

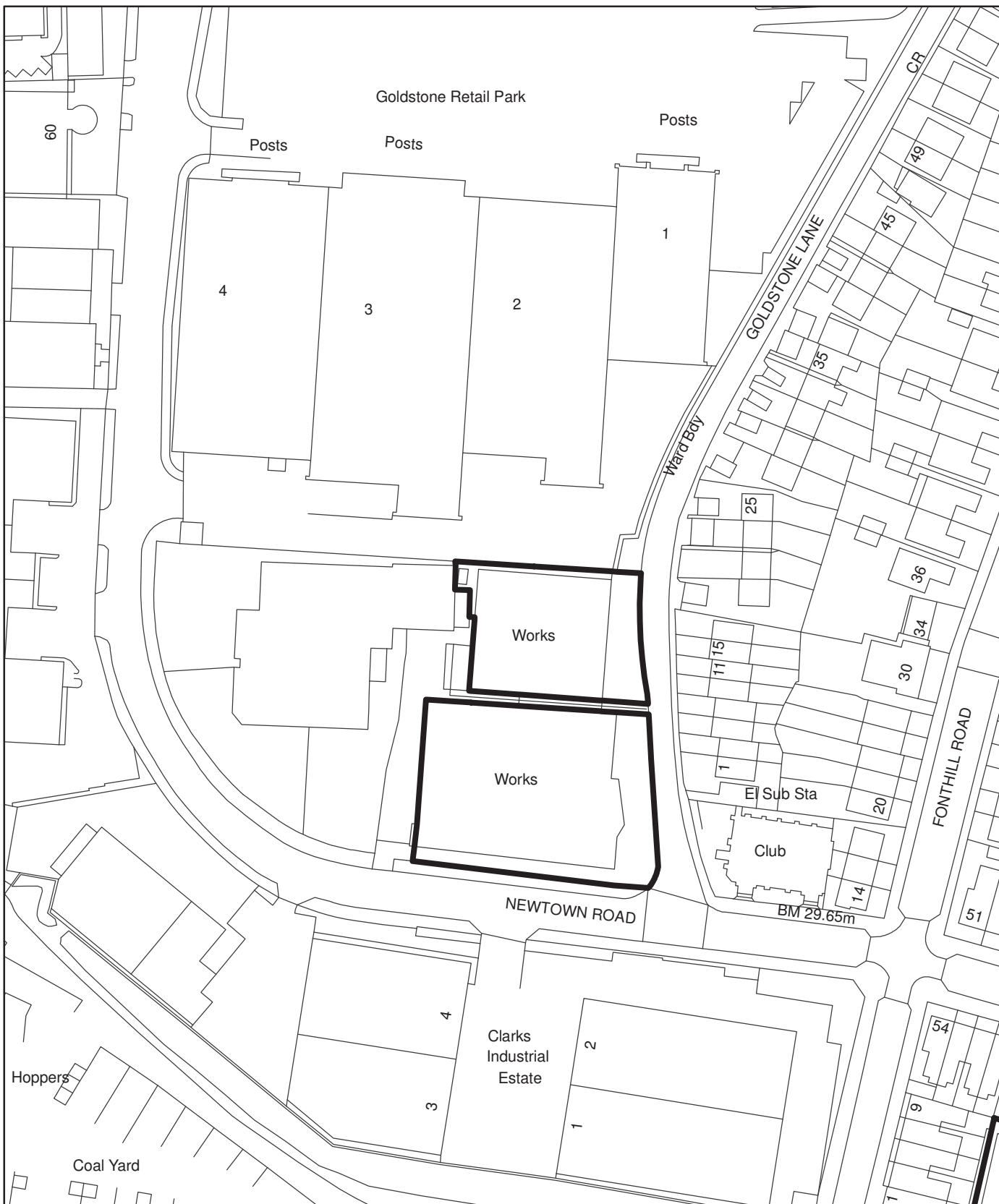
ITEM C

**70 and site of Chrome Productions Limited,
Goldstone Lane, Hove**

**BH2014/03605
Full planning**

28 JANUARY 2015

BH2014/03605 70 and site of Chrome Productions Limited, Goldstone Lane, Hove



<u>No:</u>	BH2014/03605	<u>Ward:</u>	HOVE PARK
<u>App Type:</u>	Full Planning		
<u>Address:</u>	70 and Site of Chrome Productions Limited Goldstone Lane		
<u>Proposal:</u>	Demolition of existing buildings and redevelopment of site including construction of new part 4no, part 5no and part 6no storey building providing office space (B1) at ground floor level and 59no self contained apartments (C3), incorporating creation of basement car park to provide 41no car parking spaces. Erection of 6no three storey terraced dwelling houses (C3) incorporating provision of 2no car parking spaces per dwelling, landscaping and other associated works.		
<u>Officer:</u>	Mick Anson Tel 292354	<u>Valid Date:</u>	04/11/2014
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	03 February 2015
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Lewis and Co Planning SE Ltd, 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Hyde Newbuild, C/O Lewis & Co Planning 2 Port Hall Road Brighton BN1 5PD		

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to be **Minded to REFUSE** planning permission for the reason(s) set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site comprises two industrial buildings which front Goldstone Lane on its west side. No.70 is sited at the corner of Goldstone Lane and Newtown Road whilst the building occupied by Techniform is adjacent to the north. The two plots are separated by a narrow access path which provides a right of way to the land at the rear and is not included within the red line of the application site. The proposals are considered to constitute one single application.
- 2.2 No 70 comprises a derelict part two and three storey Class B2 industrial brick built building last used for chrome plating until 2008. The three storey brick built part is linked internally to a single storey portal framed gable fronted industrial building on its north side. Both buildings were in use by the same business. The CPL building is a single storey portal framed building which has a small mezzanine floor for storage. The building has a double gable frontage and the premises have permitted use as B1 business premises and are partly occupied

as offices. The area at the back of the building was used for the manufacturing and moulding of plastic products.

- 2.3 The north boundary of the application site adjoins the rear of the Goldstone Retail Park in particular the delivery access, loading and storage areas behind the large format retail units. To the rear of the site (west) is a car showroom and outdoor vehicle sales display area.
- 2.4 On the opposite (east) side of the site on Goldstone Lane are a terrace of 3 storey mid 20th Century terrace houses with front gardens and driveways. At the opposite corner of Goldstone Lane and Newtown Road is St Agnes Church.

On the opposite (south) side of Newtown Road are two single storey industrial buildings with a large open car parking and servicing area in between.

