and Hove City Plan Part One.

7. Notwithstanding the plans hereby approved, the proposed development shall not be occupied until a scheme has been submitted to the local planning authority detailing balustrades to restrict the area of usability to the second third and fourth floor terraces to the western edge of Block B and the terraces at third and fifth floor levels to the south-east of Block A. The scheme shall be designed with a sufficient set-back to restrict views towards neighbouring dwellings. The respective terraces shall not be brought into use until the approved balustrading has been installed. The shall be retained as such thereafter.

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

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

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

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

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

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

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

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

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

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

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD14 and HE6 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.

11. 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 HE6 of the Brighton and Hove Local Plan and CP12 and CP15 of the Brighton and Hove City Plan Part One.

12. The development hereby permitted shall not be occupied until a plan detailing the positions, height, design, materials and type of all existing and proposed boundary treatments shall has been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be provided in accordance with the approved details prior to occupation of the development and shall thereafter be retained at all times.

Reason: To enhance the appearance of the development in the interest of the visual and residential amenities of the area and to comply with policies QD15,

HE6 and QD27 of the Brighton & Hove Local Plan and CP12/CP15/CP13 of the Brighton & Hove City Plan Part One.

13. None of the new build residential units hereby approved shall be occupied until each residential unit built has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.
Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the City Plan Part One.
14. None of the residential units hereby approved shall be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).
Reason: To ensure that the development is sustainable and makes efficient use of energy to comply with policy CP8 of the Brighton and Hove City Plan Part One.
15. Other than demolition, the development hereby permitted shall not be commenced until full details of the proposed solar photovoltaic panel arrays have been submitted to and approved in writing by the Local Planning Authority. The approved solar photovoltaic panel arrays shall be installed in their entirety and shall be operational prior to the first occupation of the new build blocks hereby approved. The approved solar photovoltaic panel arrays shall remain operational thereafter.
Reason: To ensure that the development is sustainable and makes efficient use of energy to comply with policy CP8 of the Brighton and Hove City Plan Part One.
16. Other than demolition, the development hereby permitted shall not be commenced until full details of the proposed electrical heat and water system have been submitted to and approved in writing by the Local Planning Authority. The approved system shall be installed in its entirety and shall be operational prior to the first occupation of the development hereby approved. The approved system shall remain operational thereafter.
Reason: To ensure that the development is sustainable and makes efficient use of energy, and to minimise any harmful emissions which may result, to comply with policy SU9 of the Brighton and Hove Local Plan and policy CP8 of the Brighton and Hove City Plan Part One.
17. Notwithstanding the approved plans, other than demolition no development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority providing full details of five units which are in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings). These five units shall be completed in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings) prior to first occupation and shall be retained as such thereafter. All other dwelling(s) hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed

for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

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

18. All ecological measures and/or works shall be carried out in accordance with the details contained in the Bat Survey Report (Dusk Emergence Survey for Bats, All Ecology, May 2019) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason: To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified, and to provide a net gain for biodiversity as required by paragraphs 170 and 175 of the National Planning Policy Framework, Section 40 of the Natural Environment and Rural Communities Act 2006, and Policy CP10 of B&H CPP1.

19. No development shall take place until an ecological design strategy (EDS) addressing enhancement of the site 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, and to provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 170 and 175 of the National Planning Policy Framework, and Policy CP10 of the Brighton & Hove City Council City Plan Part One.

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

Reason: To safeguard these protected species from the impact of the development and ensure appropriate integration of new nature conservation and

enhancement features in accordance with policies QD18 of the Brighton & Hove Local Plan and CP10 of the Brighton & Hove City Plan Part One and SPD11: Nature Conservation and Development.

21. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of the construction of the green roofs and walls have been submitted to and approved in writing by the Local Planning Authority. The details shall include a cross section, construction method statement, the seed mix, and a maintenance and irrigation programme. The roofs shall then be constructed in accordance with the approved details and shall be retained as such thereafter.

Reason: To ensure that the development contributes to ecological enhancement on the site and in accordance with policy CP10 of the Brighton & Hove City Plan Part One.

22. The development hereby permitted shall not be commenced and no other operations shall commence on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until the following Method Statements have been submitted to and approved in writing by the Local Planning Authority:

- i) An Arboricultural Method Statement, to include a detailed Tree Protection Plan and Tree works Specification and means for their implementation, supervision and monitoring during works. This will include details to protect all adjacent roadside trees in the vicinity of the development site.
- ii) A Construction Method Statement to include details on how, amongst others, excavations, materials storage, drainage, servicing and hard surfaces will be managed and implemented to provide for the long-term retention of the trees; No development or other operations shall take place except in complete accordance with the approved Arboricultural and Construction Method Statements.

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

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

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

24. 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.

25. No burning of demolition/construction waste materials shall take place on site.
Reason: to protect the amenity of local residents from smoke, ash, odour and fume.
26. No works under this permission shall commence until there has been submitted to and approved in writing by the local planning authority:
- (1)
- (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.

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.

27. Other than demolition works and works to trees the development hereby permitted shall not be commenced until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
Reason: As this matter is fundamental to the acceptable delivery of the permission to prevent the increased risk of flooding 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.
28. 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.
29. Prior to first occupation of the development hereby permitted, notwithstanding plans hereby submitted, revised details of secure and inclusive 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. This should include a cycle parking scheme management plan. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.
Reason: As the cycle parking shown on the submitted drawings is not of an acceptable standard a revised proposal is required to ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan and National Planning Policy Framework Paragraph 110.
30. Prior to first occupation of the development hereby permitted shall not be occupied until the disabled parking shown on the approved plans have been fully implemented and made available for use. The disabled parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.
Reason: To ensure the development provides for the needs of disabled residents and visitors to the site and to comply with policy TR18 of the Brighton & Hove Local Plan and SPD14 guidance.
31. Prior to first occupation of the development hereby permitted, 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 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.

32. The development hereby permitted shall not be occupied until the motorcycle parking area on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use by the occupants of, and visitors to, the development 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 cars and to comply with policy TR1, TR19 and QD3 of the Brighton & Hove Local Plan and SA6, CP7, CP9, CP12, CP13 and CP15 of the City Plan Part One.

33. The development hereby permitted shall not be occupied until a Delivery & Service Management Plan, which includes details of the types of vehicles, how deliveries/servicing will be scheduled, take place and otherwise be managed and gain access, the timing and frequency of associated vehicle /servicing movements, and the means of storing and transferring items to vehicles, shall be submitted to and approved in writing by the Local Planning Authority. All deliveries 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.

34. 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 entitlement of resident's to visitor permits shall be 25 permits per unit per year.

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

35. Within 6 months of commencement of the development hereby permitted, evidence shall be submitted to and approved in writing by the LPA in the form of an Overheating and Climate Change Analysis to demonstrate that residential and non-residential units have been designed to ensure they incorporate measures to adapt to future climate change and do not overheat at any time of year.

This analysis shall use dynamic thermal modelling in line with the guidance and data set out in CIBSE TM52 and TM59. Evidence shall be submitted to demonstrate that the buildings have been designed with regard to climate change and are adaptable to meet predicted future weather while minimising additional energy consumption and avoiding compromising healthy building principles. This shall include evidence that they have been designed for comfort to keep cool in hotter summers, and designed for structural stability, weatherproofing and water management.

The approved design measures to prevent overheating and adaptations to climate change shall be implemented within the development and retained.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and is future proofed, and achieves a One Planet approach and promotes the city's UNESCO Biosphere objectives, and to comply with policies CP8 and 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. A formal application for connection to the public sewerage system is required in order to service this development, please read our New Connections Services Charging Arrangements documents which is available to read on our website via the following link:
southernwater.co.uk/developing-building/connection-charging-arrangements
3. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens'.
4. The applicant is advised to contact the Council's Streetworks Team (permit.admin@brighton-hove.gov.uk 01273 290729) for necessary highway approval from the Highway Authority prior to any works commencing on the adopted highway to satisfy the requirements of the condition.
5. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
6. The water efficiency standard required under condition 14 is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.
7. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application site relates to a 0.3ha plot located to the west of the junction of Palmeira Avenue and Cromwell Road. The site does not fall directly within a conservation area however it is adjacent to the Willett Estate conservation area, which runs parallel to the site to the north of Cromwell Road. The site contains 5 two storey detached buildings; 64, 66 and 68 Palmeira Avenue and 72 and 73 Cromwell Road.
- 2.2. 64 Palmeira Avenue has previously been used as a nursery at ground floor level with flat above, however, the building suffered significant fire damage in 2017 and is currently vacant whilst being refurbished/reconstructed. 66 Palmeira Avenue comprises two flats and 68 Palmeira Avenue is a single house. 72 Cromwell Road is split into two flats and 73 Cromwell Road is a single dwelling.
- 2.3. The surrounding area is densely developed and consists of predominantly residential uses including a mixture of two storey dwellings, three storey town houses and blocks of flats ranging from 4 to 9 stories in height. Many of the blocks of flats to the south were originally single houses which have subsequently been redeveloped into larger blocks of flats.
- 2.4. The application seeks permission for the demolition of all buildings on site and the erection of a residential block of 94 flats in addition to a landscaped rear communal garden area and a basement carpark containing 47 car parking spaces. The block would be a maximum of 7 stories including a lower ground floor level. The development would be split into two blocks (A and B). Block A would be set on the Corner of Palmeira Avenue and block B would front onto Cromwell Road. Both blocks would comprise a five storey projecting brick element and a predominantly glazed set back element at 6th and 7th storey level.
- 2.5. Amended drawings were submitted in July 2020 and a public re-consultation has taken place which expires on 21/08/2020.
- 2.6. Following discussions with the applicant, and feedback from officers relating to design and standard of accommodation, balconies have been added to all storeys to the front and rear elevations of both blocks. Several flats at lower ground level within block B have also been amended in order to create additional dual aspect units in order to improve outlook for future occupiers whilst also to increasing the internal floor area for several units. Lightwells in block A have been extended to improve outlook. Additional fenestration is also proposed at ground and lower ground levels to improve outlook. Elevational changes have also been made to the façade including amending the material finish to a section of the eastern element of block B. A projecting frame is also proposed at 6th and 7th storey level in order to break up these floors which were previously fully glazed and stark in appearance.
- 2.7. Further information and revised plans have also been submitted to address concerns raised by transport in relation to disabled car/cycle parking, delivery and servicing and parking demand forecasting

- 2.8. Revisions and additional information have also been submitted to address concerns relating to potential impact on trees in addition to sustainability aspects of the design.
- 2.9. Following discussions with the applicant, and independent viability assessment, it has been determined that the development can provide an affordable housing contribution of £354,503 towards off-site provision, without impacting the viability of the scheme.

3. RELEVANT HISTORY

64 - 68 Palmeira Avenue & 72 - 73 Cromwell Road Hove:

- 3.1. **BH2019/00127** - Redevelopment of site incorporating demolition of existing buildings and erection of buildings between three and seven storeys and basement level to provide 80no flats (C3) and hotel (C1) with associated basement parking, plant, landscaping and associated works. Withdrawn 15.06.2020.

