

<u>No:</u>	BH2016/02663	<u>Ward:</u>	Goldsmid Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	1-3 Ellen Street, Hove		
<u>Proposal:</u>	Demolition of existing commercial units (B8) and erection of buildings ranging from four storeys to seventeen storeys in height comprising a mixed use development of no.186 residential apartments (C3), 1,988 sqm of offices (B1) and 226sqm of retail (A1) with car parking at basement level.		
<u>Officer:</u>	Chris Swain, tel: 292178	<u>Valid Date:</u>	29.07.2016
<u>Con Area:</u>	Adjacent Hove Station	<u>Expiry Date:</u>	28.10.2016
<u>Listed Building Grade:</u>	Adjacent II	<u>EOT:</u>	
	(Hove Station)		
<u>Agent:</u>	LCE Architects 164/165 Western Road Brighton BN1 2BB		
<u>Applicant:</u>	Matsim Properties Limited Greentrees Farm High Street Balcombe RH17 6JR		

1. RECOMMENDATION

1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below to **REFUSE** planning permission for the following reason:

1. The applicant has failed to provide sufficient affordable housing. The applicant has offered 18.8% affordable housing provision which is significantly below the 25% affordable housing provision that has been independently assessed as being viable by the District Valuer Service. The proposal is therefore contrary to policy CP20 of the Brighton & Hove City Plan Part One.

Informatives:

1. This decision is based on the drawings received listed below:

Plan Type	Reference	Version	Date Received
Block Plan	15897-PA-011 A		27 July 2016
Floor Plans Proposed	15897-PA-100 C - BM		8 September 2016
Floor Plans Proposed	15897-PA-101 B - 00		27 July 2016
Floor Plans Proposed	15897-PA-102 B - 01		27 July 2016
Floor Plans Proposed	15897-PA-103 B - 02		27 July 2016
Floor Plans Proposed	15897-PA-104 B - 03		27 July 2016
Floor Plans Proposed	15897-PA-105 A - 04		27 July 2016

Floor Plans Proposed	15897-PA-106 A - 05		27 July 2016
Floor Plans Proposed	15897-PA-107 A - 06		27 July 2016
Floor Plans Proposed	15897-PA-108 A - 07		27 July 2016
Floor Plans Proposed	15897-PA-109 A - 08		27 July 2016
Floor Plans Proposed	15897-PA-110 A - 09		27 July 2016
Floor Plans Proposed	15897-PA-111 A - 10		27 July 2016
Floor Plans Proposed	15897-PA-112 A - 11		27 July 2016
Floor Plans Proposed	15897-PA-113 A - 12		27 July 2016
Floor Plans Proposed	15897-PA-114 A - 13		27 July 2016
Floor Plans Proposed	15897-PA-115 A - 14		27 July 2016
Floor Plans Proposed	15897-PA-116 A - 15		27 July 2016
Floor Plans Proposed	15897-PA-117 A - 16		27 July 2016
Roof Plan Proposed	15897-PA-118 B		27 July 2016
Elevations Proposed	15897-PA-200 B - E		27 July 2016
Elevations Proposed	15897-PA-201 B - S		27 July 2016
Elevations Proposed	15897-PA-202 B - W		27 July 2016
Elevations Proposed	15897-PA-203 B - N		27 July 2016
Elevations Proposed	15897-PA-204 A - SWNE		27 July 2016
Sections Proposed	15897-PA-205 A		27 July 2016
Elevations Proposed	15897-PA-250 B - E		27 July 2016
Elevations Proposed	15897-PA-251 B - S		27 July 2016
Elevations Proposed	15897-PA-252 B - W		27 July 2016
Elevations Proposed	15897-PA-253 B - N		27 July 2016
Sections Proposed	15897-PA-300 A - S		27 July 2016
Sections Proposed	5897-PA-301 A - E		27 July 2016
Sections Proposed	5897-PA-302 A - N		27 July 2016

Sections Proposed	5897-PA-303 A - W		27 July 2016
Elevations and sections proposed	5897-PA-304 A - N		27 July 2016
Elevations and sections proposed	5897-PA-305 A - W		27 July 2016
Elevations and sections proposed	5897-PA-306 A - S		27 July 2016
Elevations and sections proposed	5897-PA-307 A - E		27 July 2016
Elevations Proposed	15897-PA-254 B - INT		27 July 2016

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The application site sits to the west of Hove Station to the south side of Conway Street and is currently occupied by single storey brick and metal clad industrial sheds with associated car parking. The Brighton & Hove Bus Company is located in the buildings/land to the north of the site and also own the car park to the west end of the site which does not form part of the application site. Three and four storey office buildings exist to the west with mixed commercial buildings beyond. To the south of the site there are ten storey residential blocks which form part of the Clarendon Estate with low rise residential development at the base of the blocks along with garages and car parking. To the east of the site are the rear of properties which front Goldstone Villas the majority of which have single storey additions and garages fronting onto Ethel Street. A number of these have been converted to commercial uses some set out over two storeys. The east side of Ethel Street is occupied by open off street private car parking bays.
- 2.2 The site is located within the Conway Street Industrial Area Strategic Allocation, which is located within the wider policy DA6 Hove Station Area of the Brighton & Hove City Plan Part One.
- 2.3 This site lies immediately to the west of the Hove Station Conservation Area, which adjoins the Denmark Villas Conservation Area to the east. To the north east of the site is the Grade II listed Hove Station, the station forms an architectural and historic important grouping with the adjacent public house at 100 Goldstone Villas, which is included on the council's local list. Each building is contained within the Hove Station Conservation Area.
- 2.4 Planning permission is sought for the erection of a building between 5 and 17 storeys creating a total of 186 residential dwellings (mix of 1, 2 and 3 beds) with basement parking as follows:
- Redevelopment of the 0.401 ha Site to provide 186 residential units (Use Class C3 - 98 1Bed, 70 2Bed, 18 3Bed),
 - 1,988sqm office space,
 - 226 sqm retail floorspace,
 - 67 basement car parking spaces (12 disabled spaces),

- Cycle/refuse storage,
 - Balconies, roof terraces and a communal courtyard with playspace are also proposed.
- 2.5 The proposed density equates to circa 470 dwellings per hectare; this calculation includes the site area occupied by the commercial offices which would slightly increase the density.
- 2.6 Proposed materials are a combination of:
- Brick: yellow/buff stock, red/buff stock and dark grey/buff stock,
 - Metal panels: slate blue and pale turquoise blue,
 - Window frame: slate grey aluminium.

3. RELEVANT HISTORY

BH2017/00152 - External alterations incorporating cladding, revised fenestration, replacement roller shutters and other associated works. Sub-division of Unit 2 to form two units (B8). Currently under consideration.

BH2017/00031 - Certificate of Lawfulness for a proposed change of use from Warehousing (B8) to Office space (B1). Currently under consideration.

BH2016/05841 - Extension of existing building to create an additional unit and change of use from B2 to B1. Currently under consideration.

BH2016/00234 - Change of use from storage and distribution (B8) to car diagnostic servicing and repairs with ancillary MOT testing facilities, reception and offices (B2). (Part retrospective). Withdrawn.

Adjoining site – Land at Goldstone Street

BH2017/01176 - Erection of a 3 storey office building (B1) with 2no disabled parking spaces, bin storage and roof terrace. Currently under consideration.

3.1 Officer Pre-Application Consultation:

The scheme was submitted for pre-application consultation in March 2016. In accordance with Paragraph 187 of the National Planning Framework (NPPF) Officers sought to work proactively with the applicant to secure an acceptable scheme offering extensive advice however after three meetings the design remained substantially unchanged. The Design Review Panel's advice and input was not sought and a Planning Performance Agreement was not taken up either. Ultimately the application was submitted in July 2016 whilst advice from Officers was ongoing.

3.2 Member Pre-Application Presentation:

The scheme was presented to Planning Committee and ward members in March 2016. The following feedback was provided:

- Strongly suggested the scheme be considered by the Design Panel given the scale and Heritage sensitivities.
- Pleased that proposals were coming forward for the redevelopment of this site within the City Plan Development Area 6. The proposals should show they could be integrated within the wider redevelopment of the DA6 Area.

- Pleased with the level of community engagement and welcomed engagement with officers as part of a formal pre-application submission.
- The variation in the heights was supported.
- Welcomed the design approach and pallet of materials, subject to durability, and supported the view that the area can take a bold design.
- Improvements to the public realm were strongly supported and should form part of the submission – the scheme should be about placemaking which members believed the applicant was conscious of with their indicative designs – this should be worked up further in consultation with the Highway Authority to ensure it comes forward.

4. REPRESENTATIONS

4.1 External:

4.2 Neighbours:

Twenty two (22) letters of representation have been received objecting to the application on the following grounds:

- The scheme is overbearing and will have unacceptable impacts on the quality of life for the nearest residents.
- 17 storeys should be resisted, sets a very unwelcome precedent for future phases - 'very tall' as defined by SPG15.
- No wind study or Environmental Impact Assessment has been submitted as required by SPG15.
- The Design and Access Statement (D & A) demonstrates how intrusive the building will be which will be worse at night when lit - no assessment of this has been made.
- Gross overdevelopment at 470 dwellings per hectare.
- Does not meet the City Plan target for housing mix.
- No justification for allowing such a large development without a commitment to 40% affordable housing.
- Concern raised regarding drainage capacity.
- Roof gardens lacking detailed demonstration that they are feasible given the environment and wind speed - food growing very unlikely to succeed and no maintenance plan submitted.
- Planning statement regarding daylighting impact misleading - saying only 20 properties affected however daylight report states 27 in Livingstone House alone will be harmfully impacted in worse case 35% reduction - clarification needed.
- The impact on the lower flats in Livingstone House is completely unjust especially as these residents are likely to vulnerable.
- The assessment of the conservation area impact in the D & A is muddled and opinionated and the impacts have not been fully considered.
- The design disrupts the visual consistence of the surrounding area.
- The materials are a jumble.
- No parking for the commercial element will impact on viability of the units.
- Viability for the retail/cafe element is questioned given the likely levels of sufficient footfall.
- Impact on existing local shopping areas of concern.