3 RELEVANT HISTORY

BH2010/03937

Corner of Newtown Road and Goldstone Lane
Temporary part change of use for a period of 10 years from General Industrial (B2) to climbing wall centre (D2) Approved 10.03.11

BH2009/00537

Tecni-Form Ltd Goldstone Lane
Temporary change of use from light industry (B1) to indoor sport centre (D2) for a period of 3 years. Approved 30.09.09

BH2004/02582/FP

Corner of Newtown Road and Goldstone Lane Unit 56 Newtown Road Hove
2 No. 4 storey blocks of freehold offices (11 in total) with underground car park. Approved 15.11.04

BH2004/02295/FP

Corner of Newtown Road and Goldstone Lane, Unit 56 Newtown Road Hove
Storey blocks of freehold offices (12 in total). Withdrawn 20.08.04

BH2002/00853/FP

Corner of Newtown Road and Goldstone Lane Hove
Demolition of existing factory. Erection of new building for retail use. Refused 31.05.2002

4 THE APPLICATION

- 4.1 Planning permission is sought for the demolition of two existing industrial buildings and the redevelopment of site to provide two buildings. The largest building (Block A for reference purposes) would be a part four, five and six storey building to provide 59 self contained apartments. Included in the ground

floor would be a B1 office of 119 sq metres floorspace. The building would have 41 basement car parking spaces.

The second building (Block B for reference purposes) would comprise 6no. three storey 3 bedroom terraced dwelling houses. Each dwelling would have double length parking spaces in a landscaped front garden and its own rear garden. 40% of the dwelling units would be affordable units.

Block A

- 4.2 Block A would have a T-shaped footprint with the longest elevation facing south and part of the east elevation set back from the forward most part of this elevation. Access to the underground car parking to Block A would be from Goldstone Lane at the north end of the building. The basement would accommodate 41 parking spaces including 4 disabled bays for residential occupiers of the flats. There would also be 108 secure cycle parking spaces in the basement.
- 4.3 The main entrance to the flats would be set back 14.5 metres from Goldstone Lane in a corner of the building. A new 1.6m wide footway is proposed on this side of Goldstone Lane within the site boundary. Adjacent to the entrance would be the refuse and recycling store. The east elevation of the building would be 6 storeys with a step down at the northern end to 5 and 4 storeys. The south elevation would also have set back of 4.5m from Goldstone Lane at the corner of Newtown Road. Due to the topography, the south elevation would be between 18.3m and 19.7m above the back edge of the footway on Newtown Road. The south, west and east elevations would have balconies to the flats above ground floor level whilst ground floor flats would have private patios. There would be a square shaped communal landscaped garden at the rear in the North West corner measuring 232 sq metres.
- 4.4 The main elevations would be in a smooth facing brick with the top (6th) floor in light grey vertical cladding. Windows and doors would be aluminium. Balconies would be concrete with glass balustrades. The top floor would be set back 1.5m from the main elevations to allow a narrow terrace of 1.2m around the edges whilst two flats on the north side would have larger roof terraces of 3.5m depth. The roof would have photovoltaics across its full extent (138 in total).

Block B

- 4.5 Block B which comprises the terrace of 6 dwellings is separated from Block A by 2.5 metres. Adjacent to Block A is an external emergency exit and adjacent to Block B is a right of way 2.5 metres wide which is not part of the application site escape route would be closed off by gates but the right of way is currently open.
- 4.6 The dwellings would be three storey in height with the top floor set back 1.2 metres to provide a terraced amenity space to each of the top floor flats. The elevations would be a plain vertical profile in brick. The ground and first floors would be faced in a red brick with a blue brick mullion between the windows. The top floor would be in light grey cladding. All of the windows would be aluminium and the balustrades in glass. The front part of the roof would be a flat

roof with 4 no. photovoltaic panels on it. The rear part of the roof would be a sloping mono-pitch down to the rear elevation.

- 4.7 The main living areas would be on the ground floor with 2 bedrooms and a bathroom on the first floor and another bedroom on the top floor with an en-suite bathroom.
- 4.8 The dwellings would be set back between 12.4 and 15.6m from the proposed dwelling boundaries with a garden strip and a double length hardstanding for car parking at the front. To the rear each dwelling would have a garden of at least 14 metres in length with the northern most dwelling having a garden of 19 metres in length. The proposed new footway would continue on this west side of Goldstone Lane within the application site where none currently exists.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: 1** letters of representation have been received from **9 Goldstone Lane**; objecting to the application for the following reasons:
Concern about the size and height of the proposed flats. The church is an inappropriate marker for height in the local area. Concerned that not all of the flats would have a parking space close to an area without controlled parking. Concern that entrance to underground parking for 41 spaces is on Goldstone Lane which is very narrow and would result in traffic congestion. Entrance to parking should be on Newtown Road.
- 5.2 Following re-consultation of amended description of development:
1 letter of representation from **20 Fonthill Road** objecting to loss of sunlight to back garden due to tower block. Support redevelopment of site in principal. Recorded concerns at the pre-application public preview but comments not recorded in submitted documents.
- 5.3 **Hove Civic Society**
Generally support the comments by the Hove Station Neighbourhood Forum. Development has much to commend it but a number of key changes would make the development substantially better.
Building should make better use of the site. Suggest that the building line on Goldstone Lane should be brought forward to form an L-shape surrounding a landscaped area subject to overlooking criteria. B1 offices should be sited in place of terraced houses to comply with policy allocation in DA6. The development of the site should be seen in the context of the whole of the DA6 development area.
Concern about the cumulative impact of traffic generated by this and future developments in the area and consider that the development should be car free.
- 5.4 **Hove Station Neighbourhood Forum**
Proposed development is within the Hove Station Neighbourhood Forum Plan Area designated by the Brighton and Hove City Council Economic Development Committee on 18th September 2014 to prepare the Hove Station

Neighbourhood Plan. The Forum welcome the site being brought forward for development and welcomes the dwelling mix, the commitment to Code for Sustainable Homes Level 4 designed to Lifetime Homes Standards. Significant concerns about the very small proportion of floorspace for employment on this allocated site for employment led development within the City Plan policy DA6 area. The development is clearly in conflict with policy DA6 and if implemented, the remainder of the DA6 area would need to be developed exclusively for employment to provide the balance sought by policy. An office building could be provided on Goldstone Lane frontage.

5.5 Concerns raised about the design of development such inefficient use of Goldstone Lane frontage and need to establish a building line here. Reduce overshadowing to the rear, need to step building heights on Newtown Road to provide more imaginative and visually attractive frontage. Retention of footpath is opposed as anti-social behaviour is already a problem here. This will create indefensible space, the antithesis of designing out crime. Concern that affordable housing would not include affordable rented units. Concern about the uncoordinated redevelopment of the DA6 area. Not opposed to high density development but must provide community infrastructure. Concern about increase in traffic flows. The Neighbourhood Plan would have an aspiration to reduce car use in the area. This proposal would undermine this.

5.6 Process of Community Engagement has been very limited. The Forum objects to the proposals but would be willing to engage with the applicant and the LPA to establish an innovative design collaboration process to deliver a car free mixed use scheme to establish a 'flagship' project for the DA6 area.

5.7 **East Sussex Fire and Rescue Service**

No comments

Following re-consultation: Comment: The deposited plans do not appear to indicate satisfactory access for fire fighting purposes as required by the Building Regulations with regard to proximity to pump appliances for vehicles for the flats. Information on sprinkler systems is available by reference to BS 9251 and BS EN 12845.