64 Palmeira Avenue:

- 3.2. **BH2004/00298/FP** - Rear extension to basement with flat roof terrace over. Resubmission. Approved 04.03.2004.
- 3.3. **BH2003/03524/FP** - Rear extension to basement with flat roof terrace over. Refused 22.01.2004.
- 3.4. **BH2002/02094/FP** - Use part of basement as a nursery school and associated alterations. Approved 28.02.2003.
- 3.5. **BH2001/01484/FP** - Change of use of part of ground floor (Use Class C3) to Nursery (Use Class D1). Approved 28.09.2001.
- 3.6. There have also been a number of permissions issued to vary conditions of BH2001/01484/FP in order to increase the operational hours of the nursery in addition to increasing the number of children permitted.

66 Palmeira Avenue:

- 3.7. **BH2016/00588** - Creation of vehicle crossover and hardstanding with associated alterations to front boundary. Approved 13.04.2016.
- 3.8. **BH2015/02756** - Creation of vehicle crossover and hardstanding with associated alterations to front boundary. Refused 20.10.2015.

73 Cromwell Road:

- 3.9. **BH2006/04012** - Demolition of existing residential units and development of a block of 20, one and two bedroom flats, including external works and landscaping. Withdrawn 02.05.2007.

4. REPRESENTATIONS

Initial consultation:

- 4.1. **One Hundred and Forty-Eight (148)** letters have been received objecting to the proposed development for the following reasons:
- Additional traffic
 - Noise
 - Overdevelopment
 - Inappropriate height
 - Overshadowing
 - Poor design
 - Impact on amenity
 - Loss of view
 - Lack of capacity within local facilities
 - Adverse impact on conservation area
 - Impact on property value
 - Other large developments nearby
 - Congestion
 - Pollution
 - Destruction of green space
 - Impact on listed buildings
 - Impact on local parking
 - Out of keeping with local area
 - Lack of consultation with neighbours
 - Lack of affordable housing
 - Too close to street
 - Adverse effect on highway safety
 - Too close to boundary
 - Recently restored building demolished
 - Lack of private outside space
 - Impact on local services
 - Not for local residents
 - Too large for area
 - Impact on retirement flats nearby
 - Overpopulation of area
 - Floorplans lack detail
 - Existing buildings are more appropriate
 - Loss of trees and wildlife
 - Noise and disturbance from construction
- 4.2. **One (1)** letter has been received supporting the proposed development for the following reasons:
- Good design
 - It will clean up the area
 - The existing houses are not cared for
- 4.3. **Councillors Ebel and Allcock** object to the proposed development. Copies of their objections are attached.

Additional Consultation:

The amendments of the application were issued on the 31 July 2020.

4.4. A further **Twenty-Six (26)** objections have received for the reasons set out below. This consultation expires 21/08/2020 and any additional representations will be updated in the additional representations list.

- Additional traffic
- Inappropriate height
- Noise
- Overdevelopment
- Cumulative impact as a result of other developments nearby
- Too close to boundary
- Impact on conservation area
- Overshadowing
- Little change from previous proposal
- Balconies will worsen situation
- Impact on local services
- Lack of community consultation
- The nursery has been rebuilt
- Out of character
- No bicycle routes near to development
- Pollution
- Diminishes adjacent buildings
- Pedestrians not considered
- Lack of personal outside space
- Loss of nature habitats
- Previous concerns remain
- Insufficient parking
- Poor design
- Road safety issues from car park entrance
- Lack of affordable housing
- Not suitable for families
- Outside space should only be at ground floor level
- Detrimental impact on local amenities such as surgeries, schools and parking
- Gas boilers inappropriate
- The flats are too small
- Lack of consideration for local community

5. CONSULTATIONS

Internal:

5.1. **Children and Young People's Trust: Comment**

A contribution of **£57,589.40** towards the cost of secondary and sixth form provision is sought if this development was to proceed. The contribution would be put towards Blatchington Mill and Hove Park Schools. A contribution towards primary education is not sought as numbers in the primary phase are currently falling and as a result capacity is likely to be reduced in this phase of education

across the city. It would therefore be difficult to justify S106 funding to increase provision.

- 5.2. **Economic Development: No objection**
City Regeneration has no adverse comments regarding this application.
- 5.3. Should this application be approved, due to the size of the development, it would be classed as a major development, and as such, would be subject to developer contributions as specified in the Planning Authority's Technical Guidance for Developer Contributions.
- 5.4. The sum request will be **£26,100**.
- 5.5. In addition to the developer contributions, should this application be approved, there will be a requirement for an Employment & Training Strategy to be submitted prior to demolition and a further strategy at least one month prior to formal site commencement phase for approval. Both requirements will be subject of a S106 Agreement. Fuller details included in the Main Comments section.
- 5.6. **Heritage:**
Initial Comment - Approve with conditions
It is considered that the existing houses on the site are characterful, positive contributors to the qualities of the location and enhance the setting of the designated Willett Estate Conservation Area adjacent and the loss of them is regrettable.
- 5.7. The re-development of this site was initially proposed in 2018 with the form of the proposal progressing incrementally over the intervening period. Whilst the Heritage Team regret the proposed loss of the existing houses, it is considered that the current application represents substantial moves to reduce the impact on the identified heritage assets.
- 5.8. Cromwell Court is set well back from the established frontage lines of both Cromwell Road and Palmeira Avenue, therefore any development on the subject site at the proposed scale will be clearly viewed from within the Willett Estate Conservation Area. It has therefore been important to obtain information demonstrating the impact this would have, as shown in View 01 of the submitted Tall Building Statement. This confirms that the development would be clearly visible, however it also demonstrates the extent to which the existing large scale buildings close to the site, and also Hovedene further West, have created greater scale within the context of the development. As a result the extent to which the proposed height and bulk of the scheme (as amended) will further harm the Heritage assets is considered to be limited.
- 5.9. Changes in the design of the proposal from the original concepts now better reflect the established urban form by breaking the footprint and elevational treatment into defined blocks, and by pushing the elements of greatest scale back from the street frontages. This has improved the relationship with properties opposite which are within the Willet Estate Conservation Area.

5.10. This application also includes more developed proposals for the boundary treatment which were missing from previous submissions and the Heritage Team has no objection to these.

5.11. In conclusion, the Heritage Team remains of the view that the existing buildings on the site make a positive contribution to the setting of the Willett Estate Conservation area and their loss would be regrettable. However the setting of the conservation area has already been compromised by other large scale developments, and therefore the harm that would be caused by redevelopment with the current proposal is less than substantial. As a result, under the terms of the NPPF this harm should be weighed against the public benefits of the proposal.

Second Comment

5.12. No objections to the amended design and original comments still stand.

5.13. **Urban Design:**

Initial Comment - Seek amendments

Landscape Design:

The communal garden includes clearly defined activity zones for a communal seating area, play area, lawn area, planting beds and the water feature. Such definition between activity zones is considered to be successful.

5.14. The use of planting to subdivide the communal seating area is successful in providing flexibility and scope for privacy. The applicant is encouraged to diversify and naturalise this planting and to include small trees for shade

5.15. However, whilst the concept of referencing Brighton & Hove landmarks with lines in the landscape is interesting and useful in defining activity zones, the plan arrangement appears as somewhat overcomplicated and thus inefficient Further details should be secured by condition to address these concerns.

5.16. The landscape proposals should include a food growth area for residents, as well as more dedicated wildlife habitats.

5.17. The depth of proposed lightwells is inconsistent along Cromwell Road and has implications on the quality of these spaces as usable amenity space as some appear as very shallow, as well as street planting design.

Orientation, Aspect and Internal Layout:

5.18. The quality of accommodation is generally poor due to the proportion of single aspect units and north facing unit. A number of units are poorly planned and deep resulting in dark living spaces and kitchens; this is most concerning at lower-ground level.

5.19. Only 29% of units have private external amenity which is too low.

5.20. Some of the lower level lightwells appear overlooked by communal entrances.

- 5.21. It is recommended that lower ground and ground floors should be re-orientated to accommodate dual aspect through units, all flat roofs should be utilised for amenity space and balconies should be provided to as many units as possible. These are suggested within the recessed elements within the street frontage in addition to projecting balconies to the rear. This may also mitigate concerns over the overbearing nature of the rear elevations

Built Form, Scale and Massing:

- 5.22. The set-back upper levels may be too great in height. Although the adjacent tower block is taller than these proposals, the impact on existing residential properties to the north of Cromwell Road is great and these additional storeys may push the limit.
- 5.23. The primary blocks which front Cromwell Road and Palmeira Avenue do not present any concern with regard to height and the breaks between blocks help to break down the mass of proposals to reference a villa typology.
- 5.24. The rear elevation is overbearing and could benefit from breaking down the mass, introducing balconies and readdressing materiality.
- 5.25. The eastern-most block, whilst successful in elevation, is not successful in reality as this volume is overbourne by taller brick elements to its rear and is not expressed as a singular, clearly identifiable component.
- 5.26. The set back from street appears greater than the prevailing contextual set back exhibited by the residential properties on Cromwell Road.

Architectural Form, Composition and Materiality:

- 5.27. Generally, the proposals have adopted an appearance which is very commercial in character, quite unforgiving, and which is not appropriate to the scheme or its residential neighbourhood.
- 5.28. It is recommended that box hedging is omitted from parapets. Materiality and elevational composition should be addressed in order to generate a character which is more residential and less commercial. The brick masonry could reference the richer red tones and white accents of prevailing context. The glazed curtain walling, though set back from street frontage, actually increases the perceived height and mass of proposals because it is flat, reflective, unforgiving and generates verticality in the proposals. It is considered that the material of these set-back elements should be something to cast shadow, for example a rainscreen / louvre cladding system.
- 5.29. Green walls to the south elevation of Block B and east elevation of Block A (rear elevations) are recommended to soften the appearance here, mitigating concern that these elevations are overbearing, and to increase biodiversity gains.

Updated Comment Following Amendments - Comment

- 5.30. No changes have been proposed to landscape design. It is recommended that further details are secured by condition.

- 5.31. The quality of accommodation has been significantly improved.
- 5.32. Single aspect units have now been reduced to approximately 25%. However, a number of units which have potential for dual aspect (in terms of light and ventilation) do not benefit from openable windows on both external walls.
- 5.33. Of the remaining single aspect units, very few are north facing. This represents a significant improvement.
- 5.34. Several units remain with very deep plans resulting in dark kitchens and living accommodation.
- 5.35. Provision of private external amenity has been significantly increased from 29% to 88%. This, combined with communal gardens, presents an excellent contribution to amenity for residents and offers both scope for privacy and sociability.
- 5.36. Revisions to the glazed curtain walling upper storeys to now include a projecting frame element help to break down the mass of this element by casting shadow and creating a lighter-weight appearance over the primary brick volumes.
- 5.37. In addition, the introduction of balconies to all elevations improves the appearance and perceived mass of proposals by casting shadows and creating depth; and is especially successful on rear elevations in softening their otherwise overbearing mass.
- 5.38. It is also considered that the strategy to locate inset and semi-inset balconies on street elevations and projecting balconies to rear elevations is correct.
- 5.39. It is unclear how balconies at upper levels will interact with the newly proposed projecting frame element.
- 5.40. Concerns remain with regard to the commercial character of the proposals. Sill heights could be amended to address this.
- 5.41. Advice to omit the box hedging to parapets stands.
- 5.42. **City Clean: Verbal Comment**
A verbal comment has been received from City Clean advising that it would be preferable for the bin store to be no more than 15m walking distance from the kerbside, however other sites with a similar arrangement are currently manageable. The proposed bin store is approximately 20m walking distance.
- 5.43. A condition securing a refuse and recycling management plan is recommended by officers.
- 5.44. **Sustainable Drainage: Comment**

No objection subject to inclusion of a condition securing a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods.

