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| <u>No:</u> | BH2017/01280 | <u>Ward:</u> | Patcham Ward |
| <u>App Type:</u> | Full Planning | | |
| <u>Address:</u> | Argus House Units 2 & 8 Hollingbury Industrial Estate Crowhurst Road Brighton BN1 8AR | | |
| <u>Proposal:</u> | Erection of a new 3 storey, including basement and undercroft, car dealership building(Sui Generis) fronting Crowhurst Road and conversion of existing rear buildings to a builders merchants (Sui Generis), Warehouse and trade counter (B8) with provision of associated parking, cycle parking and landscaping. | | |
| <u>Officer:</u> | Liz Arnold, tel: 291709 | <u>Valid Date:</u> | 02.06.2017 |
| <u>Con Area:</u> | N/A | <u>Expiry Date:</u> | 01.09.2017 |
| <u>Listed Building Grade:</u> | N/A | <u>EOT:</u> | |
| <u>Agent:</u> | Lewis And Co Planning Brighton BN1 5PD | Lewis & Co Planning | 2 Port Hall Road |
| <u>Applicant:</u> | Harwood Group & Hanbury Properties Port Hall Road Brighton BN1 5PD | C/o Lewis & Co Planning | 2 |

1. RECOMMENDATION

1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be **MINDED TO GRANT** planning permission subject to a s106 agreement and the following Conditions and Informatives:

1.2 S106 Head of Terms

- Construction Training and Employment Strategy including a commitment to using 20 percent local employment during the construction phase of the development,
- A contribution of £23,000 towards an Artistic Component / public realm
- A Transport Contribution of £40,000

Conditions:

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

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

| Plan Type | Reference | Version | Date Received |
|------------------|-------------------------------|----------------|----------------------|
| Location Plan | P001 | Rev. B | 12 April 17 |
| Other | DEVELOPMENT PHASING PLAN P525 | Rev. A | 12 April 17 |
| Site Layout Plan | P502 OVERVIEW (1) | Rec. C | 12 April 17 |

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|----------------------------|--------------------------------|--------|-------------|
| | OF 5) | | |
| Site Layout Plan | P503 SHOWROOM (2 OF 5) | Rev. C | 12 April 17 |
| Site Layout Plan | P504 WORKSHOP (3 OF 5) | REV. C | 12 April 17 |
| Site Layout Plan | P505 UNDERCROFT (4 OF 5) | Rev. C | 12 April 17 |
| Site Layout Plan | P596 BASEMENT (5 OF 5) | Rev. A | 12 April 17 |
| Parking Layout Proposed | P507 | Rev. B | 12 April 17 |
| Floor Plans Proposed | P513 SHOWROOM/W ORKSHOP | Rev. A | 12 April 17 |
| Floor Plans Proposed | P514 BUSINESS UNITS | Rev. C | 12 April 17 |
| Sections Proposed | P516 | Rev. B | 12 April 17 |
| Elevations Proposed | P518 | Rev. A | 12 April 17 |
| Elevations Proposed | P519 (SHOWROOM) | Rev. C | 13 July 17 |
| Elevations Proposed | P520 (BUILDERS MERCHANT) | Rev. B | 12 July 17 |

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
3. The Trade Counter Unit (Unit 2) hereby approved shall be restricted to the size shown within approved drawing number P514Rev.C, received on the 12th April 2017, and any retailing direct to the general public shall be strictly ancillary to the trade and wholesale use of the premises hereby permitted.
Reason: To discourage retail use of the premises in the interests of the employment function of the Hollingbury Industrial Estate and to comply with policy CP3 of the Brighton & Hove City Plan Part One.
4. The Trade Counter (Unit 2) hereby approved, shall not be open or in use after 1pm on Saturdays, or any time on Sundays or Bank Holidays.
Reason: To discourage retail use of the premises in the interests of the employment function of the Hollingbury Industrial Estate and to comply with policy CP3 of the Brighton & Hove City Plan Part One.
5. Retailing direct to the general public within the Builders Merchant (Unit 1) hereby approved shall be strictly ancillary to the trade and wholesale use of the Builders Merchant.

Reason: To discourage retail use of the premises in the interests of the employment function of the Hollingbury Industrial Estate and to comply with policy CP3 of the Brighton & Hove City Plan Part One.