5.8 **Environment Agency**

Consider that planning permission should only be granted to the proposed development as submitted if the following planning conditions are imposed. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would wish to object to the application. Standard conditions requested related to dealing with contamination of the site and verification report of action taken. Discovery condition for unforeseen material to be dealt with. No infiltration of surface water drainage and no piling using penetrative methods without consent of the Planning Authority.

5.9 **Southern Water Comment**

Should this application receive approval request that standard conditions and informatives be applied.

5.10 **Sussex Police Support**

In general term supports the proposed development and would encourage the applicants to adopt the principles of Secure by Design.

5.11 **UK Power Networks No objections**

Following re-consultation of amended description of development: No objections

Internal:

5.12 **Access Officer:**

No means of escape for basement wheelchair users if lift is out of order. Plans for Lifetime Homes do not show the floor levels in relation to the public highway so assessing gradients is not possible. There should be a side transfer space of at least 1400mm width to the side of an entrance level wc. Flat layouts for Lifetime Homes are satisfactory. Wheelchair housing would not have sufficient space to manoeuvre a scooter into the space because of its situation at the end of the corridor in Type A. There does not appear to be sufficient space beside the scooter to transfer to an internal wheelchair if the scooter was stored along the corridor. Entrance door to Unit C needs to be moved so there would be room for a letter cage behind the door.

5.13 **City Parks: Comment** Should any contributions become available for green space, we would welcome the chance to provide further comment regarding possible expenditure.

5.14 **County Archaeologist:** Does not believe that any archaeological remains are likely to be affected by these proposals. For this reason has no further recommendations to make in this instance.

5.15 **Ecology: Comment**

As the buildings are used all year round by feral pigeons, it is recommended that specialist advice is sought regarding humane methods to discourage them from nesting. It is considered unlikely that the site supports any other protected species. If during demolition protected species are encountered then work should stop and advice be sought from suitably qualified and experienced ecologist. The proposal includes no proposals for enhancement of biodiversity. Measures should be sought to provide landscaping of known value to wildlife and to provide bird boxes and/or bricks within the development. The proposed solar panels should be provided in conjunction with bio-diverse roofs to improve the efficiency of the solar panels. If recommended for approval then conditions should be attached requiring an Ecological Design Strategy (EDS) with specific criteria before development commences. Provided that this is implemented the development should not have an impact on biodiversity and could be supported.

5.16 **Education:** If this application were to proceed would seek a contribution towards the cost of providing educational infrastructure for the school age pupils this development would generate. In this case would seek a contribution of £134,620.

5.17 Environmental Health: Object

Environmental Health must recommend refusal for this scheme on noise grounds. Two foreseeable and significant noise sources adjacent to the proposed site have not been properly assessed and could result in Statutory Noise Nuisances. During a site visit a large and noisy plant room associated with the adjacent Peugeot garage was identified at the end of the proposed future gardens. Additionally, from the site visit it was seen that the delivery area for the retail park is immediately adjacent to the future gardens and bedrooms of some of the proposed properties. Noise issues concerning proposed private gardens fronting onto Newtown Road were not addressed at all in the noise report and will be exposed to noise levels significantly above WHO guidelines.

5.18 Housing: Comment

There is a shortage of affordable homes in the City and in particular family homes. Welcome the scheme to provide affordable family housing to achieve the aims of achieving mixed, balanced and sustainable communities. 40% of the units or 26 no. units will be for sale as shared ownership. 3 of the affordable units will be built to wheelchair accessible standard which exceeds the 10% requirement. To ensure the creation of mixed and integrated communities, the affordable housing should not be distinguishable from the market housing in terms of build quality, materials and details. The affordable units should be tenure blind. All new schemes should meet the Home & Community Agency's current Design and Quality Standards (2007).

5.19 Planning Policy: Object

The regeneration and re-use of vacant sites is welcomed, however, both national and local planning policy seek to ensure they are redeveloped in accordance with the NPPF's presumption in favour of sustainable development.

5.20 The loss of the employment use of this site is contrary to the Local Plan policy EM1. Regard to policy EM3 should also be given. However, material to this consideration also is the NPPF and emerging City Plan. Policy CP3.4 in the City Plan introduces some flexibility on this allocated site by seeking employment led mixed use development (employment and residential) subject to no net loss of employment floorspace (unless specified tests can be met). The approach taken is informed by the evidence provided in the Employment Land Study Review 2012 and the employment Objectively Assessed Needs (OAN).

5.21 In addition to this, policy DA6 (Hove Station area) highlights the importance of no net loss of employment space. DA6 is therefore considered to be an area important not just for its potential to provide additional housing but also its existing employment floorspace and its potential to provide additional workspace/jobs with a range of skills to meet the needs of the increasing population.

- 5.22 This proposal must also be assessed against paragraph 14 of the NPPF which requires that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole. The benefits of the proposal arising from meeting housing needs have been assessed against the lack of evidence to justify the level of loss of employment space. No evidence has been submitted to justify the complete loss of the employment floorspace to residential on the northern parcel. Whilst it is recognised the southern section has been vacant for approximately 10 years there is little evidence to justify the significant reduction in employment floorspace required by Local Plan policy EM3 and policies DA6 and CP3 in the submission City Plan.
- 5.23 In weighing up the benefits of the scheme (to regenerate the site and provide housing) against the adverse impacts on sustainable communities and the city's economy (the failure to provide sufficient employment floorspace), in addition to the failure to provide sufficient evidence to justify the net loss of such a significant proportion of the employment floorspace the proposal is considered to have significant and demonstrable adverse impacts that outweigh the benefits. The proposal is therefore considered contrary to paragraph 14 of the NPPF and policies in the Local Plan and the submission City Plan.
- 5.24 **Private Sector Housing**
No comments under the Housing Act
- 5.25 **Sustainability:** Support
- 5.26 Under Submission City Plan (policy CP8) and supplementary planning document SPD08, major new built residential development is expected to achieve Code for Sustainable Homes Level 4. The application proposes to achieve Code Level 4 and includes a Code Pre-assessment report which sets out how Level 4 can be achieved for all dwellings. The office area is proposed to cover 119m² which falls below the threshold for assessment under BREEAM. Therefore key building standards have been met by these proposals.
- 5.27 Positive aspects of the scheme include: targeted building standard of Code level 4 with a pre-assessment undertaken to map out how this will be achieved; use of renewable energy in the form of roof mounted solar photovoltaic panels; energy performance to exceed building regulations standards; ecological enhancement of the site; greening of the site including 850m² of residential gardens and 30 trees; delivery of Lifetime Homes Standards; use of sustainable materials and timber from certified sources; and according to the Code report, a site waste management plan (SWMP) will be undertaken under which 85% of non hazardous construction waste will be diverted from landfill.
- 5.28 Landscaping is incorporated into the scheme; the ecological enhancement and greening of the site is welcomed. Vegetable and herb

beds are included in the plans for the private residential gardens. It is disappointing that the following are not included in the scheme: green walls or roofs; composting provision; rainwater butts; and that there is uncertainty about site waste management.