5.45. **Sustainability:**

Initial Comment - Seek further information

The requirement to achieve water efficiency of 110 litres / person / day is met.

5.46. The proposal to use individual gas boilers for heating and hot water is not considered suitable as it will not reduce carbon emissions sufficiently. It is recommended that the heating proposals are reviewed and alternative systems considered, to minimise carbon emissions, to be affordable for residents, and to look forward to changing building regulations on carbon emissions.

5.47. Several flats are single aspect and face south / south west and thus risk overheating. An overheating assessment should be provided together with an outline of any mitigating measures.

Second Comment

5.48. Following the submission of additional information including additional methods to increase CO2 reduction and overheating, sustainability officers are supportive in principle, subject to updated SAP calculations and securing an overheating assessment via condition.

5.49. **Air Quality: No objection**

The site is outside of the AQMA by several hundred metres. This part of Hove has good air quality.

5.50. 47 car parking spaces with EV charging will not generate sufficient traffic emissions into the AQMA to justify a detailed air quality assessment. The proposals include landscaping and buildings do not enclose the road.

5.51. No objections raised.

5.52. **Environmental Health: No objection**

No objection subject to conditions securing a CEMP, a land contamination report, a site waste management plan in addition to a condition ensuring that no demolition/construction materials will be burnt on site.

5.53. The proposed glazing is sufficient to alleviate road noise.

5.54. **Housing:**

Initial Comment - No objection

Council policy CP20 Affordable Housing requires the provision of 40% on site affordable housing on all sites of 15 or more dwellings (net) where viable.

5.55. The developer has provided a viability report which has assessed that it is unviable to provide any affordable housing on site or to provide a commuted sum as an alternative. The independent verification prepared for the council has found that a commuted sum in lieu of providing affordable housing on site could

be viable and the value of this is currently under negotiation. Commuted sum payments are used to provide affordable housing elsewhere in the city for example through the council's own housing supply initiatives.

- 5.56. This provision could be seen as disappointing in the context of the council's 40% policy requirement but also needs to be considered in the light of the council's policy position wherein provision of a commuted sum in lieu of affordable housing on site is an agreed alternative. The development will be subject to a review mechanism which reassesses viability at an agreed point.
- 5.57. Council policy requires 5% of all homes across the whole development which equates to 4 homes at this development.
- 5.58. This scheme provides a range of accommodation, although it is noted that the affordable housing provision will be met through a commuted sum instead. Planning policy have commented on the overall housing mix.
- 5.59. Supported by Housing in the context of national planning guidance and the outcome of the viability assessment in line with council policy. The final value of the commuted payment sum to be agreed.

Updated Comment - No objection

- 5.60. Following confirmation from the DVS that the scheme could provide four units on site plus a financial contribution, the commuted sum is the preferred option.
- 5.61. **Planning Policy: Comment**
The proposed development would provide 94 residential units with a loss of five existing detached houses; it would therefore make a welcome contribution of a net gain of 89 residential units towards the city's housing target as set out in City Plan Policy CP1. The Council's latest housing supply figures in the SHLAA Update 2019 (published in February 2020) show a five-year housing shortfall of 1,200 dwellings (equivalent to only 4.0 years supply). Therefore, when considering the planning balance for this proposal, increased weight should be given to housing delivery in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 5.62. The proposed density represents an efficient and effective use of the site (see Part A(b) of Policy CP1 and Policy DM19 of the Proposed Submission CPP2) and is acceptable in principle subject to detailed design, scale and massing considerations.
- 5.63. The lack of any affordable housing is very disappointing and the applicant's viability evidence in this regard should be independently scrutinised.
- 5.64. The low level of three-bedroom family sized dwellings is disappointing particularly given the loss of 5 large family dwellings that are currently on the site, although this is partly mitigated by a higher amount of two-bedroom units which can be suitable for small families.

- 5.65. The proposed development would generate a significant demand for all public open space typologies and indoor sport. The open space ready reckoner should be used to identify an appropriate level of contribution (Policies CP16 and CP17).
- 5.66. With regard to Local Plan Policy HO5 the majority of the residential units do not benefit from private amenity space in the form of balconies. This raises a concern and should be clarified with the applicant. No justification for a lack of private amenity space is set out in the Planning Statement.
- 5.67. **Sustainable Transport:**
Initial Comment - Objection
The application is currently unsuitable for determination due to insufficient information from which to assess the likely significant impacts of the proposals, as required by National Planning Policy Framework (NPPF) paragraph 111. Reasons for this include the following:
- Confirmation of the car park ramp design and gradient is required (and associated suitability for pedestrian, cycle and disabled access, as appropriate);
 - A review of the RSA raises issues about visibility and inter-visibility at the access junction. We cannot accept the proposed solution of a hatched area as an appropriate deterrent. Issues relating to parked cars on Palmeira Avenue and mature trees within the visibility splay also need to be addressed.
 - The proposals include four proposed Blue-Badge spaces. However, this level of provision does not meet the minimum quantity requirement of 8 spaces per SPD14. The layout of the bays is also not in accordance with DfT Traffic Advisory Leaflet 5/95 and BS8300 as they both require a 1.2m buffer at the entry face of the bay. The number of bays needs to be increased and the layouts revised;
 - Further information on delivery and servicing forecasts, and an associated capacity analysis, is required to demonstrate that the facilities will be able to safely accommodate demand. We therefore ask that the information set out in the delivery and servicing demand forecast section below is provided in advance of determination; and
 - 24-hour daily person trip generation is requested to ensure that we have a full understanding of the daily forecast trip volumes and also to feed into our sustainable transport contribution calculator.
 - Notwithstanding the above, even were other determination possible then - taking the proposals as they stand - objections would be raised nonetheless as set out below.
 - Cycle parking quantity and design related issues. Full plans showing details of the type and dimensions of cycle parking need to be provided, as set out in guidance provided to the applicant at the Pre-application stage. Information is also needed about how convenient and inclusive access for cyclists will be provided to basement parking spaces as the proposed lifts and internal routes via corridors don't appear sufficient for this. As it stands the proposed cycle parking is not policy compliant as required by SPD14, Brighton & Hove Local Plan policy TR14 and NPPF para 110(b).

- There are further aspects of the proposals that also remain unsatisfactory or less than ideal. However, these are distinguished from the above by the fact that we would be able to recommend conditions or obligations to resolve them. Instances include the following:
 - An updated travel plan can be secured by obligation.
- 5.68. Positive aspects of the proposals that require no further attention include the following:
- Existing trip generation has been agreed;
 - Proposed peak hour trip generation (excluding servicing and delivery activity);
 - An accepted level of residential car parking is proposed;
 - An accepted level of electric charging is proposed, although we would still encourage the full provision to be provided from the outset to allow for future proofing and provision for electric vehicle charging for at least one blue-badge space;
 - An accepted parking survey has been submitted and an assessment has been provided that shows the impact of overspill parking relating to visitor demand can be accommodated; and
 - Proposed trip generation falls below the various thresholds where further highway, pedestrian, cycle and public transport assessments are required.

Second Comment

- 5.69. This is the second response to this application. In our previous response we were unable determine the application as insufficient information had been provided in relation to cycle parking design and quantum, ramp gradients and delivery and servicing forecasts.
- 5.70. A loading bay has now been proposed on Cromwell Road. These plans were reviewed by B&H Bus Co and they suggested removing the Holland Road bus stop entirely to allow for a loading bay. In this scenario there would be no loss of parking bays. There would however be a cost associated with the removal, restoring and reinstalling that bus shelter (2404-0024) and associated TRO changes, which the applicant would be responsible for. We are therefore happy that this arrangement would accommodate the servicing and delivery activity associated with the proposed development. As provision of loading facilities is vital to the safe operation of this development, and the outcome of TRO consultations cannot be prejudged, these and other changes to the highway should be made subject to a pre-commencement condition or obligation. Under this, a detailed scheme of highway works and associated TRO changes should be agreed before any development commences.
- 5.71. We have a number of concerns about the cycle parking proposals, which are considered poor including:
- The ramp into the basement fails to comply with the guidance on accessible ramp design included in BS8300, Wheels for Wellbeing and recently published LTN 1/20. As a result, wheelchair users and other people with mobility difficulties would be unable to access the basement. This would require all users to use the lift which was considered unacceptable due to its

size as noted in our previous response. This is concerning due to the development containing several wheelchair accessible units.

- The latest proposals include 114 cycle parking spaces, which falls below the required minimum of 124 spaces as set out in our previous response. As it stands the proposed cycle parking is not policy compliant as required by SPD14, Brighton & Hove Local Plan policy TR14 and NPPF para 110(b).

5.72. Whilst not meeting the standards for cycle parking requirements or ramp gradients, NPPF para 109 states that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'. Therefore, notwithstanding significant concerns we conclude that this matter alone does not provide a reasonable basis for recommending refusal. However, the committee should note that – were there other non-transport concerns – then it might contribute towards an in-combination case for refusal. The Committee should also note that whilst we have recommended a cycle parking scheme condition in a plans notwithstanding format to allow some improvements to the current proposals to be made under future Approval of Details applications, it is unlikely to be possible to do so in a manner that would make the cycle parking element satisfactory.

5.73. There are further aspects of the proposals that also remain unsatisfactory or less than ideal. However, these are distinguished from the above by the fact that we would be able to recommend conditions or obligations to resolve them. Instances include the following:

- An updated travel plan can be secured by obligation.
- A DEMP and CEMP can also be secured by obligation. However, since this site is on a classified road, and the nature of the proposals means that vehicle loading/unloading is likely to be required within the highway for the majority of works (i.e. due to limited external space) a substantial obligation covering many detailed points will be required. Our non-objection to this application is conditional upon this.

5.74. Positive aspects of the proposals that require no further attention include the following:

Existing trip generation has been agreed;

- Acceptable level of disabled parking;
- Proposed peak hour trip generation (excluding servicing and delivery activity);
- An accepted level of residential car parking is proposed;
- An accepted level of electric charging is proposed, although we would still encourage the full provision to be provided from the outset to allow for future proofing and provision for electric vehicle charging for at least one blue-badge space;

5.75. Other key matters of regular interest that have been considered include:

- An accepted parking survey has been submitted. A condition reducing the number of annual visitor permits that each unit may purchase down to a minimum of 25 per dwelling (as opposed to the standard figure of 50 permits

per adult occupant) has been attached to mitigate any overspill visitor parking.