- Development should be aimed at local residents at affordable prices.
- Capacity in local schools and nurseries is already limited and they are under significant pressure without the additional demand created by this scheme.
- Insufficient parking.
- Access and parking issues during construction and once in operation - insufficient parking is proposed and this will adversely impact on existing business in the area.
- Noise and pollution during construction.
- The tall building is not a centrepiece and does not create a new hub, it looks like council house blocks,
- The flats do not meet national space standards and are little more than glorified storage spaces or portioned bedsits,
- The contribution to the local community made by the scheme is not clear.
- Consideration should be given to the impact on the existing struggling Southern Rail service.
- 17 storeys out of scale with the area - 9 would be more appropriate.
- Existing traffic and parking problems will be exacerbated.
- High rise development will harm the character of Hove.
- Overshadowing/loss of sunlight caused by the significant scale.
- Out of scale and will dominate the area.
- Solar glare from the high level of glass.
- There is no provision for infrastructure impacts putting further strain on local services such as doctors, dentists, pharmacies, nurseries and schools.
- It will be an eyesore from north of the railway.
- Disruption during construction should be controlled via Constriction Environmental Management Plan including a limitation on working hours.
- No provision of low-cost housing,
 - The proposal to provide private market housing over affordable housing would increase the population of Brighton from inward migration exacerbating the affordable housing crisis,
 - The proposal does not address the housing needs of the City,
 - Evidence that failed housing developments ruin lives directly or indirectly,
 - Insufficient infrastructure improvements are proposed for a development of this scale,
 - Traffic study is inadequate,
 - The proposal would significantly worsen traffic problems in the area,

4.3 **Eight (8)** letters of representation have been received supporting the application on the following grounds:

- Will provide much needed regeneration to the centre of Hove and will be a boost for local residents as well as Brighton.
- Ellen Street is very run down and this is an exciting redevelopment opportunity.
- Will provide a new centre for Hove capable of higher densities and taller buildings.
- Support the design principles.

- Tall-point acts as a distant marker for the new centre,
- Stylish contemporary block would offset the existing unattractive blocks,
- Offices, cafes, shops will bring people and vitality to the area.

4.4 **Two (2)** letters have been received with general comments on the following,

- There is a lack of community spaces. Beyond retail, residential and offices, it is important to integrate community spaces for leisure, education and the arts. There should also be consideration of how to attract modern and dynamic businesses as future tenants.
- Developments in Brighton and Hove need to have an eye on the employment opportunities for the next generation,
- Concerns regarding ongoing improvements works on the council developments to the south of the site.

4.5 **Hove Station Neighbourhood Forum: Support**

Strongly supports this application, subject to the resolution of significant concerns, particularly regarding the provision of public realm improvements.

4.6 Overall, we believe that the application meets the DA6 policy requirement for a high quality design which will deliver an 'attractive and sustainable mixed use area'.

4.7 Overall we argue that the limited harm to heritage assets will be very substantially offset by a combination of improvements to the public realm immediately west of the Hove Conservation Area and by the sustained investment in the historic buildings themselves, as the 'small business uplift' will be underpinned by the proposed scheme.

4.8 Our position is that with the exception of the proposed new pedestrian route from Conway Street up to Hove Station, all the public realm improvements illustrated in the Design and Access Statement and those further specified by the Highway Authority, should be delivered as part of the scheme, as they will both provide offsetting heritage benefits, improve the townscape of the area immediately adjacent to the scheme boundary, and avoid adverse knock-on effects that would place a burden on further phases of the redevelopment of the Conway Street Strategic Allocation.

4.9 In sum, and subject to a positive outcome of the ongoing negotiations about developer contributions, the Forum takes the view that the scheme will substantially meet the strategic priorities of DA6 policy.

4.10 The Forum strongly recommends that

- Subject to the delivery of public realm and other improvements this application is approved as an exceptional case, given its capacity to kickstart the regeneration of Hove Station Quarter; and
- The Council draws on the One Public Estate Programme for the resources needed to establish joint stakeholder working which will provide appropriate

planning guidance for the Conway Street Strategic allocation, as a component of the Hove Station Neighbourhood Plan.

4.11 Hove Civic Society: Support

- Welcome the proposal which will rejuvenate this neglected area.
- The courtyard development and extensive greening of the development along with the variety of materials.
- Opportunities offered by the developer for much needed public realm improvements to the rear of the Hove Station Conservation Area are welcome.
- The scale at 17 storeys and varying roofscape is also supported.
- The impact on the Station is acceptable and the benefits of the scheme far outweigh the impact.

4.12 Regency Society of Brighton and Hove: Support

- The first piece in a jigsaw puzzle that hopefully will result in the comprehensive redevelopment of the derelict area to the south of Hove Station.
- The architects have adopted a deliberately heterogeneous approach so that the development appears as a set of disparate but compatible parts, both in terms of scale and materials.
- This offers visual excitement and will serve as an urban marker (stadtkrone) to indicate the location of Hove Station from afar.
- The architects have exploited the variation in heights to incorporate extensive greening, both vertically and horizontally
- We hope that it will be the first of a number of such developments in the immediate area.

4.13 Conservation Advisory Group: Support

The Group recommended approval of the application although there were some concerns about the height of the tallest building. They commended the high quality materials proposed for the scheme and the fact that it is designed so that the flats all have access to green space. Finally the Group noted the poor quality of some of the images included for the scheme on the council website. Paper versions give a better impression of long distance views but will not be available to most members of the public.

5. CONSULTATIONS

5.1 County Archaeologist: No objection -

The site is not within an Archaeological Notification Area and as it appears that all historic buildings of any potential significance have been removed and below ground potential will be low due to past impacts no further comments are to be made in this case.

5.2 Southern Gas Networks: No objection -

Exact locations of gas pipework needs to be determined by the applicant. Low/medium/intermediate pressure gas main exists near the site. No mechanical excavations shall take place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system. Confirmation using hand dug trial holes should be made.

- 5.3 **Brighton & Hove Archaeology Society:** No objection -
The Brighton and Hove Archaeological Society are unaware of any archaeological deposits that are likely to be affected by this development.
- 5.4 **Sussex Police:** No objection -
The scheme is supported in general terms as the development seeks to enliven this area of the City with increased levels of activity and movement,
- 5.5 **UK Power Networks:** No objection.
- 5.6 **Environment Agency:** No objection -
The site lies on the Tarrant Chalk, a Principal Aquifer and within Source Protection Zone 2 (SPZ2) and is very sensitive for ground water. Contamination may be present at the site as a result of its historical uses. Any contamination present may pose a risk to groundwater underlying the site. The development of the site, including the use of infiltration drainage systems such as soakaways and penetrative foundation methods such as piling, could result in the mobilising of contaminants at the site and the creation of preferential pathways for the pollution of groundwater.
- 5.7 Conditions are required to ensure that the risks to groundwater from the proposed development are adequately assessed, that any remediation necessary is carried out and verified, and that the detailed proposals for surface water drainage and foundation methods pose no unacceptable risks to groundwater. Suggested conditions relate to contaminated land site investigation and remediation, infiltration of drainage systems and piling methods.
- 5.8 **Southern Water:** No objection
All existing infrastructure should be protected during construction with no excavation, tree planting or mounding being carried out within 4 metres of the public water main without consent. Any public sewer found during construction shall be surveyed before any further works commence on site.
- 5.9 Southern Water can provide foul sewage disposal to the development however a formal application is required for connection. There is no additional capacity for surface water disposal and additional infrastructure is required to support the development to avoid the risk of flooding, unless it can be demonstrated that flows will not increase over the existing flow. A condition is recommended to seek details of foul and surface water disposal along with a condition regarding surcharging of the public sewage.
- 5.10 **County Ecologist:** No objection
Designated sites and Protected Species:

Given the location, nature and scale of the proposed development, there are unlikely to be any significant effects on any sites designated for their nature conservation value.

- 5.11 The site is predominantly buildings and hard standing and is of relatively low ecological value.
- 5.12 The site has the potential to support breeding birds. Under Section 1 of the Wildlife and Countryside Act 1981 (as amended), wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken. Demolition/clearance should therefore be controlled by condition.
- 5.13 It is considered unlikely that the site supports any other protected species and therefore no other specific mitigation is required. If protected species are encountered during demolition/construction, work should stop and advice should be sought from an ecologist on how to proceed.
- 5.14 Mitigation Measures/Enhancement Opportunities:
In addition to the recommended mitigation measures, the site offers opportunities for enhancement. Opportunities include the use of species of known value to wildlife within the soft landscaping scheme, green roofs and the provision of bird boxes. Where possible, native species of local provenance should be used. Green roofs should be chalk grassland to support Biosphere objectives. Given the location and the proposed height of the building, it is recommended that a peregrine box is provided.
- 5.15 The proposed development is therefore unlikely to have any significant impacts on biodiversity and can be supported from an ecological perspective. The site offers opportunities for enhancement that will help the Council address its duties and responsibilities under the NPPF and Natural Environment and Rural Communities Act.
- 5.16 **Internal:**
- 5.17 **Environmental Health:** Initial Response: Objection:
- 5.18 Noise and vibration:
The noise report (labelled '1 draft' from Acoustic Associates Sussex Ltd) whilst containing an acceptable conclusion, is limited to road and rail noise and vibration.
- 5.19 Consideration needs to be given to:
- Noise, vibration (and dust) control during both demolition and construction phases (usually part of a Construction Environmental Management Plan, see below);
 - Deliveries, loading and unloading and vehicle movements, including buses and lorries from existing commercial units and existing car park on site;
 - The effect of noise from transformers, plant rooms, mechanical ventilation, lift gear and etc.

- The effect of noise from the commercial units - air handling equipment including kitchen extractors and air conditioning units, smoking area and outdoor seating noise sources;
- Noise from cars entering and leaving the basement, including security door operation;
- Noise of deliveries and waste collection for the commercial/residential units;
- Noise management of communal garden, play space and balconies as well as roof gardens;
- Noise from the office roof area, including possible use for events e.g. outdoor cinema.

5.20 These issues would need to be assessed prior to determination as there are too many variables to be able to condition details whilst ensuring protection of neighbouring amenity. The report says that careful positioning of bedrooms to avoid sleep disturbance will be necessary. Ideally like-for-like uses should be placed above/below each other e.g. a bedroom adjacent to another bedroom. Positioning of noise sensitive rooms alongside bin stores, plant rooms, car park entrance, etc should be avoided however across the development this principle has not been applied.

5.21 Construction Site Noise:

The site has a number of residential and commercial receptors in close proximity. The build will likely be phased and once some parts are built, may become noise receptors; all require protection during the build.

5.22 The mitigation measures to reduce noise levels from the construction are required. It is anticipated that a prior working agreement through section 61 of the Control of Pollution Act 1974, which allows the City Council to set hours, and conditions necessary for the build with the aim of protecting local residents will make an application. This may be achieved through an undertaking in the section 106 phase.

5.23 In addition a Construction Environmental Management Plan (CEMP) is also recommended to agree working practices during construction in order to minimise disruption to neighbouring properties and occupiers.

5.24 Potential Land Contamination:

It is apparent that there are potential sources of contamination within the site boundary and surrounding area. I would add that Council records show a variety of uses on the site over the years including:

1. Blacksmith and farrier at 34 Conway Street (1896-1914);
2. Motor vehicle garage repairs, fuelling, cellulose spraying (1949-1974);
3. Engineering, including sheet metal working at 14A and 18 Conway Street (circa 1949).

5.25 The conclusions made in the Ashdown report are preliminary. It is recommended that a full desk top study documenting all the previous and existing land uses of the site and adjacent land be undertaken. This would include 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 BS10175. This desktop survey would be the minimum information necessary prior to determination. The need for further work is recognised in the Ashdown report.

5.26 Lighting:

A scheme for lighting would need to be agreed by condition to ensure neighbouring amenity is protected.