5.29 Approval is recommended with conditions to secure standards to meet local sustainability policy:

5.30 Sustainable Transport: Comment

The application is acceptable subject to the resolution of issues in respect of cycle parking, disabled parking bays and details of the one way system into and out of the underground car parking. Revised plans would be required showing an additional 5 cycle spaces and 4 disabled parking bays. A standard trip rate estimate would indicate that a contribution of £53,250 towards sustainable transport infrastructure should be sought.

6 MATERIAL CONSIDERATIONS

6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

6.2 The development plan is:

- Brighton & Hove Local Plan 2005 (saved policies post 2007);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
- East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;
- East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.

6.3 The National Planning Policy Framework (NPPF) is a material consideration.

6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.

6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.

6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7 RELEVANT POLICIES & GUIDANCE

PLANNING COMMITTEE LIST – 28 JANUARY 2015

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU4	Surface water run-off and flood risk
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD5	Design – street frontages
QD7	Crime prevention through environmental design
QD14	Extensions and alterations
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD27	Protection of Amenity
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO13	Accessible housing and lifetime homes
EM1	Identified employment sites (industry and business)
EM3	Retaining the best sites for industry

Supplementary Planning Guidance:

SPGBH4	Parking Standards
SPGBH9	A guide for Residential Developers on the provision of recreational space
SPGBH15	Tall Buildings

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD08	Sustainable Building Design
SPD11	Nature Conservation & Development

Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in Favour of Sustainable Development
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DA6	Hove Station Area
CP1	Housing Delivery
CP3	Employment Land
CP12	Urban Design
CP14	Housing Density
CP20	Affordable Housing

Brighton & Hove City Plan Part One - Schedule of Proposed Modifications

8 CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to employment and housing policy, urban design, amenity, daylight and sunlight, transport, parking and sustainability.

Planning Policy:

8.2 The site is allocated within the Newtown Road Industrial Area (2.4 ha.) in the Brighton and Hove Local Plan under Policy EM1 and is identified primarily for industrial and business use (Use Classes B1 (b) (c) and B2 but not excluding B1 (a)). The objective of this policy is to make the best use of land for employment and to re-use it.

8.3 Policy EM3 of the Brighton and Hove Local Plan states that land in industrial use or allocated for industrial purposes will not be released unless the land has been assessed and found to be unsuitable for modern employment needs. The policy provides reference to the assessment criteria. The Industrial Area is also afforded protection within the Brighton and Hove Submission City Plan Part 1 under policy DA6 (Hove Station Area) and the site more specifically under Policy CP3.

8.4 The strategy for the DA6 area is to secure the long term regeneration opportunities to enable its development as an attractive and sustainable mixed-use area focussed on employment. The policy aims to maintain and strengthen the creative industries business cluster in the area by seeking to ensure a range of appropriate and affordable employment space.

8.5 Policy CP3 seeks the upgrade and refurbishment of the industrial estates and premises so that they meet modern standards required by business. CP3.4 lists some sites including the application site where a more flexible approach has been proposed in the City Plan to allow employment *led* (residential and employment) mixed use development as indicated on the DA6 policy map.

8.6 The applicant's Planning statement has made no reference to nor provided any policy analysis of policies EM1 and EM3 of the adopted Local Plan or DA6 and CP3 of the Submission City Plan Part One within it. The section on the 'Principle of the development' does not refer to policies in a Local or National planning policy document. The required assessment of the suitability of the site and premises for existing or future employment purposes under policy EM3 has

not been carried out. No evidence of marketing of either the site nor any of the buildings on it has been provided and no viability evidence has been submitted to support the amount of employment floorspace or site area to be lost by this proposal.

- 8.7 An inspection of the buildings by officers revealed that the south building (Chrome Productions) has been neglected and has been vacant for seven years and probably contains hazardous substances from previous uses. The north building (Techniform) is still partly occupied as offices and storage but no industrial processes take place at present. There is however no evidence that the premises could not be more intensively occupied or that alternative business redevelopment would be viable and therefore that the site and premises are genuinely redundant.
- 8.8 The Economic Development Officer has commented that the site provides 3,700 sq m. of B2 general industrial employment space which based on the offPAT Employment Densities 2nd Edition would have the potential to provide employment for 102 people based on 1 job per 36 sq m. In order to provide employment of an equivalent number for the alternative employment space proposed i.e. B1 office, some 1,224 sq m. of office space would be required based on 1 job per 12 sq m. Therefore the proposed new employment space provided of 119 sq m. falls some way short. The Economic Development Officer has concluded that he cannot support this application.
- 8.9 The proposals would provide 40% or 26 units of affordable housing on site which is welcome. However, it is stated in the Planning Statement that this would be all shared ownership and not for rent only which does not meet the City Council's requirements where the vast majority of people on the waiting list are waiting for affordable rent properties as confirmed by the Housing Officer. The application has also not made it clear which of the units would be the affordable units and whether they would include any of the terraced dwelling house units. This would also not make it transparent as to whether the mix of dwelling types and sizes would meet the preferred mix of 30% 1 bed; 45% 2 bed and 25% 3 bed units as stated in Policy CP20 of the emerging City Plan. 3 affordable units would be fully wheelchair accessible which exceeds the 10% requirement.
- 8.10 It is recognised that the proposed scheme would contribute to meeting the City's housing requirements. The provision of 40% affordable units on site would also be a benefit but with the caveat that it is proposed to be all shared ownership only. This would meet adopted Local Plan policy HO2 and the mix of market and affordable unit types would also meet policy HO3 of the Local Plan. However the provision of affordable housing on an identified employment site is seen in policy CP20 as part of the enabling development as is made clear in the policy wording.
- 8.11 NPPF paragraph 14 urges Council's to approve development proposals unless any adverse impacts of doing so would outweigh the benefits, when assessed against the policies in the Framework. The provision of affordable housing on an *unallocated* employment site, could be the fall back position if the loss of an employment site had been first justified. However as this site is allocated in the

City Plan under CP3.4 for employment led mixed use development, the replacement with some affordable housing is not part of the policy criteria that would justify the loss of employment land or floorspace. The allocation of this site for employment led development under policy CP3 and the strategic objectives of policy DA6 in the City Plan are intended to meet objectively assessed needs for employment land and buildings. Having weighed the adverse impacts of the scheme in respect of the loss of an allocated employment site under CP3 and the strategic objectives of policy DA6 against the benefits of housing provision when considered against the Framework as a whole and the adopted and emerging development plan policies, it is considered that the harmful impacts of the proposal would outweigh the benefits.

- 8.12 The Planning Policy Team has recommended refusal on the basis that the proposal is contrary to the City Council's employment policies as set out above. It is considered that the site is in a good location for development for employment purposes as it is on an industrial estate close to other businesses which provides mutual benefits. The site is easily accessible by road and currently has on site parking and servicing areas. Newtown Road is wide enough for larger vehicles for servicing and deliveries. The site is also in very close proximity to the A270 with straight forward links to the A27 and A23/M23 thus avoiding the need to travel through the centre of Hove or Brighton for related business activities. Its proximity to Hove Station and bus routes also make it a convenient location for employees to travel to work. These beneficial assets of the site and location indicate that the site is suitable for continued employment and business purposes and no contrary evidence has been submitted by the applicants.