- Proposed trip generation falls below the various thresholds where further highway, pedestrian, cycle and public transport assessments are required. We therefore have no concerns about impact on nearby junctions.
- A sustainable transport contribution of £82,500 is recommended to be allocated towards pedestrian footway improvements on Palmeira Ave, tactile paving on the island crossing on Cromwell Road and bus stop improvements including RTPI , accessible kerbs and/or cage strengthening on Cromwell Road.

Final Comment

- 5.76. This is the third response to this application. In our previous response, we had no objection despite some unresolved concerns. In our previous response we raised concerns regarding the overall quantum of cycle parking and the issue with ramp gradient into the basement for disabled cyclists. The applicant has now submitted revised plans to address this.
- 5.77. The latest proposals include the relocation of the oversize/disabled cycle parking in the basement to ground floor level which has enabled additional two-tiered parking spaces to be provided in the basement. Additionally, the basement area has been extended in order to provide an additional two-tiered parking area at the back of the car park, adjacent to the four motorcycle bays. The latest proposals shown in the plans indicate a total of 161 cycle parking spaces, which now meets the required minimum of 124 spaces to be in accordance with SPD14. The cycle parking is therefore policy compliant as required by SPD14, Brighton & Hove Local Plan policy TR14 and NPPF para 110(b). Therefore, we are now in a position to recommend approval.
- 5.78. There are further aspects of the proposals that remain unsatisfactory or less than ideal. However, these are distinguished from the above by the fact that we would be able to recommend conditions or obligations to resolve them. Instances include the following:
- An updated travel plan can be secured by obligation.
- 5.79. A DEMP and CEMP can also be secured by obligation. However, since this site is on a classified road, and the nature of the proposals means that vehicle loading/unloading is likely to be required within the highway for the majority of works (i.e. due to limited external space) a substantial obligation covering many detailed points will be required. Our non-objection to this application is conditional upon this.
- 5.80. **Arboriculture:**
Initial Comment
This site is located on the corner of Palmeira Avenue and Cromwell Road, there are no Tree Preservation Orders (TPO's) on site nor does the site lie within a conservation area. It does neighbour The Willett Estate Conservation Area and both roads are tree lined with roadside (highway) trees typical of many of the older parts of central Hove.

- 5.81. The Arboriculture team's assessment of this application broadly concurs with the information provided by the applicants arboricultural consultant. The trees indicated to be removed are of relatively low public amenity value and some of these could be replaced within a landscaping scheme.
- 5.82. The impact of placing a building with such a large footprint plus the amended enlarged lightwells and underground car park will impact on the existing street trees.
- 5.83. Concerns are raised in relation to potential harm to offsite trees. Harm to T26 may occur due to the depth of the lightwell on Palmeira Avenue. Originally smaller wells were proposed but these have been amended to show a wider opening that will cause more extensive excavation and greater root loss. There is also potential harm to T11 and other street trees as a result of the development. On this basis it is requested that the lightwell on Palmeira Avenue is reduced and a detailed arboriculture method statement be secured by condition in order to ensure that the construction methods would not result in harm to the off-site trees.
- 5.84. Recommend approval subject to conditions securing a scheme of landscaping in addition to a Construction/Method Statement.
- 5.85. Any street trees lost as a result of the development should be replaced ratio of 3-1.

Updated Comment

- 5.86. The reduction of the lightwell is acceptable. Comments relating to the Construction/Method Statement and replacement trees still stand.

External:

- 5.87. **Daylight Sunlight:**
The results of the daylight/sunlight report suggest a minor adverse impact to daylight at 57 Cromwell Road (main windows do meet the guidelines, but are close to the target values) and 58 Cromwell Road (one main marginally below the guidelines, others marginally above) and a negligible-minor adverse impact at 599 and 60 Cromwell Road (windows do meet the guidelines but some are close to target values). The results are the same as the previous review.
- 5.88. Results suggest a minor adverse impact to daylight at 62 Palmeira Avenue and a tentative negligible-minor impact at Bell Mead Court.
Other areas meet the BRE Guidelines.
- 5.89. The latest BVP assessment of daylight provision to proposed rooms now appears to include the correct maintenance factor and room areas.
- 5.90. Results for two internal layouts have been presented by BVP. Results suggest that a layout with separate kitchens would have one living area and 13 non-daylight kitchens below recommendations on the lower ground floor. It is assumed that other floors would also have non-daylight kitchens.

- 5.91. With an open plan option there would be one bedroom below the recommendations with a further bedroom not included within the analysis which has the potential to be poorly daylight. Three living areas would be below the 1.5% living room target. There would be two non-daylight kitchens.
- 5.92. BVP suggest that out of the two options the open plan layout is preferable. This is a reasonable assertion as it avoids a comparatively large number of non-daylight kitchens.
- 5.93. Plans suggest that only 43 of the 94 living rooms (around 45%) would have a window facing southerly. The results presented suggest that these rooms should be able to meet the annual probable sunlight hours (data for the east facing windows on higher floors is not given, but it is assumed they would meet the guidelines). This is a poor overall percentage. If improved sunlight provision were required, a greater number of living rooms would need to be located on the southern side of the building.
- 5.94. The BVP report states that "...a further 19 living rooms that do not face 90 degrees of south, face within 15 degrees of west. When considering the latter, 62 out of 94 living rooms should be deemed reasonable for this scheme in this location". The rooms could receive some sun. However, no data has been presented to confirm if they are adequately sunlit.
- 5.95. **Conservation Advisory Group: Recommend Refusal**
The scale, design and massing of these high-rise blocks would cause significant harm to the setting of the adjoining conservation area.
- 5.96. The loss of the five two storey Edwardian houses would be regrettable in any case.
- 5.97. **County Archaeology: No objection**
Based on the information supplied, it is unlikely that any significant archaeological remains are likely to be affected by these proposals. No recommendations to make in this instance.
- 5.98. **Ecology: Comment**
Following the submission of a bat survey, County Ecology are satisfied that proposed development is unlikely to have a negative impact bats, birds, potential reptiles and other biodiversity subject to inclusion of conditions requiring appropriate precautions are taken whilst demolishing existing buildings.
- 5.99. The site offers opportunities for enhancement that will help the Council address its duties and responsibilities under the NERC Act and NPPF. Bee bricks and Bird boxes should be secured by condition. Bird boxes should target species of local conservation concern such as starlings, swifts and house sparrows.
- 5.100. **Sussex Police: Comment**
Standard security measures are recommended and this advice has been provided to the applicant.

5.101. **Southern Water: Comment**

It is advised that Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

5.102. If the applicant proposes to offer a new on-site drainage and pumping station for adoption as part of the foul/surface water public sewerage system, this would have to be designed and constructed to the specification of Southern Water

5.103. It is requested that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."

5.104. The applicant is advised that It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

6. MATERIAL CONSIDERATIONS

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

6.2. The development plan is:

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

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

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when

the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications but any greater weight to be given to individual policies will need to await the outcome of the Regulation 19 consultation. The council will consider the best time to carry out the consultation after the coronavirus (Covid-19) restrictions are lifted.

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP2	Sustainable economic development
CP3	Employment land
CP4	Retail provision
CP5	Culture and tourism
CP6	Visitor accommodation
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
CP21	Student housing and Housing in Multiple Occupation

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

TR4	Travel plans
TR7	Safe Development
TR14	Cycle access and parking
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD5	Design - street frontages
QD14	Extensions and alterations
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO9	Residential conversions and the retention of smaller dwellings
HO13	Accessible housing and lifetime homes
HO20	Retention of community facilities
EM4	New business and industrial uses on unidentified sites
SR4	Regional shopping centre
SR5	Town and district shopping centres
SR6	Local centres

SR7	Local parades
SR8	Individual shops
HE1	Listed buildings
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas
HE10	Buildings of local interest
HE12	Scheduled ancient monuments and other important archaeological sites

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD09	Architectural Features
SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards

8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the principle of development including the loss of the existing residential buildings on site, the proposed residential units and affordable housing contribution, the impact of the design on the character and appearance of the adjacent conservation area and on the street scene and wider views, neighbouring amenity, sustainable transport impacts including parking demand, landscaping, ecology/biodiversity and contribution to other objectives of the development plan.

Background

- 8.2. The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually.
- 8.3. The council's most recent housing land supply position published in the SHLAA Update 2019 shows a five year housing supply shortfall of 1,200 (equivalent to 4.0 years of housing supply). As the council is currently unable to demonstrate a five year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

Principle of Development:

- 8.4. The principle of development in this case primarily relates to the loss of the existing buildings on site and the proposed residential units. The existing site comprises predominantly residential uses as set out below:
- 66 Palmeira Avenue - two flats
 - 68 Palmeira Avenue - single dwelling

- 72 Cromwell Road - two flats
- 73 Cromwell Road - single dwelling

- 8.5. All buildings would be demolished as part of the proposal.
- 8.6. Local Plan policy HO20 seeks for the retention of community facilities and identifies that community uses should be retained unless the use can be incorporated within the development, or is relocated, or other nearby facilities are to be improved, or it can be demonstrated that the current site is not needed. 64 Palmeira Avenue has previously been used as a nursery at ground floor level with flat above.
- 8.7. The proposed development does not include a community use, nor does it make provisions for such a use elsewhere. It is noted, however, that the building suffered significant fire damage in 2017 and has not been used as such since that time. The building has been surrounded by scaffolding and hoarding for several years and has now been refurbished/rebuilt. The building is however not currently in use and is still surrounded in construction hoarding. Furthermore, the nursery which use to operate from the premises is no longer active. The loss of the building is regrettable and weighs against the scheme, notably as the building has recently been refurbished. It would be preferential for a replacement community use element to be included within the scheme, however, given that the development has been vacant for a number of years and in the best interest of making the most efficient use of the land available, an absence of such a use does warrant refusal of the proposed development when weighed against the benefits of the scheme, particularly the provision of residential development proposed.
- 8.8. Local Plan policy HO8 seeks for the retention of housing and states that permission will not be granted for developments resulting in the loss of residential units unless a number of criteria are met. In this case, the loss of four buildings totalling 6 residential units is regrettable, particularly as the existing buildings are habitable in their current state and the existing dwellings are considered to compliment the surrounding streetscene and adjacent conservation area. The proposed development would however provide 94 units resulting in a net gain of 89 units and would make far more efficient use of the site and presents a welcomed windfall site. As set out further detail below, the Council's latest housing supply figure show a significant shortfall in housing supply and therefore any windfall sites such as this are welcomed, and increased weight should be given to housing delivery in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11). On this basis there is no conflict with retained policy HO8.

The Proposed Residential Use

- 8.9. The proposed development comprises 94 residential units including 1 x studio, 33 x 1 bed, 58 x 2 bed and 2 x 3 bed. The proposal would not include any on site affordable units, however a contribution of £354,503 would be provided in lieu towards off-site provision.