5.27 Further Response: No objection

The scheme has been revisited and notwithstanding the concerns outlined above it is considered that the objection can be withdrawn subject to a very stringent set of conditions including measures for soundproofing, hours of use, land contamination (including asbestos), lighting, noise management plan, a CEMP, odour and plant controls and deliveries.

5.28 **Arboriculture: Initial Response: Object:**

Summary:

The site contains only 7 trees of which only 5 provide much in the way of public amenity value. The proposal submitted contains little in the way of soft landscaping and would be a lost opportunity to secure much needed greenery into this area should consent be granted. In view of this the Arboricultural Section recommends that this application is refused.

5.29 Main comment:

This application had been submitted with a brief arboricultural report with details on the 7 trees on site, the content of which we are in part agreement with. Two trees have been identified as being poor and felling is recommended and this is not contested. The remaining 5 trees (London Plane) are recommended for temporary relocation and this is not supported. These trees are now well established and have not been root pruned to aid lifting and relocating. Their chance of satisfactory reestablishment is therefore not good. The proposed new scheme has no suitable location for this type of large tree and if it had this would be best achieved by purchasing new container grown specimens that would suffer less transplanting shock.

5.30 The landscaping scheme details provided appear to be rather fragmented with little provision for any planting that would be substantial or offer much amenity to the wider area. The existing London Plane has real potential to add a great deal to the local treescape, it already provides much needed greenery to a rather harsh local street scene and they could develop into very large specimens.

5.31 Further response:

The landscaping scheme details provided appear to be poorly thought out and pay scant regard to the local conditions. This is highlighted in the use of Magnolia grandiflora to be planted as a street situated tree. This species is very attractive but highly unsuitable being acid soil loving; the majority of the city is highly alkaline and therefore Magnolia grandiflora is seldom found. Whilst the rest of the planting may well thrive and be suitable for local conditions it is all rather small with little provision for any planting that would be substantial or offer

much amenity to the wider area. The existing (off site) London Plane in Ethel Street have real potential to add a great deal to the local treescape, they already provides much needed greenery to a rather harsh local street scene and should develop into very large specimens. It is regrettable that the London Plane trees that were on site have already been removed as these too would have had great potential to add the local street scene.

5.32 The proposed roof gardens outlined in the submitted 3D visualisation are optimistic and are unlikely to be achieved in an exposed location such as this.

5.33 **Heritage: Initial Response: Object**

Summary Comment: It is considered that the proposed development would cause demonstrable harm to the settings of the designated heritage assets of Hove Railway Station and the Hove Station Conservation Area, including the locally listed Station Public House (100 Goldstone Villas). It would also cause some harm to the setting of the Denmark Villas conservation area and some harm to the setting of the locally listed Hove Park. In the case of the designated heritage assets, this harm is considered to be less than substantial under the terms of the NPPF but there are no heritage benefits and only very limited public realm benefits to the proposals that may be weighed against that harm.

5.34 **The Proposal and Potential Impacts:**

The site lies within the area identified in policy CP12 and in SPGBH15 as having the potential to accommodate tall buildings, defined as being over 18m in height (approximately six storeys). Whilst no further guidance has been produced specific to this area, work previously done by officers suggested that this eastern-most block of the overall area should best accommodate medium-rise tall buildings of 6-8 storeys, with taller development of 8-15 storeys on the blocks further to the west. This was to minimise visual impacts on the setting of the listed building of Hove Station and on the settings of the Hove Station and Denmark Villas conservation areas, as well as concentrating the tallest elements as a cluster in the centre of the area as a whole.

5.35 This scheme does not accord with that approach, having tall blocks and one very tall block (over 15 storeys) on this eastern-most block. In the absence of proposals for the blocks to the west it is not possible to see a wider coherent vision for the tallest buildings. Incremental cumulative impact without an overall masterplan for the area is therefore a significant concern. This is rather compounded by this site not including the land at the western end of the block (the bus company car park), which has meant that the tallest buildings are set a little further east than they could otherwise have been.

5.36 It is considered that the key impacts of these proposals on heritage assets are on the setting of the Hove Station conservation and on the setting of the grade II listed Hove Station together with the locally listed public house adjacent. These impacts are closely linked.

5.37 The main visual impacts on the setting of these heritage assets are in medium distance views from Station Approach and Goldstone Villas, as shown in the submitted viewpoints. The new buildings would not directly impinge on the

outline of the Station canopy in these viewpoints but View A8 suggests that the development would be likely to impinge on the outline of the canopy from in front of the café adjacent to the Station. In any case the development, through its scale and bulk, would alter the way in which it is seen in these viewpoints. In addition there would be a substantial visual impact on the outline of the locally listed pub, with its distinctive hipped roofline and detached form, and on the setting of the wider Hove Station conservation area. The area is predominantly low rise and the view of the historic grouping of the Station and the public house in this corner has a traditional, small scale intimacy.

- 5.38 The development would also be partly visible in the winter months above the hipped roofline of the two storey semi-detached houses of the Denmark Villas conservation area in the view from near the junction with Cromwell Road (View A12). Whilst it would not be assertive in this view its intrusion above the roofline in an arbitrary manner would cause some harm to the setting of this small scale and formal residential area.
- 5.39 It is noted that some of the submitted views appear to have been taken from Google Street View. The camera for this is significantly above average eyeline and therefore not a true representation of how the development would be seen from these points. Moreover none of the images appear to be verified views and there is no methodology for their creation. The accuracy of the submitted CGIs must therefore be questioned.
- 5.40 The supporting documents refer to the potential for higher density development around major transport hubs and the opportunity for a tall landmark building to act as a 'beacon' for this new 'quarter'. However, whilst high density development on this site is appropriate in principle, the tallest building (17 storeys) would only be four and five storeys higher than the adjoining 12 and 13 storey elements, whilst the nine storey element at the north-east corner is approximately the same height as the existing Livingston House. The very tall 17 storey element, with its angled roof profile, could potentially be seen in isolation as a dramatic contrast to the traditional buildings in the foreground. However, in conjunction with the height and bulkier massing of the other tall buildings surrounding it and at the northeast corner, the overall effect is of a bulky and intrusive scheme that would form a very dominant backdrop to the distinctive outline of the listed station canopy and the adjacent public house, which constitute a key visual and functional grouping within the conservation area, and would detract from the current intimacy of kinetic views from Station Approach.
- 5.41 The height and massing of the tallest blocks would also be very apparent in views from the locally listed Hove Park, from where the development would rise intrusively above the mature tree canopy and the ridge of existing built development.
- 5.42 The height, profile and massing of the various blocks steps up and down considerably across each elevation and this seems to be an unduly complex massing for a modest-sized single block of regular footprint; a more formal approach to massing and roofline would better reflect and respect the character

of the surrounding context, especially at the eastern end of the block where the site relates closely to the coherent roofline to the Victorian terraces of the Hove Station conservation area. It is considered that the variety of sets backs and projections proposed, together with the variety of materials proposed, would be likely to work better within a simpler massing and roofline.

- 5.43 The Design and Access Statement refers to aspirations for future public realm improvements to Ethel Street and Conway Street but these images appear to be aspirational and no specific improvements appear to have been put forward as part of this application, except for the measures referred to in the text of the Transport Statement, but these measures are mainly to address or mitigate the impacts of the development itself. As such they can only be given very limited weight as public benefits.
- 5.44 It is considered that the proposed development would cause demonstrable harm to the settings of the designated heritage assets of Hove Railway Station and the Hove Station Conservation Area, including the locally listed Station Public House (100 Goldstone Villas). It would also cause some harm to the setting of the designated Denmark Villas conservation area and some harm to the setting of the locally listed Hove Park. In the case of the designated heritage assets, this harm is considered to be less than substantial under the terms of the NPPF but there are no heritage benefits and only very limited public realm benefits to the proposals that may be weighed against that harm.
- 5.45 Further Response:
The reduction in height of both block D (north-east corner) and part of block E by one floor together represent a modest improvement to the proposals, in terms of the scale and massing and the impact on the setting of the Hove Station conservation area, the listed station and the locally listed public house. In View 05 from Station Approach the lower, northern part of Block E would no longer be visible and in both this view and View A8 from Station Approach the tallest element of block E is better silhouetted, thereby simplifying the skyline. The reduction in height of Block D takes it below the ridgeline of the public house in View 05 and View A8 but it remains well above the eaves line in View 05 and therefore still harms the distinctive outline of this building. In View A8 it is Block C that continues to infill this gap between the pub and adjacent terrace, again above the pub's eaves line. It is also the case that in View 05 the lowering of Block D partly reveals Block A behind (though this building would be visually more recessive).
- 5.46 The clarification of the methodology for the production of the views is noted and welcomed, though there are no details of the photography method.
- 5.47 The clarification of the cladding materials is also noted and the change from metal cladding to brick cladding on the lowered Block D is welcomed. Whilst it is noted that only two types of material and five different finishes are proposed it is nevertheless the case that the use of alternating materials from block to block across the elevations creates a very mixed appearance. More crucially the unduly complex massing remains largely unchanged. As stated in the previous comments, it is considered that the variety of sets backs and projections proposed, together with the variety of materials proposed, would be likely to

work better within a simpler massing and roofline. This is especially the case at the eastern end of the site where the site relates closely to the coherent roofline to the Victorian terraces of the Hove Station conservation area. It is noted, as set out in Addendum 1 to the Design and Access Statement, that the surrounding built environment is very mixed but that is not considered to be a positive characteristic in this case and this site offers an opportunity to bring greater coherence to the townscape.

5.48 The inclusion of a detailed public realm plan and a commitment to implementing the public realm improvements as part of the development are very welcome; the public realm proposals are considered appropriate in their approach. This is a clear urban design benefit.

5.49 Despite the amendments it is still considered that the proposed development would cause demonstrable harm to the settings of the designated heritage assets of Hove Railway Station and the Hove Station Conservation Area, including the locally listed Station Public House. It would also cause some harm to the setting of the Denmark Villas conservation area and some harm to the setting of the locally listed Hove Park. In the case of the designated heritage assets, this harm is considered to be less than substantial under the terms of the NPPF. There are public realm benefits to the proposals that may be weighed against that harm but do not in themselves outweigh it.

5.50 **Internal Design Review Panel: Comment**

5.51 Summary comment:

There are welcomed elements and concerns regarding the design of the proposed development. These are outlined in more detail below.

5.52 Suggestions to improve the scheme include:

- Simplification of heights and materials,
- Reduction in the bulk/height of the tallest elements on the western end,
- Careful consideration of how people will move in and around,
- Access and use of the development and
- Delivery of public realm improvements identified in the proposed development.

5.53 The current design approach seems overly complicated and therefore costly and some solutions, such as extensive roof gardens, incompatible with a coastal location subject, among other things, to strong prevailing winds.

5.54 Given the opportunity this development has to set the scene for future redevelopment of the area, it is strongly recommended that development proposals are subject to the city's Design PLACE panel review. The panel review has been set up to assist complex sites such as this, therefore assisting the planning process for all.