Design:

Design of the Scheme:

- 8.13 Policy QD1 of the Brighton & Hove Local Plan states that proposals for new buildings must demonstrate a high standard of design and make a positive contribution to the visual quality of the environment. In areas of drab or uninteresting character, the planning authority will expect the opportunity to be taken to create new buildings and areas of distinction on suitable sites. Design aspects to be taken into account in all developments are: scale and height; architectural detailing; quality of materials; visual interest particularly at street level and appropriate levels of landscaping.
- 8.14 Policy QD2 states that all new developments shall emphasise and enhance the positive qualities of the local neighbourhood, by taking into account the local characteristics, including a) the height, scale, bulk and design of existing buildings; b) topography and impact on skyline; c) natural and developed framework; d) natural and built landmarks; e) layout of streets and spaces and in addition take the opportunity to minimise opportunities for crime to take place through the integration of the its design into the neighbourhood.

- 8.15 Policy QD3 states that new development will be required to make efficient and effective use of a site, incorporating an intensity of development appropriate to the locality and/or prevailing townscape; the needs of the community; the nature of the development; and proposed uses.
- 8.16 Policy QD4 seeks to preserve or enhance strategic views, including views of the sea from within the built up area.
- 8.17 Policy QD5 encourages development that presents an attractive frontage for pedestrians and QD7 requires applicants to demonstrate how crime prevention measures have been incorporated into the layout and design.

Building A

- 8.18 Building A comprising the flats and B1 office space, due to its height and profile, would appear as a very large and bulky building in the Newtown Road and Goldstone Lane streetscenes. The proposed density of this south part of the site would be 300 dwellings per hectare (dph). It is considered that the block of flats would be out of scale with its general context with little visual relief in its siting, profile, design or materials that could mitigate its mass and height. Its height, bulky functional appearance and uniform elevational treatment would be out of keeping and would detract from the more slender profile of the former St Agnes church. Block A would not complement the former St Agnes building or enhance its positive qualities and thus it is considered the development would be contrary to policies QD1 and QD2 of the Local Plan.
- 8.19 The proposed south elevation would have a flat two dimensional façade with little in the way of architectural or design features to provide articulation and distinctiveness contrary to policy QD2. Only the proposed balconies provide any break in the unrelenting façade but their plain design and regimented appearance would not mitigate the elevational treatment of the building.
- 8.20 The top floor featuring grey vertical cladding would appear as a discordant element which does not integrate satisfactorily in appearance or profile with the façade below. The top floor would be higher than each floor below which would give the building a top heavy appearance despite the very modest set back and would appear as a clumsy addition. Whilst there is some symmetry along the top floor glazing, the relationship with the column of windows below would be unsatisfactory.
- 8.21 In respect of the east elevation of the flats, similar design features of a two dimensional façade are repeated. The block itself is broken up into 3 elements by the set backs from the south east corner of the block and the 14.5 metre set back of the rear element from the Goldstone Lane frontage. This would result in two very unsatisfactory consequences: Firstly, the most prominent section onto the prominent corner of Goldstone Lane and Newtown Road would not provide a focal point to the development but instead would have the appearance of a minor or rear elevation. Secondly, its mass only punctuated by a side window

and a very small bathroom window to each floor would not emphasise or enhance this prominent corner in conjunction with the former church but ‘turns away’ from it contrary to policy QD2.

- 8.22 The deep set back of the rear (north) wing from the road frontage, confusingly presents itself as a minor elevation yet is where the main entrance of the block of flats would be and highlights concerns about the legibility of the building in its context and for its intended users and occupiers. The entrance itself is not well articulated or given any architectural signposting or direction.
- 8.23 The north elevation of the main part of block A has an identical design approach to the south elevation but does at least provide balconies to the central projecting block to provide some visual breaks but otherwise it shares the functional appearance of the south elevation. Due to the building’s proposed height in relation to its urban context and the proposed dwellings, it would be quite visibly prominent in the Goldstone Lane streetscene as a very large and dominating element.
- 8.24 The rationale for the significant set back from Goldstone Lane is stated for the purpose of providing a good quantity of attractive amenity space and creating a new building line in the streetscene and to avoid impact on dwellings opposite. It is considered that these positive benefits could still be achieved with less of a set back. The disbenefits of such a set back are that the streetscene and urban form would remain poorly defined as it is now. The visual amenity of the dwellings and the streetscene would be impaired by the open driveways for parking. The amenity space may not be as beneficial for the occupiers as it would not be private and as this report sets out later would not receive any significant sunlight for 6 months of the year. The benefits of a good quality landscaping and providing a public footway are welcomed but this could still be part of better defined streetscene.
- 8.25 A further disadvantage of the set back of Block A and the main entrance to the flats is that it would not wholly contribute to minimising opportunities for crime and designing out fear of crime. Entrances are best sited close to the public realm and the distance from the site boundary to front doors should be minimised. The imposing character of the southern block together with the potential for heavy landscaping could make this area feel quite enclosed and dark heightening the fear of crime and providing opportunities for intruders. The right of way between the two plots as referred to by neighbours would also create opportunities for crime. Whilst the applicants may not have control over the right of way, there are measures which could be installed to make it more secure. Boundary treatment either side of the right of way could add to the fear of crime for existing and future residents thus contrary to policy QD7 of the Local Plan. The application should set out how the issue of crime and design has been addressed in the scheme as required by policy QD7 but this has not been explained.

Block B

- 8.26 Block B comprising the terrace of dwellings has a similar elevational appearance to Block A with mostly plain two dimensional elevational treatment with balconies at second floor level with plain glazed balustrades. The brickwork colour would be red facing with blue brick mullions above the ground floor windows. The top floor would have grey cladding. As with Block A, the top floor would appear top heavy and its relationship with the lower floors would be unsatisfactory. The rear elevations would have long mono-pitched roofs which would join with the first floor rear elevations. This is not characteristic of any dwellings or neighbourhoods in the vicinity but as they would not be prominent in the streetscene there are no strong objections.
- 8.27 The proposed terrace of 6 dwellings (Block B) would have a footprint of 290 sq m. and would be sited on narrow individual plots of 5 metres width. Taken as a group they would be built at a lower density of 53 dwellings per hectare. Policy QD3 requires efficient and effective use of the site to be made. Higher density development is appropriate where the development has good public transport accessibility which this location does have. Given the acknowledged difficulty that the City Council has not been able to allocate the required sites and housing allocations for the Submission City Plan, it is important that sites are developed at a medium to higher density where housing development is acceptable in principle particularly on brownfield sites and where appropriate to the site's immediate context. It is considered that in respect of the 6 proposed dwellings, the proposal would be contrary to policy QD3 and emerging policy CP14 of the City Plan which seeks a minimum of 100 dwellings per hectare on this DA6 site without impacting detrimentally on other amenity and design aspects.