- 8.10. There is a critical need for housing in the city. At present the city has a housing delivery target, approved by Government at the time of the adoption of City Plan Part One, which is significantly below its objectively assessed need. Site allocations at the time of the Plan adoption indicated that the city had a viable supply of sites to deliver housing which would meet this target across the plan period through a defined delivery trajectory. The SHLAA Update 2019 however, indicates a shortfall of housing supply and therefore the Council cannot currently demonstrate a viable housing land supply position.
- 8.11. In this context, the need for housing developments to come forward is arguably even more acute than at the time of the plan's adoption. The presumption in favour of sustainable development currently applies as set out in paragraph 11 of the revised NPPF. This applies a 'tilted balance' in favour of granted permission for sustainable development unless:
- i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 8.12. It is therefore clear having regard to the overall circumstances the city faces at this time, that new developments for housing will in general be supported, unless significant adverse impacts can be identified which outweigh the benefits of the specific housing provision which is proposed. In this case it is considered that the benefits associated with the provision of a net gain of 89 residential units would outweigh the loss of the existing buildings on site, and a residential redevelopment is therefore supported in principle, subject to the assessments set out below.

Affordable Housing and Viability

- 8.13. It is noted that a number of representations have objected on the basis of the lack of affordable housing proposed. For schemes of 15 units or more policy CP20 sets out that up to 40% of the proposed units should be affordable. The 40% target may be applied more flexibly where the council considers this to be justified. CP20 makes clear that the costs relating to the development; in particular the financial viability of developing the site, hold significant weight in the decision-making process. In the case of the application scheme of 94 units, this would equate to an affordable housing provision of 37 units.
- 8.14. Other than the lack of a housing supply position, the City Plan policies are in general considered to be up to date, being adopted in March 2016, and have been viability tested.
- 8.15. The applicant provided a Viability Assessment with the originally submitted application which set out that the proposal would not be able to provide any affordable housing. The applicant's viability assessment concluded that even if 0% affordable were proposed, the proposal would still be non-viable as it would produce a deficit of £1,095,965.

- 8.16. The council commissioned the District Valuer Service (DVS) to review the applicant's Viability assessment. The DVS did not agree with the applicant's assumptions and concluded that the build costs were high and the sales costs low. The DVS therefore concluded that the proposal could viably provide a contribution of £354,503 without threatening the viability of the development. At the request of the council, the DVS also confirmed that this contribution could equate to the provision of 4 Affordable Housing units on site (2 affordable rent and 2 shared ownership) plus a contribution of £135,645.
- 8.17. Whilst, the applicant has disputed the methodology employed by the DVS to calculate sales values and build costs, and therefore the resultant surplus, the applicant has accepted the figure and agreed to provide the contribution of £354,503 towards off-site provision.
- 8.18. On-site provision of affordable units is preferential over commuted sums. It is noted however that it would likely be difficult to secure a Registered Provider due to the relatively low number of units (four units, 2 affordable rent and 2 shared ownership) that could be provided and as they would be interspersed within the building. Whilst it is preferable for affordable units to be interspersed, Registered Providers prefer separation for management. This would not be possible in this scheme. The concerns of Registered Providers are given weight as it is of importance that a Provider engages with the scheme and willingly delivers the units proposed. Recent experience has shown that it can be challenging securing willing Providers to engage with the delivery of development schemes in the city. On this basis, whilst the proposed affordable contribution does not result in provision on site, which is preferred in policy CP21, it is acceptable in this case. Housing Strategy and Planning Policy officers agree with this view and concur that off-site provision would be most appropriate in this case.
- 8.19. Whilst it is acknowledged the lack of on-site provision of units is disappointing, having taken full account of the viability assessment submitted, and the detailed scrutiny of this information by independent assessors, the provision is policy compliant, Officers consider that this position does represent the maximum affordable contribution that can be delivered without threatening the viability and delivery of the proposed development. Local and National policy and guidance makes clear the weight that should be afforded towards the viability of a proposal and it is accepted that 40% is not achievable through all development due to site specific circumstances.
- 8.20. Overall, it is the view of Officers that the affordable housing contribution proposed can be supported due to the weight which can be given to the viability assessment submitted in the current policy framework set out by Government. The circumstances which are set out in the assessment are site specific and therefore accepting lower than 40% does not set a precedent which would threaten the Council's ability to seek to secure affordable housing requirements at other sites in the city, as set out in Policy CP20 at other sites across the city. Furthermore, a review mechanism is recommended as part of the s106 agreement in order to ensure that any additional surplus generated at

development stage would be put towards maximising the level of affordable housing contributions that could be secured via the development.

Proposed Housing Density and Unit Size Mix

- 8.21. City Plan Part One policy CP14 sets out policy for considering the density of housing development in the context, particularly, of making the most efficient use of the limited land available. It seeks that new residential development be at a minimum of 50 dwellings per hectare (dph) providing it contributes to the creation of sustainable neighbourhoods and meets the following summarised criteria: high standard of design/townscape; respects local character; tenure/mix/dwelling type meet local need; is accessible; served by local facilities and has appropriate outdoor recreation space.
- 8.22. The development is 313 dph, which is a greater density than Cromwell Court to the west of Palmeira Avenue at 196 dph and is also greater than Hovedene to the west on Cromwell Road at 255 dph. The proposed block is however comparable in density to several other block of flats within the vicinity, including Amber Court (300 dph), Cowdray Court (314 dph) and Goodwood Court (300 dph). Furthermore, the site falls below the density of the Artisan development along Davigdor Road, which is 390 dph.
- 8.23. It is noted that the development is also significantly higher density than the residential buildings to the north of Cromwell Road and to the south of the site. There are however a several high rise residential block and a considerable number of and mid and low rise blocks of flats within the area. Overall, whilst the number of units proposed on site is high, it is considered that the proposed building would be in keeping with the character of the area with regard to density, scale and form, as set out within the design considerations below. The density of development proposed will make good use of the site and deliver a significant number of housing units in an appropriate sustainable location. As noted above, the provision of residential units holds significant weight, particularly due to shortfall in 5 year housing supply.
- 8.24. Policy CP19 requires that proposals have had regard to housing mix considerations and have been informed by local assessments of housing demand and need. Policy
- 8.25. CP19 sets out an indication of projected demand:
- A demographic analysis of the demand/ need for homes in the city over the plan period indicates that an estimated 65% of the overall need/demand (for both market and affordable homes) will be for two and three bedroom properties (34% and 31% respectively); 24% for 1 bedroom properties and 11% for four-plus bedroom properties. In terms of the demand for market housing, the greatest demand is likely to be for 2 and 3 bedroom properties (35% and 36% respectively); while for affordable housing the majority of the require"ement is likely to be for one and two bedroom homes (46% and 33% respectively) although there is also likely to be a considerable requirement for three or more bedroom sized properties.
- 8.26. The development overall proposes:

- 1 x Studio flat (1.1%)
- 33 x 1-bedroom flats (35.1%)
- 58 x 2-bedroom flats (61.7%)
- 2 x 3-bedroom flats (2.1%)

8.27. The mix of units is therefore weighted towards one/two-bedroom units in comparison to the overall needs of the city. Whilst the low proportion of three-bedroom units is not favoured, the high number of two bedroom units and low number of studios is beneficial. Furthermore, as a flatted development the scheme would be expected to deliver a greater proportion of smaller units. The applicant has also submitted evidence from local agents which suggests a low demand for larger three-bedroom flats within the area.

8.28. It is acknowledged that the lack of larger units is disappointing, particularly due to the loss of several large residential units on site at the moment, however when assessed as a whole, the lack of larger units does not warrant refusal of the application, due to the significant benefits associated with units proposed and taking account of Council's the lack 5 year housing supply. On this basis, the proposed density and unit's size mix are considered acceptable.

Design and Appearance:

8.29. The application site relates to five two storey detached dwellings set on the corner of Palmeira Avenue and Cromwell Road. The existing buildings are of traditional design and complement the local street scene, although some appear to have been somewhat neglected in recent years. The site itself does not fall within a conservation area however it sits adjacent to a section of the Willet Estate Conservation Area which extends along the full extent of Cromwell Road to the north, until the junction with Holland Road. There are no listed buildings within close proximity to the site.

8.30. The surrounding area is varied in character, comprising a number of traditional two storey dwellings and a number of blocks of residential flats of low, medium and high rise. The majority of the section of Palmeira Avenue to the south of the site has been redeveloped to mid-rise blocks of flats ranging from three to five storeys. There are also a number of taller blocks of flats on Cromwell Road including Cromwell Court (9 storeys) to the east, Goodwood Court (7 storeys) and Cowdray Court (6 storeys) to the north-west and Hovedene (9 storeys) further to the west along Cromwell Road.

8.31. Directly to the north of the site, on the opposite side of Cromwell Road, is a group of three pairs of two storey semi-detached dwellings (55-60 Cromwell Road). These dwellings are of traditional design and are considered to contribute positively to the Willet Estate Conservation Area. To the north east of the site is 69-71 Cromwell Road which comprises a three storey terrace of properties with commercial uses at ground floor level including a public house.

8.32. To the east of the site is Bellmead Court, a four storey block of retirement flats on the corner of Cromwell Road and Holland Road.

- 8.33. It should be noted that the proposal was amended significantly in terms of design during the assessment of the previous withdrawn application (BH2019/00127) and from the initial pre-application submission in order to address concerns raised by officers. The scheme was amended in scale, mass, material finish and the footprint has also been reduced. This was achieved via separating the development into two blocks to allow site lines through the site, increasing the set-back from Palmeira Avenue, scaling down the height to the east in addition revisions to more lightweight materials and setting back the upper two storeys, thereby reducing the overall weight and bulk significantly. Further animation has also been introduced to break up the facade via the addition of recessed elements above entrances. Furthermore, during the assessment of the current application a number of additional amendments have been sought in order to address concerns relating to design and appearance, including the installation of balconies to the front and rear elevations, alterations to the material finish and design of the upper storeys, in addition to other internal alterations.
- 8.34. The application seeks permission for the demolition of the existing dwellings on site and the erection of two blocks of flats. Block A would be set to the north-west corner, located on the junction of Palmeira Avenue and Cromwell Road and would align with front and rear building lines of Palmeira Avenue. Block B is set to the east, fronting onto Cromwell Road and would match the building line of the adjacent Bellmead Court. The rear area of the site would be retained as open space and would include a landscaped rear garden for the use of residents. The south eastern corner of the site would include a new vehicular access ramp to the basement carpark.
- 8.35. Both blocks would be a maximum height of 7 storeys with setback and balconies on areas of flats roofs. To the street elevations, Block A would include four projecting bays with a glazed recessed section in between extending up to fourth floor level. The two upper storeys would be set back with roof terraces at fifth floor level. Block B also includes four main bays with a recessed element and the the westernmost two would be a mirror image on those adjacent within Block A. The eastern section of Block B steps down to five and then to two storeys in order to address the adjacent Belmead Court, which steps down in a similar fashion. Similarly, the southern wing of Block A steps down to five and then to three storeys in order to reflect the domestic two storey height of the adjacent dwellings.
- 8.36. The projecting bays to both blocks would be finished in red brick with inset powder coated aluminium framed windows and glazed doors. The upper storeys would be finished predominantly glazed. To the rear elevation, both blocks would be finished with a similar brick design to the front elevation with inset windows and projecting balconies up to the sixth storey, and the upper levels would be glazed with white powder coated aluminium frames.
- 8.37. The proposal would also include landscaped features with wall, planting and cycle parking to the front elevation surrounding the proposed lightwells. Furthermore, a landscaped garden would be provided to the rear with clearly defined activity zones for a communal seating area, play area, lawn area, planting beds and a water feature. Such a proposal is welcomed and the

delimitated areas are considered highly positive in concept. The council's urban designer has however raised concerns relating to efficiency of the spaces proposed in addition to how they would relate to adjacent private amenity areas. On this basis, revised details shall be secured via condition.