5.55 Design approach

The design of the scheme seems to be too complex with too many varying heights, façade configurations and materials. This approach appears costly and

lacks the consistency needed to give the scheme coherence. It is suggested building design and use of materials be simplified.

5.56 There is no clear design justification for the tallest element at the western end in relation to the rest of the scheme and in the context of the area; overall it appears very bulky and out of scale with the rest of the proposed development.

5.57 Street frontage and pedestrian experience

Careful consideration needs to be given to the experience users and visitors will have going through the area and how the non-residential uses can help to animate frontages. There are stretches of blank facades and unclear identification of entrances and access points to the different uses, in particular along Ellen Street. Active frontages around the development should be maximized with access to the various uses made clearer and enabling for overlooking and passive surveillance. There are considerable concerns about the location of the retail unit as it is not in a location where high footfall seems likely. Conway Street would probably benefit from high footfall and one option could be to move the retail unit to that location. One area that perhaps warrants more attention are street trees which might have greater chance of survival if an appropriate tree pit detail was provided. The Trees and Design Action Group documentation could assist with this.

5.58 Focusing on large specie tree such as Elms (we have the international collection of Elms), should also be considered especially to improve the local environment for all users in the long-term and add identity to the area.

5.59 Green walls often fail so proposing one would be ambitious and again costly to any development; is this realistic and necessary.

5.60 Stepped access to Hove Station

The applicant needs to consider in more detail how people, in particular pedestrians and cyclists, will move in, around and across the development. Key access points to the development in general and the potential for the existing stepped access to the station be improved and better connected to the improvements to Conway Street is not properly explored. For instance, there is the potential for a pocket square/arrival space to be created at the bottom of the stairs that could help emphasize and improve access to the station for users. Options for improving the stepped access to provide level access to the station, double height railing adults and children can use a slope for cycles and good public lighting should be considered.

5.62 Funding for public realm needs to be secured.

Public realm improvement is central to the redevelopment of the area. Hence, it is very important that the proper reassurances for delivering public realm improvements are secured. The viability of the location and number of trees is also queried given the lack of information provided.

5.63 Roof gardens.

Look good on the design, however realizing this vision will incur considerable costs and it is questionable whether trees the size indicated on the design are

realistic and appropriate for a seaside location. A focus on allotments would be more pragmatic but any growing medium that has been elevated above ground level should be protected from inclement weather.

- 5.64 Long views and impact on heritage assets.
No verifiable long views provided, making it difficult to assess impact of new development on neighbouring areas and, in particular, historic assets.
- 5.65 Design Review Panel
Given all the concerns raised and the opportunity for this development to set the scene for future redevelopment of the area as a whole, it is strongly recommended that development proposals are revisited and reviewed by the city's Design Review Panel.
- 5.66 This site has great potential and many of the positive ingredients required for this block do exist in the current proposal. Unfortunately the complexity of the submissions and intent has diminished these design elements with less pragmatic choices, as mentioned above.
- 5.67 **Children's and Young People's Trust:** No objection
The level of contribution towards education infrastructure and the number of pupils that are likely to be generated by the development have been calculated. The calculation of the developer contribution shows that we would be seeking a contribution of £261,787.60 towards the cost of primary, secondary and sixth form provision if this development was to proceed.
- 5.68 The primary provision would be likely to be spent at West Hove Infant School, Hove Junior School, St Andrew's Primary School, Brunswick Primary School, Hove Junior School, Holland Road, or West Hove Infant School Connaught Road as they are the closest primary's to the development. These schools currently offer a total of 2,986 places and there are currently 2,793 pupils on roll at these schools. This offers a surplus of just 6% (the majority of which is in the junior year groups) which is required to allow for parental preferences and in year admissions.
- 5.69 With regard to the secondary provision the development is currently in the catchment area for Blatchington Mill and Hove Park Schools. Both of these schools are currently full and therefore it is entirely appropriate to seek a contribution in this respect.
- 5.70 **Economic Development:** No objection
City Regeneration fully supports this application as proposed development responds to key areas of the City Plan Part 1, specifically in respect of much needed housing and quality commercial employment floor space to encourage inward investment to the city and compensate for the loss of office employment space, lost as a result of the introduction of Permitted Development.
- 5.71 If approved, an Employment and Training Strategy will be required, with the developer committing to using an agreed percentage of local labour. It is proposed for this development that the minimum percentage of 20% local

employment for the demolition (where appropriate) and construction phases is required and full liaison with the Local Employment Scheme Co-ordinator is encouraged at an early stage in order to avoid any delays in site commencement.

5.72 Industry guidelines (CITB) for KPIs based on the value of the development will be utilised in respect of training.

5.73 If approved, in accordance with the *Developer Contributions Technical Guidance, City Regeneration requests a contribution through a S106 agreement for the payment of £59,500 towards the council's Local Employment Scheme.

5.74 **Sustainability:** No objection

Under City Plan policy CP8 the residential elements are expected to achieve the minimum performance standards in energy and water efficiency. The non-residential elements are expected to achieve BREEAM 'excellent' in both the retail and offices. These standards have been targeted by the scheme and therefore the principle sustainability requirement through City Plan policy CP8 has been met.

5.75 Energy efficiency is being addressed by targeting as a minimum the energy efficiency standard of 19% improvement on Part L 2013; renewable energy technologies proposed include PV panels for electricity generation covering 225sqm; high levels of insulation to be specified along with highly efficient low temperature under floor heating systems.

5.76 The scheme is sited in Development Area DA6 Hove Station and since Local Priority 10 of policy DA6 states that decentralised energy systems should be designed so that they are compatible with future connection to a network. This capacity should be secured via a planning condition.

5.77 Recommended conditions

- BREEAM New Construction 'excellent' (for retail element) - post construction
- BREEAM New Construction 'excellent' (for office element) - post construction
- Standard condition for energy and water efficiency (residential)
- Condition to secure capacity for connection to future heat network
- Food Growing as part of Landscaping plans, import of soil to BS 'Top Soil' Standard; inclusion of composting local to roof top allotments.

5.78 **Housing:** Initial Response: Object:

The scheme proposes 188 apartments, consisting of 98 x one beds; 73 x two beds and 17 x three beds. As a scheme of 15+ properties the council's Affordable Housing Brief and policies in the approved City Plan Part 1 support a 40% element of affordable housing on site.

5.79 The developer is required to provide evidence that they are not able to provide this as this provision would make the scheme unviable. A viability appraisal is provided by the developer's consultants Taylor Morum with the application. This looks at four options for affordable housing provision, namely 0% affordable;

10%; 19% and 40% (40% being policy compliant). Their assessment is that, while only 0% is viable based on their costs, they are prepared to offer 10% which equates to 19 units split between 10 units for affordable rent - and 9 for shared ownership sale. An independent viability from the DVS was commissioned in order to assess the proposed scheme and viability as provided. This is awaited at the time of preparing this response.

- 5.80 To be policy compliant this scheme should provide 40% housing which would be 75 units. To meet the Affordable Housing Brief the scheme would be made up of: 41 properties for affordable rent and 34 for shared ownership. 7 of the affordable housing units properties (10%) should meet the wheelchair standard (and 9 units in the scheme overall).
- 5.81 The proposal here is for 19 affordable housing properties currently outlined as 10 to rent (53%) and 9 for shared ownership sale (47%). This is not compliant with the Affordable Housing Brief.
- 5.82 2 of the affordable housing units properties (10%) should meet the wheelchair standard (and 9 units in the scheme overall) - The wheelchair housing is not identified so compliance cannot be confirmed. Wheelchair properties have required standards for the living space area.
- 5.83 To ensure that all new homes developed are of a good standard that is flexible, adaptable and fit for purpose, our revised Affordable Housing Brief (update 1 October 2015) offers support for schemes that meet the new nationally described space standards - across the scheme 25% of flats do not meet the space standards.
- 5.84 Conclusion:
This scheme as proposed does not meet Affordable Housing Brief requirements with regard to the number of units, tenure of units or unit sizes and is therefore not supported by Housing Strategy.
- 5.85 Further Response
- 5.86 Summary
The city-wide Housing Strategy adopted by Council in March 2015 , has as Priority 1: Improving Housing Supply, with a commitment to prioritise support for new housing development that delivers a housing mix the city needs with a particular emphasis on family homes for Affordable Rent . The council has an Affordable Housing Brief based on evidenced housing needs in the city. This response is provided by Housing Strategy to outline where the scheme does and does not meet the Affordable Housing Brief and current policy CP20 regarding provision of affordable housing. CP20 requires 40% of properties to be developed as affordable housing on site in schemes of more than 15 units. Developers are required to prove where it is not viable for them to meet this policy provision.
- 5.87 In this instance the scheme proposes 186 apartments, consisting of 98 x one beds; 70 x two beds and 18 x three beds. As a scheme of 15+ properties the

council's Affordable Housing Brief and policies in the approved City Plan Part 1 support a 40% element of affordable housing on site.

- 5.88 The developer's initial position was that zero affordable housing provision was viable based on their costs, but that they were prepared to offer 10% which equated to 19 units split between 10 units for affordable rent – and 9 for shared ownership sale. Following an initial DVS assessment which assessed 40% as viable they increased this to 18.8%. A further DVS assessment was undertaken, with revised information from the developer, which concluded that a 25% provision on site is viable, with the scheme providing 46 units.
- 5.89 Brighton and Hove is a growing City with 273,000 people in 124,000 homes, with an additional 22,840 households (914 per annum) projected to 2033. Our affordable housing brief reflects the very pressing need for affordable homes in the City. With half of all households in the city earning less than £28,240 per annum, the city's private sector housing is unaffordable for the majority of the population.
- 5.90 In terms of need for affordable rented accommodation: We currently have 1,684 households in Temporary Accommodation, 1,019 of which include children and/or pregnant women, and more than 23,598 people on the joint housing register - 67% of whom are in demonstrable need - Bands A to C. [Source: Housing Statistical Bulletin January to March 2017].
- 5.91 For shared ownership purchase: There are c2400 people who are currently listed as interested in buying a shared ownership property in Brighton & Hove [Source: bpha Help to Buy Agent May 2017].
- 5.92 Tenure Mix
Our published Affordable Housing Brief sets out a broad tenure split of 55% Social Rent or Affordable Rent and 45% Intermediate e.g. shared ownership as a citywide objective.
- 5.93 The DVS assessment here is for 46 affordable homes (25% of all units) which at the above split would provide 25 flats for Affordable Rent and 21 for Shared Ownership. Flexibility can be applied to tenure of this assists with delivery of the scheme. At this scheme the units are spread across five blocks so a block of each tenure may be preferable.
- 5.94 To establish and sustain a mixed, stable and sustainable community and to make best use of the City's whole social housing local lettings plan will be drawn up. Some of the rented units will be targeted at people freeing up larger family homes. When the development is completed the City Council will be able to nominate people from the housing register to any rented properties, and will require a local connection for any properties purchased through shared ownership.
- 5.95 Design

Any affordable housing should be indistinguishable from any market housing. The scheme will need to meet Secure by Design principles as agreed by Police Architectural Liaison Officer.