Design in Context:

- 8.28 The height of the proposed block of flats at its highest point would be significantly higher than the existing building and would be 2 metres higher than the ridge of the former St Agnes Church on the opposite side of Goldstone Lane. Whilst not Listed or Locally Listed, the former St Agnes Church is the outstanding building in the streetscene and the locality in architectural terms and occupies a prominent location close to the top of end of Newtown Road. It is considered that the height of the proposed building in the streetscene would be excessive and would fail to take account of the topography of Newtown Road thus running counter to the gradient by being taller than St Agnes. The development would be contrary to policy QD2 (d) by not respecting the built landmark of the former church and diminishing its architectural importance in the locality.
- 8.29 The proposed plot layout of both Block A and B would not relate well to its urban context and would lack legibility and coherence both within the sites and in its relationship with the streetscene and to existing and future patterns of movement.
- 8.30 The proposals would not take the opportunity to provide a strong sense of place and a well defined streetscape in order to enhance the streetscene and the area in general. Both blocks, by adopting significant set backs on Goldstone Lane more so than the current buildings, would not address the streetscene or

enhance this identified urban development area. It would also be an inefficient use of a valuable site whether for employment or residential use. The proposed parking at the front which would enable at least 2 cars to be parked at the fronts would result in a poorly defined street frontage that would be out of character and inappropriate in a modern urban context. The absence of a strongly defined edge to the development in the streetscene would not contribute to the desire to create defensible space to prevent crime and the fear of crime. Whilst the proposal does mimic the dwellings opposite in this respect, they are not considered to be a good example of good urban design and belong to a bygone era in placemaking. The City Plan policy criteria seeks innovative architecture and mixed use schemes which add distinctiveness to local neighbourhoods which this proposed development would not achieve as it would fail to take the opportunity to create a distinctive and innovative high quality development and to regenerate this neighbourhood to improve its character and quality.

- 8.31 Opportunities to provide a focal point or points for the development would be missed particularly given its incoherent relationship with its context. This development could be the initial phase of the regeneration of the Newtown Road Industrial Area over the City Plan period and occupies a prominent site in the DA6 area. Policy DA6 sets out a clear vision for the future regeneration of this area including seeking a high quality of design for buildings and an improved appearance of the public realm in order to attract further investment.
- 8.32 The proposals would have an impact on the wider urban context and viewpoints from Hove Park have been provided with the application. Not all of the viewpoints have been correctly identified on the key diagram but nevertheless they show that the development would be seen on the horizon. The effect would be to enclose a gap between two of the evenly spaced tower blocks fronting Ellen Street in the background thus enclosing glimpses of the sea afforded by the current gaps. The tower blocks are taller and slimmer in appearance in contrast to the more squat and bulky appearance of the proposed development. It is considered that the impact of this viewpoint would be minor but would be harmful and the proposal would thus be contrary to policy QD4. The impact of the assessment does not appear to have subsequently influenced the design approach in respect of height or the design of Block A by reducing the height or bulk.
- 8.33 Whilst the regeneration of this site is supported by the emerging City Plan in policies DA6 and CP3, it is considered that the overall design and layout would have a harmful effect on the streetscene, and its local context and would miss the opportunity to provide a high quality example of urban design to enhance the character and appearance of this context.

Landscaping:

- 8.34 The amount of space on the site allocated for landscaping provides the opportunity for significantly greening the area. There are references to a landscape proposal in the application documentation however this was not submitted with the application. There are issues about the quality of the landscaping given the sunlight and shading study submitted and there is concern that some of the communal space would be limited in appeal for use by

the occupiers as it would be open to public view from the street. It is considered that there could be potential for good landscape provision which would comply with policy QD15.

Impact on Amenity:

Noise

- 8.35 Policy SU10 may require applicants to minimise the impact of noise on the occupiers of proposed buildings and may be required to submit an impact study or to assess the effect of an existing noise source upon the proposed development, prior to the determination of a planning application. The policy states that planning permission for noise sensitive development such as housing will not be granted if its users would be adversely affected by noise from existing uses that generate significant levels of noise.
- 8.36 The proposed development would be sited to the east of a car showroom with external vehicle storage whilst on the north boundary of the site is the service delivery and unloading area for the Goldstone Retail Park which fronts the Old Shoreham Road.
- 8.37 A noise assessment report has been submitted with the application however, there are concerns that two likely existing noise sources would have an impact on the occupation of the proposed units, in particular the dwelling houses, and would be likely to impact on the amenity areas and gardens of all of the dwelling units. These sources of noise have not been assessed in the report.
- 8.38 The report identifies that in order to meet the latest British Standard (2014) for internal noise values but then goes on to quote the superseded noise standards. Nevertheless, the Environmental Health Officer considers that double glazed windows could enable the standards to be met whilst closed but reliance on other ventilation would be required subject to conditions.
- 8.39 The first source of noise not assessed is a large plant room which on inspection by the Environmental Health Officer was found to be noisy. The noise report did not discuss this so there is no evidence that the plant room has been assessed. A further concern would follow that noise complaints generated by future occupiers could impact on existing businesses.
- 8.40 The second source of noise not assessed would be from the service and delivery yard. On site inspection, the Environmental Health Officer observed cage rolling noise from unloading a vehicle which would be clearly audible in his opinion from first floor bedrooms and the rear gardens of the dwelling houses. Again this could be a potential source of noise complaints by future occupiers. The 2014 British Standard now requires delivery noise to be assessed which is recommended by the Environmental Health Officer.
- 8.41 The front gardens of some of the ground floor flats facing Newtown Road would be exposed to noise levels significantly above the World Health Organisation (WHO) guidelines. The gardens are designed to be useable for sitting out and

thus noise mitigation to reduce noise levels should have been proposed. At present there is insufficient information upon which to make a judgement. The Environmental Health Officer considers that given the omission of an assessment of likely significant noise sources, the application should be refused as the sources do not appear to have been considered and no assessment has been carried out.

- 8.42 Given the concerns of the Environmental Health Officer and the insufficient information submitted to demonstrate that full assessments of existing noise sources have been carried out, then it is considered that the application would be contrary to policy SU10 by failing to do so and should be refused on this ground.

Contaminated Land

- 8.43 The site has been used in the past for some heavy industrial processes and a walk over study has been prepared. Potential sources of contamination have been identified but further investigative work would be required which could normally be covered by a condition.

Daylight and Sunlight

- 8.44 Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.45 The applicants have submitted a Daylight Assessment following the BRE guidelines which has considered the existing and proposed daylight levels to dwelling Nos 1 – 25 Goldstone Lane opposite the site. Due to the elevated positions of the houses which feature habitable rooms on the top two floors above integral garages, they enjoy very high levels of daylight with Vertical Sky Component levels measuring 30 – 35% VSC where 40% is the maximum achievable with no obstructions. A handful of windows would have a small loss of daylight but of no more than 20% of their current value and in the majority of cases would still enjoy VSC levels above 30%. One window would have a loss of 20% but its resultant value of 26.87% would be a fraction below the acceptable level of 27%. It is considered therefore that there would be no loss of daylight levels of significance to existing dwellings opposite which would be acceptable and accord with policy QD27.
- 8.46 An assessment has also been carried out of the proposed houses and flats. The proposed dwellings would have unobstructed outlooks for all of their windows to the front and rear amenity/parking areas so there would be no concerns about rooms with inadequate daylight levels. Most of the proposed flats would achieve acceptable levels of daylight as measured by Average Daylight Factor (ADF) to all habitable rooms. Most of the rooms comprise either bedrooms or combined living/dining/kitchens.