- 8.38. Initial feedback from officers on the current scheme advised that the block appeared commercial in nature and required further features and alterations to materiality in order to create a more domestic appearance, particularly within the uppermost stories and the rear elevation. In order to address these comments, in addition to standard of accommodation concerns, balconies have been introduced within the recessed section of both blocks and a number of inset balconies have also been introduced to the street elevations. Furthermore, projecting balconies are also now proposed at the rear in order to break up the elevation and lessen the harshness of the building. The material finish of the fifth and sixth storeys has also been revised by way of including powder coated aluminium frames to the glazing in addition to a forward projecting lightweight framed structure. The current proposal still appears somewhat commercial in nature, however the amendments provided have successfully added animation to the façade and are considered appropriate in this context.
- 8.39. One key characteristic of the adjacent conservation area is the rhythm of the bays of the detached dwellings and the use of brick. The local rhythm has been somewhat disrupted by the introduction of a number of taller harsher blocks with little relief or reveals to windows. The current scheme seeks to address this rhythm through the use of the projecting brick bays at a domestic scale in addition to the presence of inset balconies set at regular intervals across the façade which, in combination with the frame to the upper levels, successfully reduces the perception of a homogenous block and adds vibrancy to the streetscene. Furthermore, the use of a red brick to the lower levels and lighter palette to the upper storeys effectively responds to the gault, render and red brick examples elsewhere in the street scene.
- 8.40. The proposed blocks do not incorporate the fine level of detail of the historic buildings in the adjacent conservation area however, as set out above, it is considered that they would provide a far more characteristic and sympathetic addition to the street scene than a number of the existing blocks of flats within the surrounding streetscene.
- 8.41. The adjacent block of flats, Cromwell Court, is set well back from the established frontage lines of both Cromwell Road and Palmeira Avenue, therefore any development on the subject site at the proposed scale and siting will be clearly viewed from within the Willett Estate Conservation Area. Further visuals were secured during the assessment of the application which confirms that the development would be clearly visible, however the visuals also demonstrates the extent to which the existing large scale buildings close to the site, and also Hovedene further West, have created greater scale within the context of the development. Therefore, as noted by the heritage officer, the harm associated with the proposed height and bulk and siting of the scheme will harm the conservation area is considered acceptable.

- 8.42. Regard is given to the Supplementary Planning Guidance note 15 on Tall Buildings. SPG 15: Tall Buildings sets out guidance for development which is 18m or taller and/or significantly greater in height than surrounding development. As indicated above the site includes two blocks of a maximum of 7 storeys with a maximum height of 20m.
- 8.43. The design and heritage policies of the City Plan and the retained Local Plan provide the relevant local policy guidance. City Plan policy CP12 seeks to raise development densities where appropriate, directs higher densities towards the areas identified for tall buildings.
- 8.44. The Design and Access Statement and the Tall Buildings Statement submitted in support of the application set out in detail the context of the site and the design process and describe how the proposal would sit in the wider landscape. The submissions include a number of strategic views that indicate how the building would appear from key vantage points in the area.
- 8.45. Although the site does not lie within an area specifically identified as suitable for significantly taller buildings, there are a number of tall buildings within the vicinity of the site. The applicant's submission includes a detailed assessment of the scale of buildings within the area. There are a number of blocks of flats within the vicinity of the site, including two to the west; both which are nine stories and taller than the application building. Within the local area and neighbouring streets the submitted Tall Buildings Statement cites a total of 22 residential blocks of flats ranging from four to nine storeys, several of which have been constructed within recent years.
- 8.46. Whilst it is acknowledged that the scale and height of the building is significant, it is considered that the proposed scheme with two separate blocks at multiple levels is an appropriate form of development for the site, as the proposal would allow views through the site in the gaps between the blocks and would also pay respect to historic features and materials within the vicinity. The upper levels of the blocks have been designed with a set back with a softer palette and feature projecting frame to add visual relief to the elevations, whilst the stepped lower levels would act as a compromise the scale of the proposal in relation to the adjacent properties.
- 8.47. It is noted that a number of objections have been raised in relation to the scale and density of the proposed development in addition to the loss of the existing dwellings. As set out above, it is recognised that the loss of the existing buildings on site is regrettable, given their traditional form and contribution to the adjacent conservation area, however it is considered overall that the development would sit well in the street scene and as a contemporary design would make a positive contribution to the character of the wider area whilst paying respect to adjacent heritage assets and making an efficient use of the site. Full details of the proposed materials shall be secured by condition.

Heritage Impact:

- 8.48. As identified above, the site does not fall within a conservation area, nor are there any listed buildings within the vicinity of the site. The site does however lie

immediately adjacent to the Willet Estate conservation area and thereby will have some impact on the setting of the conservation area. The Council has a statutory duty under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

- 8.49. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. 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 including, where appropriate, securing its optimum viable use.
- 8.50. Although the design of the proposed development is considered to be acceptable in this context, the modern appearance and scale in comparison to the existing buildings will cause some harm to the setting of the adjacent conservation area. Given that the site is not located within the conservation area and as there are a number of other blocks of flats located both within and adjacent to the conservation area, the harm is considered to be less than substantial. An assessment of the public benefit against the heritage harm is therefore required, in accordance with NPPF paragraph 196.
- 8.51. It is considered that the following public benefits are associated with the proposed development:
- Increasing the supply of housing within the city at time in need, in addition to an affordable housing contribution
 - Sustainable and efficient redevelopment of the site
 - Amalgamating the multiple sites to create improvements to public realm
- 8.52. It is acknowledged that harm is identified on site in terms of the scale of the building in relation to the adjacent addition to the visual presence within the conservation area. The identified harm is less than substantial however still holds significant weight. As identified above, in this case there are several public significant benefits associated with the proposed development and overall it is considered that the identified harm would not warrant refusal in this case.

Impact on Amenity:

- 8.53. The site is set within a predominantly residential area with a high number of residential dwellings within close proximity. The closest neighbouring residential buildings to the site are:

To the North

- 55 Cromwell Road (two storey single house)
- 56 Cromwell Road (two storey, subdivided into four flats)
- 57 Cromwell Road (two storey, subdivided into five flats)
- 58 Cromwell Road (two storey, single dwelling)
- 59 Cromwell Road (two storey, subdivided into two flats)

- Goodwood Court (six storey block of 30 flats)
- 1A Lorna Road (two/three storey block of 6 flats above newsagents)
- 1 Lorna Road (three storey block of eight flats above public house)

To the South and South-east

- 62 Palmeria Avenue (two storey with basement, three flats and holiday let)
- 60 Palmeira Avenue (two storey single house)
- 58 Palmeira Avenue (five storey block of 58 flats)
- 58A Palmeira Avenue (single storey single house)
- 108-122 (even) Holland Road (group of 8 two storey single houses)

To the East

- Bellmead Court (four storey block of 24 retirement flats)

To the West

- Cromwell Court (9 storey block of 49 flats)

8.54. The existing buildings on site are residential and are domestic in scale. The proposed new build blocks are significantly larger in terms of height, scale and mass in comparison and therefore have the potential to result in harm to neighbouring amenity in terms of loss of outlook and light. Furthermore, the introduction of a large number of residential windows, glazed doors and balcony areas results in the potential for increased overlooking of neighbouring properties.

Scale, bulk and overshadowing:

- 8.55. As discussed above, the scale of the proposed buildings is significant in terms of the existing buildings on site. The scale and bulk of this building will result in some impact upon the side facing windows of Bellmead Court to the east and the windows and gardens of 60 and 62 immediately to the south, and on the buildings and gardens of properties on Holland Road to the south east. There is however a clear precedent for taller buildings to located adjacent to or alongside buildings of a much smaller scale within the local area and therefore the presence of an additional larger building would accord with the prevailing character.
- 8.56. It is acknowledged that as the site is currently relatively low key in terms of scale and a substantial portion of the is currently residential gardens, neighbouring occupiers benefit from additional light and view through this space, which would change as a result of the proposed development. The resultant situation is however considered to be appropriate given the character of the surrounding area. Furthermore, due to the retention of the landscaped garden area in combination with the fact that the block would be located to the north of local sensitive sites, it is considered that adequate spacing would be retained to ensure that the new buildings would not have an overbearing impact.
- 8.57. In regard to sunlight and daylight, the application submission includes a detailed sunlight and daylight report which assesses windows within adjacent

neighbouring dwellings which has been scrutinised by the BRE. The applicant's report carried out testing on the following properties:

- 55-60 Cromwell Road
- Flats above The Palmeira Public House
- Bellmead Court
- Cromwell Court
- 62 Palmeira Avenue
- 122 Holland Road

- 8.58. Having reviewed the applicant's daylight and sunlight report, the BRE concluded that several of the windows and rooms tested would not meet BRE guidelines, however the resultant impact is considered minor-adverse at worst. The BRE also conclude that the proposed block would not result in any major adverse impacts to neighbouring dwellings. These guidelines do not however set a level below which harm would be caused which would necessarily warrant the refusal of planning permission; windows falling below a guideline warrant further consideration. These windows and the impacts upon them are considered below.
- 8.59. At 58 Cromwell Road, one window would fall marginally below the BRE vertical sky component (VSC) guidelines, however the specific window is side facing on a bay and is secondary to the main forward-facing window, which would meet the guidelines.
- 8.60. At Bellmead Court, all windows would meet VSC guidelines, however one room at second floor level would be very marginally (0.01%) below the guidelines. The results also suggest that daylighting would be improved within four rooms.
- 8.61. 62 Palmeira Avenue is a two storey plus basement building located directly to the south of the application site. No. 62 has been subdivided and includes a flat at lower ground floor, a planning permission for two flats at ground floor and a residential holiday let at first floor.
- 8.62. 2 out of 27 tested windows at 62 Palmeira Avenue would fall below the BRE vertical sky guidelines, however the BRE report does conclude that the light levels and vertical sky component as existing are very poor. Furthermore, the windows which fail the test are side facing and serve a unit which is currently in use for short term holiday lets, and therefore does not warrant the same level of protection as a residential property. The main outlook to the front and rear of each respective unit will be maintained.
- 8.63. 3 out 11 tested rooms at no. 62 would not meet the BRE daylight distribution analysis. One of these rooms falls within the holiday let at first floor level and the other two rooms fall within the lower ground level flat. The BRE conclude the loss of daylight as minor.
- 8.64. Overall in regard to overshadowing and daylight, it is acknowledged that an increased impact will occur to some local residential buildings, however taking into account all factors, including the benefits which the proposed development would deliver, including a substantial number of residential units in a sustainable

location, it is considered that the resultant situation would be acceptable and the harm which would be caused is not of a magnitude which warrants the refusal of planning permission.