- 5.96 The council requires 5% of all housing (9 units at this scheme) to meet wheelchair standards and 10% of affordable housing (5 units). Affordable Rent is the preferred tenure for wheelchair accessible properties.
- 5.97 The Council's wheelchair accessible standard requires that it meets national technical standards Part 4 m (3) 2a at build completion (i.e. at time of letting/ sale).

5.98 Affordable Units Sizes

To ensure that all new homes developed are of a good standard that is flexible, adaptable and fit for purpose, our revised Affordable Housing Brief (update 1 October 2015) offers support for schemes that meet the new nationally described space standards as outlined below. The affordable units are not confirmed at the scheme but all units currently meet the standards (the developer has amended proposed occupancy to ensure compliance).

Property type	No. of properties	Storeys	AHB space standard M2	1-3 Ellen Street Average size*	Compliant with AHB
1 bed 1 person flat	1	1	39 (inc 1m storage)	40	COMPLIES
1 bed 2 person flat	97	1	50m (1.5m storage)	50 to 65 m	COMPLIES
2 bed 3 person flat	37	1	61m (2m storage)	61 to 74m	COMPLIES
2 bed 4 person flat	33	1	70m (2m storage)	75 to 92m	COMPLIES
3 bed 4 person flat	3	1	74m (2m storage)	83m	COMPLIES
3 bed 5 person flat	13	1	86m (2.5m storage)	89 to 96m	COMPLIES
3 bed 6 person flat	2	1	95m (2.5m storage)	129 to 169m	COMPLIES

- 5.99 The developer has amended the proposed occupancy which makes all units compliant with the standards.

- 5.100 Wheelchair adapted units have not been identified at the scheme. These have additional space standards relating to living space.

5.101 Unit Size and Type

Up to date assessment of housing needs shows that although greatest need (numerically) is for smaller one and two bed properties there is significant pressure on larger family sized homes, and the AHB scheme mix is based on this. Smaller units for affordable rent can be used for those wishing to downsize from existing council accommodation thus freeing up larger family units.

5.102 To be AHB compliant this would require the following mix:

<u>Ellen Street</u>		<u>AHB preferred</u>		<u>Ellen Street @ 25%</u>
<u>All units</u>		<u>mix</u>		<u>DVS assessed 46 units</u>
One beds	98	30%		14 x one bed units
Two beds	70	45%		21 x two bed units
Three bed +	18	25%		11 x three bed units

5.103 This development overall has a high proportion of 1 bed units 98 units / 53% with less 2 beds 70/37% and 3 beds 18/ 10%.

5.104 Flexibility can be applied to the unit mix if it assists with delivery of the scheme. In this this case providing the units in separate blocks may affect the units provided.

5.105 Review Mechanism

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

5.106 This review mechanism outlined in the Affordable Housing Brief will be included in the S106 agreement for the development, in case of any changes to the proposed scheme following the granting of planning permission.

5.107 Conclusion

25% / SUPPORTED – with the following confirmations:

The 46 units / 25% is welcomed (alongside the Review mechanism) but there are issues that need to be resolved to ensure the affordable housing provided best meets the council's evidenced housing needs, namely:

- Tenure split
- Unit mix
- Wheelchair unit provision and tenure

5.108 **Planning Policy:** Initial Response: Object:

5.109 Summary:

The proposal for mixed use high density redevelopment of the Hove Gardens site comprising employment (B1a) and residential development is supported by policy DA6 in principle. Whilst the site lies within a wider strategic allocation for Conway Street Industrial Area, where comprehensive redevelopment would normally be sought, this does not preclude individual sites being redeveloped where the priorities of the policy can be largely met within the individual development scheme. Redevelopment of individual sites must not prejudice comprehensive redevelopment. However, the proposed stand-alone scheme fails to deliver a number of important priorities and improvements sought by policy DA6 and other citywide policies in City Plan Part One and the Local Plan. These include affordable housing, an improved public realm, public open space

and essential community services; and environmental, biodiversity, pedestrian and public safety improvements.

- 5.110 The applicant has submitted evidence with the planning application to provide a justification for not meeting a number of these policy requirements on the basis of viability. This evidence needs to be assessed by the District Valuer and will be considered in full, though there do not appear to be any unusual or extraordinary costs in bringing this specific site forward.
- 5.111 Whilst the benefits of kick-starting regeneration of the Conway Street Industrial Area with a single site are recognised, the current proposal fails to meet a large number of policy priorities and there is a concern that this will place a significant burden on later 'phases' of redevelopment to deliver these policy requirements which as a consequence would be unlikely to be met. This is a particular concern given how recently the City Plan Part One was adopted (March 2016)
- 5.112 As it stands, it is considered that the current scheme fails to meet a significant number of planning policy priorities relating to it as a standalone site and for it as part of the wider strategic allocation site (including DA6, CP7, CP19 and CP20). This would normally need to be the subject to viability considerations against the evidence submitted. However, given the application site is part of a wider site (Conway Street Industrial Area), and failure to deliver policy priorities as part of this scheme will prejudice delivery of priorities across the wider site, it is considered that there is not a case for exception to policy.
- 5.113 If significant improvements cannot be made it is considered that the preferred approach would be for a comprehensive outline scheme to be submitted for the wider strategic allocation area. This can then set out the level and balance of uses across the wider site and how, and whether, wider benefits will be delivered. This will allow the scheme to be considered holistically and against evidence (including viability evidence) for the wider site.
- 5.114 Main comment:
Policy Context:
Due to the nature of the area and the findings of the Employment Land Study 2012 the main focus of redevelopment is the provision of 'B' use class employment space.
- 5.115 The policy highlights the need for schemes to improve the public realm and townscape (particularly in the Conway Street area) provide environmental, biodiversity, pedestrian and public safety improvements and to contribute to the provision of public open space, essential community services. The provision of green roofs and walls are encouraged. In addition to DA6 the proposal should also meet all other respective policies (design, transport, housing, employment etc).
- 5.116 Principle of Development and Key Principles:
In principle an individual site proposal may be acceptable where it appropriately accords with all policy DA6 regeneration requirements and fully respects its location and all other policy requirements. Alternatively it should fit within a

wider 'masterplan' that demonstrates it does not prejudice the comprehensive approach for the area as sought by policy DA6 and accords with other policy requirements.

- 5.117 The Design and Access Statement sets out a number of principles established in preparing the proposal which are in general welcome and consistent with the objectives of policy DA6. The indicative assumptions in respect of the public realm improvements do not form part of the proposal or a planned delivery strategy.
- 5.118 The scheme does not seek to address all the DA6 regeneration requirements. It fails to provide and secure the wider policy requirements.
- 5.119 The scheme therefore places the onus on later phases to address some of the cost neutral/negative elements and as such it is important to have clarity over where the cost neutral or negative value elements will be delivered within the strategic allocation area and how they will be linked to development sites/phases in a manner that appropriately secures delivery. This also helps to ensure the accumulated generated demands from the areas comprehensive regeneration are met holistically rather than piecemeal (eg one large open space is normally more effective/flexible than lots of small spaces in addressing recreational requirements and assisting social integration, affordable housing could be more easily provided in one or two blocks rather than scattered throughout the area).
- 5.120 This raises concern that the proposed piecemeal development, without a masterplan showing how all DA6 requirements will be suitably delivered, is likely to prejudice the delivery of key elements of the policy.
- 5.121 Housing:
It should be noted that, contrary to what is indicated in the application's planning statement, the Council is able to demonstrate a five-year housing land supply.
- 5.122 The proposed residential element would make a valuable contribution to the city's housing requirements and to the city's housing land supply position (CP1 Housing Delivery). The potential for housing as part of a mixed use redevelopment of the wider site is supported by the strategic allocation. However the proposal does not fully accord with housing policy requirements.
- 5.123 Housing Density:
Policy CP14 supports higher densities subject to a number of criteria. The policy seeks a minimum of 100 dph on major development sites in DA6 subject to meeting the criteria. The proposal seeks approximately 470 dph however it fails to meet a number of the policy criteria: 3 and 6 - with 1 and 2 subject to assessment on-site and comments from other consultees (eg heritage, housing and transport).
- 5.124 Replacement of B8/B2 employment floorspace to B1 office floorspace:
Policy DA6 welcomes a shift into high quality flexible office/business (B1) floorspace with higher employment densities within the Conway Street Strategic

Allocation and therefore supports the replacement of B8/B2 employment with B1 office use. The proposal, in the absence of a 'masterplan', the retention of the employment floorspace (approximately 2,000sqm) is considered important and supported. In view of the proposed balance with housing this site may even be able to support additional employment floorspace. In addition to this, in view of the employment needs and DA6 requirements, it is not considered the proposed B1 floorspace should be granted a flexible use (eg A1, A3, A4, B1, D1, D2 as indicated in the Design and Access statement).

5.125 Proposed Retail:

The site is an out of town centre location and a sequential test as required by policy CP4 and the NPPF (paragraph 24) to assess whether there were any sequentially preferable retail sites available has not been provided in order to justify the principle.

5.126 Open space:

A contribution would be sought towards open space and indoor sports provision. The amendments alter the generated demand and thus contribution. Based on a development of 186 residential units (98 x 1bed, 71 x 2 bed and 17 x 3 bed) the proposal is calculated to generate a demand for 1.942 hectares of open space (19,419sqm) which equates to, assuming no on-site provision, a financial contribution of £398,994 and also a financial contribution of £75,264 for indoor sport provision

5.127 The proposed 109sqm for play space whilst welcome is not suitable to provide an equipped children's play space which needs to be a minimum of 400sqm with appropriate buffer area around (eg total of 500sqm) to be effective. The proposed play space will however provide an informal area for children. It should be clear that children are welcome in the space and should be suitably located away from properties so as not to cause disturbance. The appropriateness of provision should also take into account micro-climate including shading and wind tunnelling.

5.128 This standalone proposal does not generate sufficient demand for such a playground highlighting the need for a masterplan to ensure the future needs of the area to be regenerated are appropriately assessed and addressed.

5.129 Surface water and waste water/sewage:

Impacts need to be assessed and accommodated where capacity does not exist to address policy DA6 and CP11.

5.130 Waste Management:

A fully completed Site Waste Management Plan (SWMP) is therefore required, this could be by condition.

5.131 Neighbourhood Area:

The site also lies within the Hove Station Neighbourhood Area. It is recognised the applicant has engaged the Hove Station Neighbourhood Forum in this proposal an approach that is encouraged and welcomed. Whilst initial draft documents have been prepared, no 'formal' pre-submission draft

5.132 Neighbourhood Plan has been published to date. Little weight can therefore be given to the Hove Station 2nd draft Neighbourhood Plan which in general seeks to endorse the proposal. It is important to note that the local planning authority has raised concerns that some of the policies in the 2nd draft Neighbour Plan conflict with strategic policy, on this basis it does not therefore meet the 'Neighbourhood Plan' basic conditions.