There are a few rooms in the development which would not meet the recommended daylight levels. The units affected are those in the north facing corners created by the T- shaped building where one bedroom and the living areas would be below standard. All but one of these units has a second or third bedroom which would meet the recommended ADF levels for a bedroom. However the living areas and one bedroom in these corners affecting 2 flats per floor from 1st to 4th floor level would only achieve just under half of the recommended levels.

- 8.47 In these circumstances where a small number of rooms out of 59 flats would not achieve the recommended daylight standards, it is considered that on balance the daylight levels for proposed units would be satisfactory.

Sunlight

- 8.48 The applicants have submitted sun path diagrams to illustrate the impacts of the development on the external amenity areas and neighbouring properties on March 21st. The diagrams illustrate that the proposed development would not have any impact in terms of loss of sunlight on adjoining properties either in respect of windows or amenity space. This includes properties in Fonthill Road. The late afternoon shadows would extend across the front driveways of 2 houses on Goldstone Lane an hour earlier at about 3pm but this would be a negligible change. The 6 storey element of the development itself would result in the communal amenity areas receiving almost no sunlight throughout the day and certainly not for the minimum guideline of 2 hours per day between sunrise and sunset. Only a thin sliver of the gardens would benefit in early morning on the front (east) and the late afternoon at the rear (west). This raises concerns about the quality of the amenity space proposed and how beneficial it would be. It also adds weight to the consideration that the proposed block would be too high and too bulky resulting in very low levels of sunlight to the proposed communal amenity spaces for the intended residents. The implication is that the design concept has not taken sufficient account of the impact on the amenity space or its quality for users and it would be contrary to policy QD27 in this respect.
- 8.49 In respect of the proposed dwelling houses, there would be no issues about the amenity space in terms of sunlight levels. The nearest dwelling(s) would receive sufficient daylight either at the front or rear gardens during the day. The proposed gardens would receive good levels of sunlight as well.

Sustainable Transport:

- 8.50 The proposals would provide an acceptable level of off street parking in respect of the numbers of housing units in accordance with SPG4 as confirmed by the Transport Policy Officer. The maximum number of parking spaces permitted by SPG4 for this residential development would be 89 and for the B1 office space 4 spaces and a service bay which would not be exceeded by the proposals. No

spaces are proposed for the offices nor is there any on or off site servicing or loading area proposed. The underground residential car park proposes 44 spaces although each terraced dwelling could exceed the standard of one space per unit and an overall 3 visitor spaces allowed. The site is however located close to public transport facilities including Hove Station. The Transport Officer has confirmed that the appropriate commuted sum towards sustainable transport via a S106 agreement would be £53,250 if the development was approved.

- 8.51 Given that this site west of Fonthill Road is outside a Controlled Parking Zone, there could be some concern about overspill parking albeit there are limited on street opportunities for parking in the vicinity of the site. Given the ratio of parking spaces proposed is almost 1:1 this would not be a major concern. The shortfall of disabled bays is modest and therefore it would be practical to provide more disabled standard bays in place of the standard sized bays to meet SPG4 requirements without a significant loss of standard bays.
- 8.52 The B1 office space would be permitted a maximum of 4 parking spaces but it is not considered that this absence would cause any significant traffic impacts. The absence of an off street loading/delivery bay is regrettable but probably impractical given the addition of a very minimal B1 office space latterly included in the scheme following the pre-application submission. Appropriate servicing and loading areas would need to be strategically planned in any policy compliant provision of employment floorspace.
- 8.53 The cycle parking spaces have been miscalculated in the Transport Statement by the applicants compared to the submitted plans resulting in a shortfall of 5 stands. This could be addressed under a revised layout but it is considered that the additional spaces should be provided securely within Block A proposed and not be allowed to spill over outside.
- 8.54 It is considered that the proposed transport arrangements could be addressed by revisions to the plans and by agreeing to a contribution towards sustainable transport measures however, at present the proposals would not mitigate the more significant concerns about the proposed development.

Sustainability:

- 8.55 Policy SU2 states that planning permission will be granted for proposals which demonstrate a high standard of efficiency in use of energy, water and materials. City Plan Policy seeks development incorporates sustainable design features to avoid expansion of the City's ecological footprint. SPD 08 also seeks Code for Sustainable Homes (CSH) Level 4 for new residential development which would be achieved. The proposals include greening of the site and ecological enhancement subject to details would provide 850 sq metres of gardens and 30 trees are proposed. This is welcomed in principle with the caveats about the site and layout of the whole development and the low density of the dwellings being acceptable. Full details of the landscaping would be required to ensure that the amenity space represents a genuine greening of the site with soft landscaping that can be planted up to provide ecological enhancement.

- 8.56 The proposed array of roof mounted photovoltaics are welcomed and the energy performance which would exceed the Building Regulations standards. The diversion of 85% of non hazardous waste from landfill is welcome. Other measures which could be incorporated have not been such as green walls or roofs, communal heating or food growing and composting.
- 8.57 There are other contradictions between the Sustainability checklist and the pre-assessment report where reference is made in the checklist to rain water butts and air source heat pumps which are not to be provided. The Design and Access Statement refers to food growing proposed but not according to the checklist and a Site Waste Management Plan (SWMP) is referred to in the pre-assessment but is deleted from the checklist.
- 8.58 The 119 sq m of office floorspace proposed falls below the threshold in SPD 08 for a BREEAM assessment (236 sq m) so would not be required but it would benefit from being in the same building as the flats from the thermal performance of the whole building.
- 8.59 Notwithstanding the apparent contradictions, the proposed development in respect of sustainability and energy saving measures would meet the minimum standards required by Local Plan policies and SPD 08 and would be acceptable subject to implementation of further measures such as a SWMP and further measures such as water butts and composting facilities.

Ecology/Nature Conservation:

- 8.60 As it is unlikely that the site supports any protected species, the emphasis of the proposals should be to provide new opportunities for enhancement of the biodiversity on the site and in the vicinity. There are no specific measures proposed to enhance the ecology in terms of birds boxes for example and the County Ecologist has proposed providing a green roof underneath the solar panels.
- 8.61 As discussed under the Sustainability section of the report, the provision of private amenity space and tree planting could have the potential to support bio diversity but this would depend on the design, layout and quality of the amenity spaces and the type and location of new planting. Whilst it is possible for such measures to be conditioned if agreed in principal, there are no specific proposals accompanying the development proposal that would represent a firm commitment to enhancing the biodiversity of the site and to ensure a positive impact on the ecology in accordance with NPPF.