Overlooking/Loss of Privacy:

- 8.65. In regard to overlooking, the proposed windows and balconies fronting on to Cromwell Road and Palmeira Avenue will face out onto the street. Whilst new views will be achieved from a number of new vantage points, given the front-to-front relationship and presence of other larger blocks, it is not considered that the resultant overlooking would be significantly harmful to the north.
- 8.66. The windows and balconies to the south elevations and eastern edges of the new blocks, will cause some overlooking of neighbouring properties to the south and east, including Bellmead, 62 Palmeira Avenue, 60 Palmeira Avenue and the rear gardens of dwellings to the south-east. The resultant relationships will impact upon the sense of privacy which some neighbouring residents will benefit from. However, as detailed above the proposed development is in keeping with the pattern of development in the area, where there are a number of taller blocks of flats located alongside or to the rear of two storey single dwellings with balconies. Furthermore, the site is within a central built-up location where large buildings are characteristic, and a level of overlooking is to be expected.
- 8.67. It is noted however, that the proposed development does include several substantial roof terraces which could accommodate a large amount of people and would allow for views to neighbouring dwellings. Specifically, this relates to the second third and fourth floor terraces to the western edge of Block B and the terraces at third and fifth floor levels to the south-east of Block A. In order to mitigate the potential for overlooking, it is recommended that the accessible areas of each terrace be restricted by condition.
- 8.68. Overall, subject to the condition set out above, it is considered that the resultant relationships would be appropriate.

Noise Impact:

- 8.69. The proposal would include several lifts located throughout the building, which has the potential to generate noise impact to the neighbouring residential properties. In order to address these concerns, maximum noise levels emitted from the lift and all other machinery / plant shall be secured by condition.

Summary:

- 8.70. A number of objections have been raised in relation to impact on neighbouring amenity. It is acknowledged that the proposed development would have an impact on amenity. Additional overshadowing and overlooking would be caused. The light and views currently available through the section of the site which is at present residential gardens would be impacted. It is however considered that the result scenario and relationships would be in keeping with the pattern of development in the immediate area, and the resultant relationships between buildings would be acceptable given the location of the site is central, and a degree of enclosure and overlooking caused by larger buildings is expected.

- 8.71. Overall it is considered that significant harm to neighbouring amenity would not be caused and that the scheme would comply with policy QD27.

Standard of Accommodation for Future Occupiers:

- 8.72. As detailed above, the proposed mix of unit sizes is considered to be acceptable having regard to the type of development which is proposed. In regard to outdoor amenity space, 83 of the flats either benefit from roof terrace or a balcony space. A communal garden area to the rear of the site is also proposed. Cycle storage is at street level and at basement level. Vehicular parking and refuse and recycling storage are proposed at basement level.
- 8.73. Concerns were raised by officers regarding the application as originally submitted, relating to standard of accommodation due to the lack of external private amenity space and restricted outlook of several of the lower ground level units. Concerns were also raised relating to the number of single aspect north facing units, particularly at lower ground floor levels. The scheme was subsequently revised to allow for 83 of the units to include private amenity space, which is a significant improvement in comparison to 23 as originally submitted.
- 8.74. A number of the units at lower ground floor level have also been amended in order to include additional dual aspect units with south facing windows and north facing units have been extended at lower ground level in order to maximise floorspace and outlook. There are still several single aspect north-facing units which is regrettable, however given the restrictive orientation of the site and in the interest of maximising efficiency of the space available, a number of units such as this is difficult to avoid.
- 8.75. Within block A, all but one bedroom would meet BRE daylight targets. The one bedroom which would fall below the target, does so by 0.05%. A further three living kitchen dining rooms within block A would also fall below BRE guidelines meaning a total of 136 out of 138 habitable rooms within block A would meet BRE guidelines. Within block B 109 of 113 habitable rooms would achieve BRE guidelines. A high proportion of the other proposed rooms within the development would exceed the guidelines significantly, thereby providing ample levels of daylight for the scheme as a whole.
- 8.76. Further to the results discussed above, it should be noted that during pre-application discussions, that the applicant proposed another layout which would result in all rooms meeting BRE guidelines. In order to achieve this target however, a high number of the units would require enclosed kitchens with no natural light and/or the removal of balconies. Feedback from officers, in conjunction with subsequent advice with the BRE, recommended that a scheme with open plan kitchen/living/dining rooms and the provision of balconies would provide for higher standard of accommodation, despite several rooms falling below recommended guidelines.
- 8.77. A number of units within the proposal would not include a southerly aspect. This has been improved upon during the assessment of the application as two additional units at lower ground level now include a south facing element and lightwells have also been extended/improved where possible. As noted above,

this is not ideal however it is accepted given the orientation and design constraints of the site.

- 8.78. It is acknowledged that the outlook from the lower ground level units would be confined to light wells set below street height, however this scenario is common across the city and the depth of the extended light wells is considered sufficient to allow acceptable levels of outlook. The light wells would also provide external private amenity space for the future occupiers.
- 8.79. In regard to access standards, lifts are proposed within each block, allowing access to all residential units proposed. At least 5% are required in order to accord with Local Plan Policy HO13 equating to 5 units. A scheme as such shall be secured by condition. All other units in the new build blocks would be required to comply with Optional Building Regulations standards for access.
- 8.80. In regard to floorspace, all of the proposed units comply with Government's minimum space standards (Technical housing standards - nationally described space standard - March 2015) and a number would exceed the guidance significantly.
- 8.81. In this case the application proposes 94 residential units, all of which comply with, or in many cases exceed, national minimum size standards. A high proportion include private amenity space and would benefit from ample levels of outlook and natural light. These matters weigh in favour of the proposal and considered overall, having regard to the benefits of the proposed scheme, several units falling below BRE guidelines does not in this case warrant the refusal of planning permission.
- 8.82. Overall therefore it is considered that the proposed development would provide an acceptable standard of accommodation / amenity, in accordance with policy QD27 of the Brighton and Hove Local Plan.

Sustainable Transport:

- 8.83. The site is located on Cromwell Road which is a key transport route into the city and benefits from sufficient bus services into the city centre. The site falls within an area where parking restrictions are in place. The existing site comprises 4no. houses and a former nursery, with two vehicle accesses fronting onto Cromwell Road along the northern frontage and one vehicle access on Palmeira Avenue along the western frontage. The applicant proposes to remove these accesses and replace them with a single point of vehicular access on Palmeira Avenue. Following the submission of an RSA and amendments to the proposed access and visibility, the new vehicle access is now deemed acceptable.
- 8.84. The potential impact of the proposed 94 residential units has been considered with regard to the impact of the existing use. It has been concluded that the proposed development would result in a net gain of 550 person trips. In order to provide for suitable and safe access to the site and to cater for the increase in trips, a sustainable transport contribution of £82,500 will therefore be secured via legal agreement.

- 8.85. The residential use proposed would be likely to see parking demand peak at evenings and weekends, when many residents who use their vehicles to commute to work would be at home. An increase in visitor demand for on-street pay and display spaces would result. The proposed residential use therefore has greater potential to create demand for on-street parking at times when demand is greatest from other residents within the vicinity of the site.
- 8.86. The proposed development includes a basement car park with parking for 47 vehicles. Given the level of vehicular parking proposed, and the number of residential units proposed, the proposed development has the potential to create significant additional demand for on-street parking in the vicinity of the site. Having regard to the parking surveys submitted by the applicant, and the overall levels of parking permit uptake across Controlled Parking Zone O, it has been concluded that eligibility for visitors parking permits should be reduced to 25 per dwelling per year (as opposed to the standard 50 per dwelling per year) in order to alleviate parking pressures associated with the development. This shall be secured by condition.
- 8.87. There have been a number of discussions with the applicant regarding cycle and vehicle parking. Following amendments, the proposed car park and disabled parking layout is now considered acceptable.
- 8.88. Concerns were raised to the initial submission due to the quantum of cycle parking proposed, the type of parking proposed and the layout and accessibility. Cycle parking is proposed at street level in several locations and within the basement car park. The cycle parking has subsequently been amended and the concerns relating to layout have been addressed. The total number of cycle parking spaces is now 161, which exceed SDP14 requirements by 35. The cycle parking spaces would include 118 two tier, 43 Sheffield stands and six oversized spaces. Whilst it is disappointing that a higher proportion of Sheffield stands is not proposed, this level of cycle parking is considered acceptable.
- 8.89. Concerns were also raised in relation to access to the basement level cycle parking as the gradient of the proposed ramp would exceed that recommended for disabled cyclists and as a result, the only access would be via lift, which would not be appropriate for disabled user cycles. The applicant has subsequently amended the cycle layout and all larger cycle parking spaces are now at ground level and easily accessible. Transport officers are in support of this arrangement.
- 8.90. Discussions have also taken place regarding the likely levels of delivery and servicing the development would demand. After review of several sets of data it has been concluded by transport officers that the development would generate in a total of 40 daily serving trips to and from the site and therefore a loading bay of 12m would be required. After assessing several locations, the most appropriate location for this bay is considered to be to the north of the development on Cromwell Road. This option was reviewed by B&H Bus Co who suggested removing the Holland Road bus stop entirely to allow for a loading bay. This scenario is preferable as it would not result in the loss of parking bays. The applicant would be responsible for the cost of relocating and reinstalling the

bus shelter and associated Traffic Regulation Order alterations. This arrangement is considered an acceptable alternative and will be secured via s106/s278.

- 8.91. In addition to measures set out above, it is recommended that the following be secured by condition-
- Implementation of disabled car parking
 - Details of electrical car charging points
 - Implementation of motorcycle parking
 - A delivery and servicing management plan
 - Construction environment management plan (CEMP)
- 8.92. Transport officers have requested that the CEMP be requested via the s106 agreement, however, guidance does advise that where the information can be secured by a condition, this should be used. A condition is considered a suitable mechanism to secure the information and on this basis the CEMP is to be secured by condition.
- 8.93. A full scheme of travel plan measures, as set out within the heads of terms, is also recommended to be secured through s106 legal agreement, for approval by the Council prior to first occupation.
- 8.94. It is acknowledged that a number of objections have been made in relation to impact on the local transport network including parking and local services. Overall, subject to the conditions and s106 recommendations set out above, which include a number of sustainable transport initiatives, the proposed development is considered to be acceptable in regard to transport impact.

Sustainability:

- 8.95. The proposed development incorporates measures to make efficient use of energy in the form of solar photovoltaic arrays at roof level to the two new build blocks, in addition to efficient use of materials. Full details of these measures, their installation and retention and ongoing function are recommended to be secured by condition.
- 8.96. As originally submitted, the proposed residential units were to be heated by individual gas fired boilers. Whilst this would just meet the requirements of CP8, sustainability officers have raised concerns to this approach and have recommended heating via alternative means. The use of individual boilers is also considered problematic in design terms as it would require externally projecting flues for all units.
- 8.97. The developer has subsequently proposed the use of individual electric panels heaters to all units in addition to several other sustainable practices including immersion cylinders, mechanical ventilation with heat recovery and improved air tightness. As result, the development is now capable of achieving a CO2 reduction of 21.4%. The residential units proposed would also need to meet optional building regulations standards for energy and water, which shall be secured via condition.