5.133 Further Response:

The further submission of an indicative public realm plan and amendments to secure compliance with the national residential space standards are noted and are welcomed. The public realm improvements will be subject to compliance with transport/highway requirements and the ability to adopt and maintain. Whilst welcomed these amendments do not override the need to address the other policy requirements and concerns raised in the planning policy response

5.134 **Sustainable Transport:** Initial Response: No Objection:

The Highway Authority recommends that this application is refused. Due to a lack of information the applicant has failed to demonstrate compliance with policy DA6 of the Brighton & Hove City Plan Part One. The applicant has put forward various public realm improvements, as is required as part of Policy DA6, including:

- A cycle ramp on the steps between Conway Street/Goldstone Villas
- Improvements to Conway Street, Ethel Street and Ellen Street particularly in terms of benefitting pedestrians and cyclists
- Conway Street will become one way west bound
- Loading bay provided on Conway Street
- Car Club bay on Ellen Street
- On-street cycle parking for 63 spaces (32 spaces)

5.135 However, in lieu of detailed survey information the applicant has failed to fully assess the implications of the proposed public realm improvements and demonstrate that the proposed changes will not have negative knock on consequences for the wider area. The Highway Authority is aware of vehicles using these roads to avoid adjacent signalised junctions (Sackville Road A2023 and Old Shoreham Road (A270) but not the extent of this movement. The potential to make Conway Street one way could have knock on effects in the local area and without survey data the extent of this cannot be quantified or fully assessed.

5.136 In the absence of a layout plan it has not been demonstrated that all that is proposed could actually be accommodated onstreet, especially when consideration is given to also providing an appropriate level of onstreet parking and all the other infrastructure that needs to be accommodated on-street.

5.137 Cycle parking:

The basement provision of 210 spaces (196 residential and 14 spaces for the office) is acceptable. Reference is also made to 63 visitor cycle stands being provided as part of the public realm improvements however no detail has been

provided to demonstrate how this could be achieved and it is not apparent where provision could actually be made for this number on-street.

5.138 Signage warning dual use of the car park ramp would be necessary.

5.139 Disabled Parking:

12 disabled parking spaces are proposed in the basement which will be allocated to the 2 wheelchair units (10% of the 19 affordable units) the rest would be for the office and visitors.

5.140 There are an adequate number of disabled spaces to provide 1 space per wheelchair accessible unit and several other spaces for visitors and employees of the office.

5.141 Car Parking:

A total of 61 spaces are proposed (12 of which will be for disabled badge holders). Maximum standard is 198 spaces (for residential and visitors). The proposal is acceptable and in accordance with maximum standards.

5.142 For this development of 188 units (295 bedrooms) on assessment of census data for car ownership in the local area, there is forecast to be 100 vehicles associated with this development. It is not apparent from the submission how many of the spaces are proposed to be allocated to the residential element.

5.143 In order to control the level of overspill car parking from the proposed development the Highway Authority would look for the development to be permit-free meaning that future residents will not be able to obtain on-street residents parking permits and there would be no overspill into Controlled Parking Zones. The Highway Authority would also look to secure comprehensive travel plan measures to promote sustainable modes of transport and limit the potential overspill car parking into areas beyond the boundary of the current CPZs.

5.144 The Highway Authority does not have any objections to the proposed level of car parking subject to securing the appropriate mitigation mentioned above.

5.145 On the basis that the parking allocation to the different uses is unclear, the Highway Authority would express a preference that it be allocated primarily to the residential accommodation in order to reduce the risk of overspill parking. A car park management plan would be recommended by condition.

5.146 S106 Developer Contributions:

Notwithstanding the issues outline above regarding public realm improvements, it is acknowledged that they would go some way to mitigating the impacts of the scheme in highway terms and the contribution would therefore be negotiated accordingly. However, the Highway Authority does not believe the proposed improvements go far enough to mitigate the impacts of the scheme or to improve the permeability of the area and the walking and cycling network to ensure safe and accessible routes are provided between the development and

local amenities. As such the Highway Authority would be seeking additional works including:

- Junction improvements.
- Kerb re-alignment and tactile paving.
- Extension of Conway Street works to create a pocket park and improve access to Hove Station.
- Pedestrian route improvements.
- Reinstatement of redundant crossovers.

5.147 Construction Environmental Management Plan (CEMP) and Travel Plan - would also be sought if the application were acceptable.

5.148 Further Response: No Objection:

The proposal has been revisited after a revised plan for public realm works was associated.

5.149 Previously the Highway Authority recommended refusal (original comments attached) and a draft reason for refusal was included as follows:

“In the absence of sufficient survey data along with adequate layout plans in support of the proposed public realm works the applicant has failed to demonstrate the proposals could be accommodated on-street without harmfully impacting on the surrounding highway network. Notwithstanding the lack of information, the works in principle are not sufficient to adequately address necessary improvements to permeability of the area and the walking and cycling network to ensure safe and accessible routes are provided between the development and local amenities. The applicant has therefore failed to demonstrate compliance with policies DA6 and CP9 of the Brighton & Hove City Plan Part 1.”

5.150 The applicant has now issued further information in the form of:

- Technical Note – which includes junction modelling assessments of the following junctions, Conway Street/Fonthill Road, Fonthill Road/Ellen Street and Ellen Street/Ethel Street.
- Off-site pedestrian route improvements (drawing number J32-2637-PS-007).
- Scheme Proposals General Arrangement (drawing number J32-2637-PS-001 B).
- Public Realm Proposal Sketch submitted by LCE Architects.

5.151 The Highway Authority is of the view that this additional information addresses the previous concerns and the broad principles of the improvements are acceptable to the Highway Authority. The proposals are considered to address the requirements of DA6 in terms of public realm improvements and the applicant has demonstrated that the proposals are not forecast to have a significant impact upon the surrounding highway network. Further detail will have to be worked up as part of the S278 process, additional amendments made to the design and additional information provided.

5.152 Sustainable Drainage

The Lead Local Flood Authority (LLFA) has no objections to this application subject to the inclusion of a condition to ensure that a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods is agreed by the LPA prior to commencement and then implemented accordingly.

6. MATERIAL CONSIDERATIONS

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

6.2 The development plan is:

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

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

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

DA6 Hove Station Area

SA6 Sustainable Neighbourhoods

CP1 Housing delivery

CP2 Sustainable economic development

CP3 Employment land

CP4 Retail provision

CP5 Culture and tourism

CP7 Infrastructure and developer contributions

CP8 Sustainable buildings

CP9 Sustainable transport

CP10 Biodiversity

CP11 Flood risk

CP12 Urban design

CP13 Public streets and spaces

CP14 Housing density

CP15 Heritage

- CP16 Open space
- CP17 Sports provision
- CP18 Healthy city
- CP19 Housing mix
- CP20 Affordable housing
- SA6 Sustainable Neighbourhoods

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

- TR4 Travel plans
- TR7 Safe Development
- TR12 Helping the independent movement of children
- TR14 Cycle access and parking
- TR15 Cycle network
- TR18 Parking for people with a mobility related disability
- SU3 Water resources and their quality
- SU5 Surface water and foul sewage disposal infrastructure
- SU9 Pollution and nuisance control
- SU11 Polluted land and buildings
- SU10 Noise Nuisance
- QD5 Design - street frontages
- QD15 Landscape design
- QD16 Trees and hedgerows
- QD18 Species protection
- QD27 Protection of amenity
- HO5 Provision of private amenity space in residential development
- HO13 Accessible housing and lifetime homes
- HO21 Provision of community facilities in residential and mixed use schemes
- HE3 Development affecting the setting of a listed building
- HE6 Development within or affecting the setting of conservation areas
- HE10 Buildings of local interest

East Sussex, South Downs and Brighton and Hove Waste and Minerals Plan (2013)

WMP3d - Minimising and managing waste during construction, demolition and excavation

WMP3e - Waste management in new development

Supplementary Planning Guidance:

SPGBH9 A guide for residential developers on the provision of recreation space

SPGBH15 Tall Buildings

Supplementary Planning Documents:

SPD02 Shopfront design

SPD03 Construction & Demolition Waste

SPD11 Nature Conservation & Development

SPD14 Parking Standards

Developer Contributions Technical Guidance (March 2017)

8. CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of development, policy compliance, design and appearance, impacts on heritage, amenity, sustainable transport and sustainability.
- 8.2 The City Plan Part One Inspector's Report was received February 2016. This supports a housing provision target of 13,200 new homes for the city to 2030. It is against this housing requirement that the five year housing land supply position is assessed following the adoption of the Plan on the 24th March 2016. The City Plan Inspector indicates support for the Council's approach to assessing the 5 year housing land supply and has found the Plan sound in this respect. The five year housing land supply position will be updated on an annual basis.
- 8.3 **Principle of development:**
Policy compliance:
The 0.4 hectare site falls within the Conway Street Industrial Area Strategic Allocation (DA6 C.1), which covers an area of 3.44 hectares, in policy DA6 Hove Station Area of the City Plan Part One. The Strategic Allocation is then set within the wider DA6 Hove Station Area allocation which extends in each direction around the strategic allocation/site and north of the railway line where it is centred on Newtown Road and includes Sackville Trading Estate and the existing Coal Yard. DA6 is one of eight development areas allocated in City Plan Part One adopted in March 2016. The regeneration and redevelopment of this area of the City is strongly supported by policy and represents a prime location to increase the density of development supported by the sustainable transport hub of Hove Station.
- 8.4 Policy DA6 seeks to secure the long term regeneration opportunities around the station and promotes the area's development as an attractive and sustainable mixed-use area focussed on employment (employment with residential mix sought). Due to the nature of the area and the findings of the Employment Land Study 2012 the main focus of redevelopment is the provision of 'B' use class employment space.
- 8.5 Policy DA6 A. sets out a list of 10 local priorities for the wider allocation which includes;
- Preparation of design guidance to support positive redevelopment of the allocation,
 - Improvements to public realm - particularly along Conway Street,
 - Provision of open space and essential community services along with improving pedestrian and cyclist safety which is linked to enhancing the sustainable transport interchange at Hove Station,
 - New green infrastructure and consideration of low and zero carbon decentralised energy and in particular heat networks which are compatible with future connection to a network.

- 8.6 In addition to the above, policy DA6 C.1 relates specifically to the Conway Street Industrial Area Strategic Allocation and seeks to secure the long term regeneration opportunities around the station and promotes the area's development as an attractive and sustainable mixed-use area which is employment led/focused.
- 8.7 DA6 C.1 Strategic Allocation is seeking -
- Retention replacement of 12,000sqm employment floorspace - shift to high quality flexible office/business (B1),
 - 200 residential units,
 - Along with setting out the need to meet 5 criterion including:
 - Demonstrate development on smaller sites will not prejudice the objectives of the allocation,
 - Improve pedestrian and cycle access to Hove Station and across the railway.
- 8.8 The Design and Access Statement notes in relation to Use & Amount that the two smaller units which front Ethel Street are proposed to be flexible uses A1, A2, A4, B1, D1 and/or D2; this is not however reflected in the Planning Statement or the description for the application presented by the applicant. As such the development has been considered on the basis of the main commercial unit as B1a office, whilst the smaller unit on the eastern elevation as A1 retail.
- 8.9 The general principle of mixed use redevelopment comprising employment (B1a) and residential is supported by policy DA6. However, as noted by the Planning Policy Team, key to the regeneration sought by policy DA6 is securing comprehensive redevelopment that not only delivers employment and residential development but also a number of other specified requirements including public realm enhancements, public open space, essential community services and the most effective way to achieve the positive redevelopment of the area is through holistic redevelopment.
- 8.10 Piecemeal development within the allocation is acceptable in principle where it meets the policy objectives set out above. However, where this is not the case and a piecemeal scheme does not fully meet these policy aims (as with the current application) it is necessary for the applicant to demonstrate that the development will not undermine the overall policy objectives for the Strategic Allocation.
- 8.11 The current scheme is for part of the strategic allocation site, as it is the first site to come forward within the strategic allocation and result in the benefit of 'kick-starting' the redevelopment of this area. It is acknowledged this would place the onus on later 'phases' of development across the strategic allocation in respect of meeting some of the wider environmental and social policy requirements the policy seeks.