9 CONCLUSION

- 9.1 The proposals would be contrary to the City Council's employment policies EM1 and EM3 as set out in the adopted Local Plan as the site is allocated within the Newtown Road Industrial Area for employment uses. The applicant has submitted very limited information to justify the loss of employment floorspace and land in respect of the site characteristics, location or marketing evidence as set out in policy EM3. Policies DA6 (Hove Station area) and CP3.4 of the emerging City Plan allocates the application site as one in which consideration

could be given to an employment led mixed scheme with residential units as enabling development.

- 9.2 CP3 paragraphs 4.36 and 4.39 set out the criteria (similar to policy EM3) for allowing a loss of employment space. An amendment to policy CP3 published in the Schedule of Proposed Modifications to the City Plan (October 2014) has added 'viability' to part of that evidence. It is now established practice to seek to justify a loss of employment land or floorspace by demonstrating that to retain or redevelop more employment floorspace than proposed would make the development unviable. No such evidence has been submitted. The applicant has proposed a small quantity of B1 employment floorspace and states that this could accommodate the numbers of jobs currently retained on site. This argument is flawed and is not consistent with the policies above. The applicant also considers that because the Council does not have an agreed housing land supply in the City Plan that residential schemes should override other policy considerations. This justification is not accepted by the Council where there is an identified need to retain employment sites and indeed in the policy DA6 area to increase that amount over the plan period. The proposal is therefore considered to be contrary to the policies referred to above.
- 9.3 The proposal includes a 40% provision of affordable housing although no details of their location within the scheme are provided. The provision of 40% affordable housing would be welcome and if this was an unallocated employment site, could be the fall back position if the loss of an employment site had been first justified. However as his site is allocated in the City Plan under CP3.4 for employment led mixed use development, the replacement with some affordable housing is not part of the policy criteria.
- 9.4 In relation to Block A, the flats, the development is considered to be contrary to policies QD1 and QD2 related to the scale and appearance of the development and its impact in the streetscene and the neighbourhood due to its height, bulk and elevational appearance. It is also considered that the proposed layout of Block A and Block B would not provide strong definition for the streetscene and character of the regenerated neighbourhood. The quality of some of the amenity space is of concern as it would be quite open to public view and its use may have limited appeal. It would also not achieve recommended sunlight levels. Further the open design of the layout and the siting of entrances could give rise to concerns about crime prevention and the fear of crime contrary to policy QD7.
- 9.5 The siting of the dwelling houses with very generous amenity space to the front and back would result in a very low density which would be contrary to policy QD3 which requires the efficient and effective use of land for housing. The City Plan policy CP14 states that densities in the DA development areas are expected to be high potentially at least 100 dwellings per hectare subject to other applicable planning criteria for good development.
- 9.6 The assessment of other environmental criteria has raised the biggest concern over likely noise impacts from adjoining existing businesses. The Noise Assessments have not considered two potential sources being a plant room

adjoining the proposed gardens to dwellings and rear habitable rooms as well as noise and disturbance from the service yard at the rear of the Goldstone Retail Park. These noise sources were witnessed by the Environmental Health Officer. Due to insufficient information, the proposal would not meet the requirements of policy SU10 of the adopted Local Plan.

- 9.7 Whilst the principle of the regeneration of this site would have a beneficial impact, it is considered that the benefits of this proposal would be outweighed by the key policy objection to the unjustified resultant loss of land and floorspace for employment purposes on this allocated site where an employment led mixed development may be acceptable subject to meeting policy criteria. The height, bulk and design of the proposal on Block A and the low density development of the proposed dwellings coupled with other concerns set out in the report.
- 9.8 There are some benefits for the public realm such as the introduction of a footway and the provision of amenity space and opportunities for good landscaping in public view. The scheme proposes 40% affordable housing but taken together with other benefits they are not considered to outweigh the harmful impacts of the development proposal identified and it has not been demonstrated by any viability assessment that some of these benefits could not be provided in a scheme that was closer to policy compliance and was of a higher quality of design and appearance.
- 9.9 It was necessary to re-advertise the description of development and neighbours were re-consulted and the application was re-advertised by site notice and in the local newspaper. The statutory expiry date for comments will be 2nd February which would be one day before the statutory expiry date for determination of the application (13 weeks). Members are therefore asked to agree the recommendation subject to no further representations being received after the Committee meeting which raise new material planning issues.

10 EQUALITIES

- 10.1 The proposals would meet the policy requirements for provision of residential units designed to meet mobility standards and for ramped access to the B1 office.

11 REASON FOR REFUSAL / INFORMATIVES

11.1 Reasons for Refusal:

1. The proposed development would result in the unacceptable loss of employment floorspace and land contrary to policies EM1 and EM3 of the Brighton and Hove Local Plan and its allocation under policies DA6 and CP3 of the Submission City Plan Part 1, would fail to safeguard the site for employment use and would undermine the strategy for the Development Area. The application has also failed to demonstrate that the site is genuinely redundant and does not have the potential for employment-led mixed use re-

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development by reference to any policy criteria and submitted viability evidence.

2. The height, bulk, design, footprint, layout and appearance of the development would not demonstrate a high standard of design and would have a harmful impact on the former St Agnes Church, the streetscene and the locality and in selected longer views from Hove Park contrary to policies QD1; QD2; QD4 and QD7 of the Brighton and Hove Local Plan.
3. The proposed dwelling houses would be developed at a low density and would not make full and effective use of the site and the needs of the community and would be contrary to policy QD3 of the Brighton and Hove Local Plan and policy CP14 of the Brighton and Hove Submission City Plan Part 1.
4. The applicant has failed to submit sufficient evidence to assess the potential noise impacts on future occupiers of the proposed development from the existing adjoining businesses arising from plant noise and service and delivery areas contrary to policies SU10 and QD27 of the Brighton and Hove Local Plan.

11.2 Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) 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. This decision is based on the drawings listed below:

Plan Type	Reference	Date Received
Topographical Survey	019-02/14 001 (Grnd)	27.10.14
Topographical Survey	019-02/14 002 (Grnd)	27.10.14
Topographical Survey	019-02/14 002 (Elev)	27.10.14
Location and site block plans	YO81-100	27.10.14
Site Plan	YO81-110	27.10.14
Proposed Basement Plan	YO81-111	27.10.14
Proposed Ground Floor Plan	YO81-112	27.10.14
Proposed 1st Floor Plan	YO81-113	27.10.14
Proposed 2 nd Floor Plan	YO81-114	27.10.14
Proposed 3 rd Floor Plan	YO81-115	27.10.14
Proposed 4 th Floor Plan	YO81-116	27.10.14
Proposed 5th Floor Plan	YO81-117	27.10.14
Proposed Roof Plan	YO81-118	27.10.14
Proposed House Plans	YO81-119	27.10.14
Proposed South Elevation	YO81-130	27.10.14
Proposed East Elevation	YO81-131	27.10.14

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Proposed West Elevation	YO81-132	27.10.14
Proposed North Elevation	YO81-133	27.10.14