- 8.98. Sustainability officers have also raised concerns relating to potential overheating of the single aspect south facing units due the extensive glazing and the resultant to solar gain. The applicant is confident that appropriate glazing and other mitigations have been designed into the scheme to avoid overheating. In order to secure this, an overheating assessment shall be secured via condition.

Ecology/Biodiversity/Trees:

- 8.99. Given the location, nature and scale of the proposed development, there are unlikely to be any impacts on any sites designated for their nature conservation interest. The site currently comprises buildings, hard standing, amenity/improved grassland, introduced shrubs, species-poor hedge, standing water (ponds), scattered trees, fence and walls, and is of relatively low ecological value, although some habitats have the potential to support protected species.
- 8.100. A survey was submitted with the application in order to assess the potential for bats on site. Two of the buildings proposed for demolition were assessed as offering low bat roost potential, although no evidence of roosting bats was found, and bat activity was generally low. The County Ecologist has reviewed the submitted information and confirmed that no further surveys are required, but a precautionary approach should be taken to demolition as summarised in the bat survey report. Bat tubes should be incorporated into the buildings or boxes attached post construction. External lighting should take account of best practice guidance to minimise impacts on bats using the area. Furthermore, two trees on site were identified as offering low bat roost potential. No further surveys are recommended, however the trees should be soft felled under the supervision of a suitably qualified ecologist.
- 8.101. To avoid disturbance to nesting birds, the County Ecologist has recommended that any demolition of buildings or removal of scrub/trees that could provide nesting habitat should be carried out outside the breeding season (generally March to August).
- 8.102. The County Ecologist has also advised that there are local records of reptiles from sites within the area with similar characteristics to the application site. Whilst the risk of reptiles being present is low, the County Ecologist recommended that precautions are taken during site clearance, e.g. potential refuges should be dismantled by hand.
- 8.103. The site offers opportunities for enhancement that will help the Council address its duties and responsibilities under the NERC Act and NPPF. Opportunities include green biodiverse roofs, the incorporation of species of known wildlife value in the landscaping scheme and the provision of bird boxes. Advice on appropriate species is available in Annex 7 of SPD11. Bird boxes should target species of local conservation concern such as starlings, swifts and house sparrows. A condition is recommended to this effect.
- 8.104. With regards to trees, the application has been submitted with an arboricultural report which identifies the existing vegetation on site and the trees to be removed. Whilst there is vegetation on site there are no Tree Preservation Orders and the existing trees to be removed are of relatively low public amenity

value. The removal of the trees as set out within the report is therefore considered acceptable and is agreed by the council's arboriculture officer.

- 8.105. There are however several substantial and smaller street trees adjacent to the site which are of public amenity value, including two elm trees, marked as T26 and T11 within the applicant's arboriculture report. Initially, the arboriculture officer raised concerns to potential harm to the identified trees due to site works and the extent of the proposed lightwell to Palmeira Avenue which extends into the root protection zone of T26. The arboriculture officer has confirmed that these concerns could be addressed by reducing the depth of lightwell in question, in addition to the use of appropriate construction methods and mitigation, which shall be secured via condition through a method statement.
- 8.106. The lightwell has now been reduced in depth in order to encroachment into the root protection zone. As further mitigation and protection, it is also recommended that the s106 agreement should ensure that for any street trees near to the site that are lost within 5 years of commencement as a result of the development shall be replaced by 3 trees. The applicant has agreed to this approach. The amendments to the lightwell, in conjunction with the method statement and s106 requirements are considered sufficient to address any potential harm to trees. Arboriculture officers are in support of this approach.

Environmental Health / Land Contamination:

- 8.107. Environmental Health officers have reviewed the site and confirmed that it is unlikely that there would be sources of contamination on site given the nature of the existing uses on site. A desk top study for potential land contamination shall be secured by condition, in addition to a Construction Environment Management Plan.
- 8.108. A noise assessment has been submitted with the application in order to assess the likely impact of road noise on the residential units. The assessment concludes that satisfactory sound levels can be achieved in all units subject to the installation of appropriate glazing. Environmental Health officers have reviewed this approach and agreed as acceptable.

9. CONCLUSION

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

- 9.3. 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.
- 9.4. The proposed development would provide 94 residential units in addition to a financial contribution towards affordable housing. The standard of accommodation of the proposed units would provide is good in most cases and acceptable in all cases. The majority of the units would benefit from external amenity space, a communal garden area, basement car parking and cycle parking, however it is acknowledged that several units would be north facing dual aspect. The substantial provision of residential units weighs heavily in favour of the scheme.
- 9.5. The proposed buildings are considered to represent an appropriate redevelopment of the site which would introduce a contemporary building into the street whilst according with the prevailing characteristics of the area and avoiding harm to neighbouring heritage assets.
- 9.6. The scheme would, however, result in the loss of existing dwellings and a building which has been previously operated as a community use which is regrettable, and the proposed accommodation mix would be weighted towards smaller dwellings, both of which would weigh against the scheme. The proposed new buildings would have some negative impact upon neighbouring amenity.
- 9.7. It is also acknowledged that the development is significant in scale and will result in additional strain on local amenities and services, however the proposal is acceptable in transport, environmental health, sustainability and ecological terms, and conditions / s106 requirements are recommended to secure:
- Disabled parking and cycle parking provision, and travel plan measures;
 - Compliance with energy and water consumption standards and access standards;
 - Solar photovoltaic panel array and solar thermal heating system;
 - Ecological improvements;
 - Contributions towards educational provision, open space / sports provision, and the Council's Local Employment Scheme.
- 9.8. Overall, whilst the proposed development would result in some harm, it is considered that the scheme would deliver substantial benefits including a significant delivery of housing with a good standard of accommodation in a sustainable location. Overall, approval of planning permission is recommended subject to the conditions and s106 requirements set out in sections 1 and 11.

10. EQUALITIES

- 10.1. The new build element of the scheme would be required to comply with optional access standards by condition, and 5 wheelchair accessible units would be provided. Furthermore 5 disabled parking spaces would be provided.

11. DEVELOPER CONTRIBUTIONS

11.1. S.106 Agreement:

The contributions required would be allocated and spent as follows:

- A contribution of £57,589.40 towards education (Blatchington Mill and Hove Park Schools).
- A contribution of £250,065.24 towards open space and recreation provision. To be allocated as follows:
 - Children and Young People play space £6,349.16 towards St Anns Well Gardens and or Hove Park and or Hove Kingsway
 - Amenity Green Space £7,083.09 towards St Anns Well Gardens, Palmeira Square, Adelaide Gardens and or Hove Park
 - Outdoor sports facilities £60,359.99 towards St Anns Well Gardens, Palmeira Square, Adelaide Gardens and or Hove Park and or Hove Kingsway
 - Parks and Gardens £88,343.46 towards St Anns Well Gardens, Palmeira Square, Adelaide Gardens and or Hove Park and or Hove Kingsway, and treelined roads within 1 kilometre of the development
 - Natural and Semi-Natural open space £39,576.60 towards St Anns Well Gardens Palmeira Square, Adelaide Gardens, Hove Park and or Hove Kingsway and treelined roads within 1 kilometre of the development
 - Allotments £8,662.95 towards North Nevil Allotments/ Eastbrook Allotments/ St Louie Allotments/ Rowan Avenue Allotments
 - Indoor Sport £39,690.00 towards King Alfred/Kingsway and/or Withdean.

- A contribution of £26,100 to the Council's Local Employment and Training Strategy.

- An artistic component / element as part of the proposed scheme to the value of £32,300.

- A scheme to secure that any street tree that die as a result of the development with 5 years of commencement are replaced at a rate of 3:1.

- A contribution of £ £82,500 towards sustainable transport improvements in the vicinity, including:
 - Pedestrian footway improvements on the island crossing on Cromwell Road to the right of the Palmeira Ave junction to include tactile paving;
 - Pedestrian footway improvements on but not limited to Palmeira Ave; and
 - Bus stop improvements on Cromwell Road including RTPI, accessible kerbs and/or cage strengthening.

- A s278 in order to secure:

- Closure of 3 x existing site accesses on Cromwell Rd and 1x existing access on Palmeira Ave;
 - Amendments to on-street parking and the proposed re-location of the solo motorcycle bay; and
 - Creation of a new pedestrian-priority vehicular cross-over on Palmeira Ave, which will serve as the basement car park access for the site.
 - Removal/relocation of bus stop and shelter and creation of new loading bay.
- A 5 year Travel Plan to secure variety of incentive measures including:
 - A travel pack for residents to include information on local options for sustainable transport and road safety.
 - Offering the first occupants of each residential unit 1 year subsidised tickets/memberships for one of the following local public and shared transport services per resident -
 - Local buses and/or train services;
 - BTN Bike Share; and
 - Enterprise Car Club
 - Formal cyclist training for a minimum of 6 residents on request, to be marketed throughout the development and offered on a first come first serve basis.
 - maintenance stands together with pumps and basic maintenance and repair tools within the cycle stores for resident use.
 - Providing first occupiers of each unit a voucher of ≥£150 per unit to go towards the cost of purchasing a bicycle
 - Establishing a Bicycle User Group for residents and any employees. 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.
 - Providing information on sustainable transport options and the other measures and offers above in all marketing material (including any on-line).
 - Provide and maintaining on site notice boards to provide 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, the Travel Plan Coordinator and the Bicycle User Group relating to any of the above

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

1. The proposed development fails provide a provision of affordable housing which addresses the requirement of Policies CP1, CP19 and CP20 of the Brighton and Hove City Plan Part 1.
2. The proposed development fails to provide a financial contribution towards the improvement and expansion of capacity of local schools required contrary to policy CP7 of the Brighton and Hove City Plan Part 1 and the City Council's Developer Contributions Technical Guidance.
3. The proposed development fails to provide a financial contribution towards the improvement and expansion of open space and recreation in the vicinity of the site required contrary to policies DA5, CP7 and CP16 of the Brighton and Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
4. The proposed development fails to provide adequate travel plan measures to encourage use of sustainable transport modes and therefore fails to address the requirements of Policies CP7 and CP9 of the Brighton and Hove City Plan Part One.
5. The proposed development fails provide a financial contribution towards the City Council's Local Employment Scheme to support local people to employment within the construction industry contrary to policy CP7 of the Brighton and Hove City Plan Part 1 and the City Council's Developer Contributions Technical Guidance.
6. The proposed development fails to provide an Employment and Training Strategy specifying how the developer or their main contractors will provide opportunities for local people to gain employment or training on the construction phase of the proposed development contrary to policy CP7 of the Brighton and Hove City Plan Part 1 and the City Council's Developer Contributions Technical Guidance.
6. The proposed development fails to provide adequate mitigation for the protection of trees adjacent to the site contrary to policies QD15 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One.
7. 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.