- 8.12 The Design and Access Statement submitted with the application outlines in an illustrative format how the design principles employed in the current proposal could be applied to inform the development of the wider strategic allocation. However, it does not demonstrate how the other policy requirements could be achieved across the whole site allocation.
- 8.13 During the course of the consideration of the application, the applicants have provided further details of the proposed public realm improvements around the perimeter of the development, in particular significant works to Conway Street which include traffic calming measures, hard surfacing, vehicular and cycle parking, lighting, seating and tree planting, together with the resurfacing and provision of a cycle ramp and handrails to the existing steps to Goldstone Villas. These works would significantly improve connectivity between Goldstone Villas/Hove Station and Conway Street/Ethel Street and would set the benchmark for future public realm improvements across the rest of the Strategic Allocation and the wider Development Area.
- 8.14 The proposed retail unit is acceptable. As it is located out of town centre and it is relatively small, in terms of floor area, it is not considered that a sequential test as required by policy CP4 and the NPPF (paragraph 24) to assess whether there were any sequentially preferable retail sites available.
- 8.15 Whilst it is acknowledged that a fully worked up masterplan has not been submitted as part of the application and that there are some deficiencies in the scheme in regards the future provision of community facilities, greening and open space, there are clear benefits to the scheme in the 'kick-starting' the regeneration of the area and public realm improvements. For this reason on balance the proposal is considered to be in accordance with the strategy set out in City Plan policy DA6.
- 8.16 **Affordable Housing**
City Plan Policy CP20 Affordable Housing sets out an expectation for developments over 15 units in size to achieve a provision of 40% affordable housing which equates to 74 units for this scheme. Where flexibility is applied to achieving this target, the policy sets out a set of 5 criteria to be considered in relation to whether a lower provision can be justified; criterion iii is relevant in this case and a viability assessment has been submitted with the application and has been independently assessed by the District Valuer Service (DVS).
- 8.17 The initial supporting viability assessment stated that provision of 10% would not be viable, 2.5% would 'break-even' and only 0% would be viable. These calculations did not take into account the cost of the public realm improvements required which would further affect the viability of the scheme.
- 8.18 The initial findings from the DVS were that the scheme could viably support a policy compliant mix of 40% affordable housing (55:45 mix of affordable rented and shared ownership).

- 8.19 Considerable discussion has taken place between the DVS and the applicants to agree the assumptions underpinning the viability assessment. At the end of this process the DVS reappraised the scheme and have confirmed that it would not be viable to provide a policy compliant mix of 40% affordable housing. The scheme would however support 25% affordable housing with a policy compliant mix of tenure (46 units – 25 affordable rented and 21 shared ownership).
- 8.20 The applicants have confirmed that they are offering to provide a scheme with 18.8% affordable housing which equates to 35 units. This is broken down to 19 affordable rented units in block B (54.3%) and 16 shared ownership units in block D (45.7%). This is the preferred mix set out in the latest Affordable Housing Brief. Whilst the applicant has highlighted that, in their view, the level of affordable housing would technically make the scheme unviable they are willing to offer this amount in order to help achieve a positive recommendation.
- 8.21 The affordable units would be provided as follows:
All of Block B – Affordable Rent
9 x 1 beds
9 x 2 beds
1 x 3 beds
- 8.22 All of Block D – Shared Ownership
10 x 1 beds
6 x 2 beds
- 8.23 Whilst the policy compliant mix of tenure is welcomed the offer is below what the independent assessment has indicated the scheme can viably support. There are no significant mitigating factors in this case whereby the independent viability assessment could be disregarded and the lower amount secured. For this reason the proposal is contrary to City Plan policy CP20 and refusal is recommended for the reasoning set out above.
- 8.24 **Heritage:**
The key impacts of the development on heritage assets are identified by the Heritage Team as being on the setting of Hove Station Conservation Area and on the setting of the grade II listed Hove Station together with the locally listed public house adjacent. These assets along with the adjacent Goldstone Villas have a very clear historic relationship and the Station has historically been the dominant architectural element in the area, as benefits its use and status. It remains a key focal point, both visually and functionally in the approaches, especially along Station Approach.
- 8.25 The main visual impacts on these assets are identified as being in the medium distance views from Station Approach and Goldstone Villas. On assessment of the views submitted, the development would be likely to impinge on the outline of the canopy of the Station from in front of the café/sandwich bar located to the east of the main Station for example and as a result of the development's scale and bulk, it would alter the way in which the Station is seen in these viewpoints. In addition, there would be a substantial visual impact on the outline of the locally listed pub and on the setting of the wider Hove Station Conservation

Area. The Heritage Team consider that the development would demonstrably change the way in which these heritage assets are experienced. The area is predominantly low rise and the view of this historic grouping has a traditional, small scale intimacy.

- 8.26 The applicant has addressed the heritage harm by a reduction in height of both block D (north-east corner) and part of block E (south east corner) by one floor. The Heritage Team consider that these together represent a modest improvement to the proposals, in terms of the scale and massing and the impact on the setting of the Hove Station conservation area, the listed station and the locally listed public house.
- 8.27 In addition to the harm identified above, the Heritage Team also note that the development would be partly visible in the winter months (whilst the trees are not in leaf) above the hipped roofline of the houses in the Denmark Villas Conservation Area. Its intrusion above the roofline in an arbitrary manner would cause some harm to the setting of this small scale and formal residential area. Some harm is also identified to the locally listed Hove Park.
- 8.28 As noted by the Heritage Team the area is identified as being appropriate for higher density development in principle. The Conway Street Industrial Area Strategic Allocation (DA6 C.1) is identified in Policy CP12 Heritage and SPGBH15 Tall Building design guidance as having the potential to accommodate tall buildings. Work undertaken by Officers has identified the eastern most block (where the application site is located) as being best to accommodate medium-rise of between 6-8 storeys, with taller development of between 8-15 storeys on blocks further west. The purpose is in order to minimise visual impacts on the setting of the listed building of Hove Station and on the settings of the Hove Station and Denmark Villas Conservation Areas, as well as concentrating the tallest elements as a cluster in the centre of the area as a whole; this information was shared with the applicant.
- 8.29 As noted by the Heritage Team, the current proposal does not accord with that approach, having tall blocks and one very tall block (17 storeys) on this eastern-most block in the allocation. In the absence of proposals for the blocks to the west it is not possible to see a wider coherent vision for the tallest buildings which is a concern.
- 8.30 When harm to a heritage asset is identified as a result of a development there is a statutory presumption (inherent in sections 66 and 72 of the Listed Buildings and Conservation Areas Act) against granting planning permission. In accordance however with paragraph 134 of the NPPF where the harm is less than substantial, this harm should be weighed against the public benefits of the proposal.
- 8.31 In this case, whilst the Heritage comments are noted, the public benefits of the redevelopment of a Strategic Allocation within a Development Area identified in the City Plan and the improvements to the public realm are considered to outweigh the harm to heritage assets.

- 8.32 **Design:**
The scheme proposes a dense form of development on the site in terms of its height, scale, bulk, mass and detailed design. The application was not considered by the Design Review Panel, contrary to advice at pre-application stage.
- 8.33 The principle of a tall building on the site in accordance with City Plan policy CP12 and SPGBH15 Tall Buildings Guidance. The Design and Access Statement identifies that the tallest element has been encouraged through consultation with the neighbourhood forum and is intended to provide variety in the form and act as a landmark or 'beacon' from further afield. The tallest element would be visible in both long and short distance views.
- 8.34 Concerns have been raised about the scale, bulk and mass of the development below the tallest element at the west end of the site. It is only between three and four storeys lower than the adjoining elements. The stepping up of the development around the tallest element thereby increases the visual impact of the scheme. It would be preferable for the tower to be amended to a more slender structure to reduce its visual impact.
- 8.35 In addition, the building would have a large footprint, with some elevations to the north side being located close to the back edge of pavement, thereby increasing its visual impact. A further concern is that the proposals does not include the redevelopment of the whole site westwards up to Goldstone Street as this is in separate ownership.
- 8.36 However, the scheme has been designed to divide the development into smaller elements with a vertical emphasis of varied heights and distinguished by the use of different, complementary materials, mainly brick around the perimeter and cladding panels for the taller elements. This approach is supported, subject to securing high quality materials.
- 8.37 The form and appearance of the development is challenging in terms of its visual impact. Whilst objections have been raised to the design of the proposals, the scheme has attracted support from a number of bodies, including the Hove Station Neighbourhood Forum, Hove Civic Society, Regency Society of Brighton and Hove and the Conservation Advisory Group. The proposals also need to be assessed against the planning policy context which encourages the regeneration of this site within a Development Area Strategic Allocation and the provision of tall buildings in this location, together with the 'kick starting' of the redevelopment of the wider area. For these reasons the design of the scheme is supported.
- 8.38 **Trees and landscaping:**
The surrounding area is significantly lacking in green infrastructure as acknowledged by policy DA6 A.9. which seeks to integrate new provision including green space and accessible green roofs. The supporting documents detail the proposed landscaping, the vast majority of which is privately accessed and contained within the development in the form of roof gardens and the main central courtyard which the development is centred on. The central courtyard is

proposed to contain children's play area, fixed seating areas, grassy picnic platforms as well as raised planters.

- 8.39 Extensive landscaping is proposed to the roof terraces including allotment space for the residents and tree planting across most levels which is also supported in principle. Considering the limited sunlight to some rooftop areas and the exposed nature of these spaces the validity of the proposed tree planting in particular is very doubtful especially at the size shown on the visuals submitted which are quite substantial. Some of the allotments are shown to be to the north of the tallest element and could therefore be in shadow for significant parts of the day casting doubt on the suitability of this location. In addition, as noted by the panel any growing medium that is elevated above ground level as shown should be protected from inclement weather and this should therefore be designed into the scheme rather than retro fitted to ensure it has an acceptable appearance as well as ensuring the space is fit for purpose.
- 8.40 The London Plane trees on the east of the site have been removed by the applicant against the advice from the Arboriculture Team.
- 8.41 Given the site coverage and almost entirely back of pavement edge building, the opportunities to secure tree planting is limited. However, the submitted public realm proposals indicate a number of street trees to Conway Street and Ellen Street, which combined with the proposed landscaping on site, will contribute to the green infrastructure of the area, and set the benchmark for the remainder of the Development Area.
- 8.42 Impact on Amenity for future occupiers
All of the proposed units have been designed to accord with the Nationally Described Space Standards and are considered to provide acceptable levels of amenity in regards to the size, layout and circulation space.
- 8.43 An Internal Daylight and Overshadowing Report forms part of the submission and assesses the quality of the light within the proposed flats. This report assessed a number of the flats on the lower floors which had been identified, due to their siting, orientation, fenestration and layout, to potentially struggle to provide satisfactory levels of daylight. The report noted that there were a number of units on the lower floors where the average daylight factor (ADF) was below the minimum standards set out in the British Standard Code of Practice for daylighting, BS8206 Part 2.
- 8.44 The layout and fenestration is currently being revised on a number of rooms to improve the ADF throughout the scheme. Revised drawings are awaited and this issue will be updated at the meeting.
- 8.45 Another compensatory factor is that every flat would have a private balcony or terrace and all would have access to the private communal gardens in the centre of the site.
- 8.46 As noted by Planning Policy the proposed play space whilst welcome is not suitable to provide an equipped children's play space which needs to be a

minimum of 400sqm with appropriate buffer area around (eg total of 500sqm) to be effective. The proposed play space could instead however provide an informal area of play for children. Whilst it is clear from the shadowing assessment that this internal courtyard would suffer from low levels of light for much of the year as set out above each unit does have some external amenity space and overall the scheme is acceptable in this regard.

- 8.47 An acoustic report has been submitted with the application. Whilst the report does not consider that noise and vibration from adjoining roads and the rail network would be acceptable it fails to assess a number of other matters including, impacts from the commercial uses and associated activities, the basement car park and likely associated security gates, the lifts, the transformer and most notably the impacts of the potential use of the roof terrace over the office block for public events including an open air cinema.
- 8.48 The report goes on to recommend that the positioning of noise sensitive uses next to bin stores, plant rooms and the car park entrance for example should be avoided. However this has not been adopted across the scheme, for example; Flat 5 Block A shares a wall with the transformer, Flats 12 and 6 Block A are directly above the access to the car park whilst Flat 9 Block D and Flat 27 Block E directly abut the rooftop potential event space, whilst numerous flats including bedrooms abut the lift cores.
- 8.49 Whilst these omissions are regrettable, after discussions with the Environmental Health Team it is considered that satisfactory living conditions for future occupiers could be safeguarded by the use of carefully worded conditions.
- 8.50 On the roof of the office block, a 'pop-up space' is proposed for which very limited information is available within the submission, only briefly being referred to in the Design & Access Statement and not at all the Planning Statement. It is stated that it would in the main be used in connection with the offices however could be used for organised public events.
- 8.51 If this space were to be used for events using amplified music / audio there is the potential for harm to the amenity of neighbouring flats and as such if the application were otherwise acceptable suitable conditions restricting hours of use would be proposed to safeguard the amenity of future occupiers.
- 8.52 Overall, subject to relevant conditions the proposal would provide adequate living conditions for future occupiers in accordance with policy QD27 of the Brighton & Hove Local Plan.
- 8.53 **Land Contamination**
The land contamination study submitted with the application (Ashdown Site Investigations Ltd) only has preliminary conclusions and given the commercial history of the site and likely level of contaminates, as a minimum a full desk top study documenting all the previous and existing land uses of the site and adjacent land is necessary. It is considered if the proposal were otherwise acceptable that a full land contamination investigation could be conditioned.

- 8.54 **Impact on Amenity of adjoining occupiers**
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.
- 8.55 A daylight assessment has been submitted with the application which looks at properties to the east and south of the site. In addition a shadowing study has also been submitted.
- 8.56 The daylight assessment uses a three dimensional model to assess the neighbouring properties to the east fronting Ethel Street (and rear of Goldstone Villas) and also Livingstone House to the rear. The readings are taken from points on the elevations rather than specific windows.
- 8.57 The rear of Goldstone Villas is predominantly made up of single (or sometimes two storey) commercial units which front Ethel Street with the residential units largely set back in the main terrace and on the higher floors.
- 8.58 The study sets out that whilst there would be a reduction of daylight for a number of properties to the east that this would be relatively minimal with only a limited number of properties that would have noticeable reduction in daylight and this is not considered so significant as to warrant the refusal of the application.
- 8.59 There would also be a reduction in the daylight to a number of the flats within Livingstone House with the worst impacted being the lowest three floors. Again the reduction in daylight, whilst noticeable was considered acceptable in the context of a built up urban area.
- 8.60 It is further noted that the residential accommodation within the blocks to the south are predominantly dual aspect and as such whilst the units on the lowest floors would suffer a reduction in daylight to the north facing windows this does provide some mitigation.
- 8.61 It is noted that 2-12 Ethel Street have not been assessed. The impact of these residential units, which are set back beyond the row of commercial garages would be comparable to the lowest floors of the adjoining Livingstone House and it is not considered that any loss of light to these properties would be so significant as to warrant refusal.
- 8.62 In terms of sunlighting, the orientation of the council blocks to the south is such that there would not be any significant shadowing / loss of sunlight to these properties.
- 8.63 As existing, it is clear that there is a fairly significant level of shadowing to the adjacent properties to the eastern side of Ethel Street later in the day as the sun moves round to the west. Whilst this situation would be worsened, especially for the properties to the north west of the site from late afternoon onwards it is

acknowledged that within a higher density urban environment a certain level of shadowing is inevitable.

- 8.64 The proposal would be sited sufficient distance away, on the opposite side of the road from the properties to the southern side of Ellen Street and also the properties to the east on Ethel Street (and rear of Goldstone Villas) and as such there would not be a significantly overbearing impact on these properties.
- 8.65 Whilst the proposal would result in the intensification of the use of the site, it is not considered that any increased noise and disturbance would be of a magnitude that would justify the refusal of the planning application. Carefully worded conditions could be used to control the hours of operation and deliveries to the commercial elements.
- 8.66 Overall, it is not considered that the proposal would result in any significant harm to the amenity of the neighbouring properties in accordance with policy QD27 of the Brighton and Hove Local Plan.
- 8.67 **Sustainable Transport:**
As noted above, a key requirement of policy DA6 relates to public realm improvements. The current application has put forward the following suggestions:
- A cycle ramp on the steps between Conway Street/Goldstone Villas,
 - Improvements to Conway Street, Ethel Street and Ellen Street particularly in terms of benefitting pedestrians and cyclists,
 - Conway Street will become one way west bound,
 - Loading bay provided on Conway Street,
 - Car Club bay on Ellen Street,
 - On-street cycle parking
- 8.68 Notwithstanding the above information no plans were submitted with the original submission setting out how the transport and public realm works would actually work in practise. Furthermore the survey work that is vital to be able to demonstrate that this development and associated highway works will not have a negative impact on the existing network and also to ascertain how these works will relate to any future redevelopment of the area were not submitted and as such the Transport Officer objected to the scheme.
- 8.69 During the life of the application further discussions with the transport team resulted in the submission of a technical note which includes junction modelling assessments of the following junctions, Conway Street/Fonthill Road, Fonthill Road/Ellen Street and Ellen Street/Ethel Street. In addition an indicative layout has been submitted showing proposed public realm works and the alterations to the highway.
- 8.70 This additional information is considered to address the initial concerns and subject to a detailed set of highway improvements to be secured through the Section 278 agreement the proposal is considered acceptable with sufficient improvements to the permeability of the area and the walking and cycling

network secured to ensure safe and accessible routes between the development and local amenities.

- 8.71 SPD14 states that the minimum standard for disabled parking for a residential land use is 1 disabled space per wheelchair accessible unit plus 50% of the minimum parking standard for visitors.
- 8.72 A total of 61 spaces are proposed (12 of which will be for disabled badge holders). The proposed car parking level is deemed acceptable subject to the inclusion of the CPZ permit free condition and other mitigation in the form of Travel Plan measures and it is not considered that the proposal would result in any significant concerns in relation to overspill parking.
- 8.73 SPD14 requires that for residential schemes of 10 or more car parking spaces, 10% of the car parking provision should have electric vehicle charging and a further 10% of the total provision should have a passive provision to allow conversion at a later date. These are minimum standards and therefore the applicant could provide more; should they wish. Further details would be secured via condition if the scheme was otherwise acceptable.
- 8.74 **Sustainability:**
The scheme has addressed all aspects of Policy CP8 comprehensively. Reports have been submitted demonstrating how the scheme can achieve the targeted energy performance for the housing. For the non-residential elements of the scheme, energy modelling documents have been provided, these are welcomed and indicate a good energy performance. In addition, BREEAM pre-assessments have been submitted for both the retail and office to demonstrate 'Excellent' can be achieved.
- 8.75 Renewable energy technologies proposed include PV panels for electricity generation covering 225sqm; high levels of insulation to be specified along with highly efficient low temperature under floor heating systems. This is combined with the use of passive design measures including mitigation against overheating, indented balconies will offer shading on the south face and windows will incorporate solar control glazing.
- 8.76 Extensive roof gardens along with small private allotment plots, larger communal vegetable patches, picnic lawn areas and small trees are proposed. Sedum mix green roofs or solar PV panels are proposed on inaccessible roofs. In addition, 23 trees are proposed to be planted as part of landscaping though none of these are fruit trees.
- 8.77 The scheme is sited in Development Area DA6 Hove Station and Local Priority 10 of policy DA6 states that decentralised energy systems should be designed so that they are compatible with future connection to a network. If approved capacity would be recommended to be secured via a planning condition along with standard conditions to secure BREEAM 'Excellent' for the commercial elements, standard energy and water conditions for the residential and food growing as part of the landscaping plans.

9. CONCLUSION

- 9.1 The principle of development on this site is fully supported and encouraged by planning policy, being located within the Conway Street Strategic Allocation within the Hove Station Development Area identified in policy DA6 of the City Plan Part One. Officers have undertaken significant discussions and negotiations with the applicants to overcome concerns and secure an acceptable scheme.
- 9.2 The scheme is challenging in terms of the amount of development proposed, its form, appearance and impact on the locality. When its impact is weighed up against its positive benefits of kick-starting redevelopment of a Development Area Strategic Allocation and the provision of improved public realm it is supported. However, it has not been possible for the applicant to reach agreement with the DVS on the amount of affordable housing within the scheme, taking into account the viability of the development. Whilst the proposals have been independently assessed by the DVS as being viable with 25% affordable housing to an appropriate tenure mix, this has not been agreed by the applicant who is offering 18.8%. In these circumstances, the proposals are contrary to policy CP20 of the City Plan and refusal is recommended.

10. EQUALITIES

- 10.1 Although the plans and elevations differ, the ground floor plan indicate steps across the width of the retail units on Ethel Street which is likely to restrict access to this part of the development for wheelchair users.