6. Level 1 of the Car Dealership Premises hereby approved shall remain in use as a vehicle workshop/MOT centre use in accordance with the details shown on approved drawing number P513Rev. A, received on the 12th April 2017.
Reason: In order to ensure that the vehicle workshop/MOT centre use remains which increases the range of different jobs to be created on site and to comply with policy CP3 of the Brighton & Hove City Plan Part One.
7. The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.
Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policies CP8 & CP11 of the Brighton & Hove City Plan Part One.
8. If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the Local Planning Authority. The remediation measures shall be carried out as approved and in accordance with the approved programme.
Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.
9. The railings shown on the approved plans shall be painted black prior to the occupation of the development hereby permitted and shall be retained as such.
Reason: In the interests of the character and appearance of the development and the visual amenities of the area and to comply with policy CP12 of the Brighton & Hove City Plan Part One.
10. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall thereafter be carried out in accordance with the approved details.
Reason: To prevent the contamination of the underlying aquifer and to comply with policy SU3 of the Brighton & Hove Local Plan.
11. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the

guidance provided in BS 4142:2014. In addition, there should be no significant low frequency tones present.

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

12. Car servicing and valeting shall only take place within enclosed areas.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
13. The development shall be carried out in accordance with the mitigation measures as set out in the Ecology Appraisal, by David Archer Associates, received on the 12th April 2017.
Reason: To ensure the protection of any protected species and to comply with policy QD18 of the Brighton & Hove Local Plan.
14. No development of the;
 - A) The Northern Phase of the development hereby permitted,
 - B) The Southern Phase of the development hereby permitted,

Shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:

- i. The phases of the Proposed Development including the forecasted completion date(s)
- ii. A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to Commence Development until such consent has been obtained
- iii. A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
- iv. A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site
- v. Details of hours of construction including all associated vehicular movements
- vi. Details of the construction compound
- vii. A plan showing construction traffic routes
- viii. An audit of all waste generated during construction works

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

Reason: As this matter is fundamental to the protection of amenity, biodiversity, highway safety and managing waste throughout development works and to comply with policies QD27, QD18, SU9, SU10 and TR7 of Brighton & Hove City Plan Part One Plan Part One, and WMP3d of the East Sussex, South Downs

15. No development of the;

- A) The Northern Phase of the development hereby permitted,
- B) The Southern Phase of the development hereby permitted,

Shall commence until full details of existing and proposed ground levels (referenced as Ordnance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.

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

16. No development above ground floor slab level of;

- A) The Northern Phase of the development hereby permitted,
- B) The Southern Phase of the development hereby permitted,

Shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):

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

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

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

17. No development of;

- A) The Northern Phase of the development hereby permitted,
- B) The Southern Phase of the development hereby permitted

- (i) Shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority:

- a) A desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice;
 - b) And, unless otherwise agreed in writing by the Local Planning Authority,
 - c) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS 10175:2011+A1:2013;
 - d) And, unless otherwise agreed in writing by the Local Planning Authority,
 - e) A detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include the nomination of a competent person to oversee the implementation of the works.
- (ii) The development in the Northern Phase hereby permitted shall not be occupied or brought into use until there has been submitted to the Local Planning Authority verification by the competent person approved under the provisions of (i) (c) above that any remediation scheme required and approved under the provisions of (i) (c) above has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise:
- a) As built drawings of the implemented scheme;
 - b) Photographs of the remediation works in progress; and
 - c) Certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under (i) (c).

Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

18. Prior to commencement of any part of the development hereby approved a detailed design and implementation plan of the proposed means of foul and surface water sewerage disposal foul water disposal shall be submitted to and approved in writing by the Local Planning Authority. No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. Development shall be carried out in accordance with the approved details and timetable.
- Reason:** As this matter is fundamental to the acceptable delivery of the permission to ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policy SU3 of the Brighton & Hove Local Plan.
19. Prior to first occupation of;
- A) The Northern Phase of the development hereby permitted,

B) The Southern Phase of the development hereby permitted

Details of external lighting shall have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and thereby retained as such unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority. The approved installation shall be maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to a variation.

Reason: As this matter is fundamental to the acceptable delivery of the permission to minimise the impact of the development on the surrounding ecological interests and to comply with policy CP10 of the Brighton & Hove City Plan Part One and policies QD18 and QD25 of the Brighton & Hove Local Plan.

20. Within three months of the date of first occupation of;

- a) Car Showroom,
- b) Warehouse,
- c) Trade Counter,
- d) Builders Merchants,

A Travel Plan for the occupier of the respective unit shall have been submitted to and approved in writing by the Local Planning Authority. The Travel Plans shall thereafter be fully implemented in accordance with the approved details.

Reason: To ensure the promotion of safe, active and sustainable forms of travel and comply with policies TR4 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.

21. Prior to first occupation of the first phase of the development hereby permitted, details of the car parking layout and access roads, to include minimum 1.5m footways, dropped kerbs and tactile paving shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented and made available for use prior to the first occupation of the first phase of the development and shall thereafter be retained for use at all times.

Reason: To ensure the development provides for the needs of pedestrians and disabled staff and visitors to the site and to comply with policy CP9 of the Brighton & Hove City Plan Part One.

22. Prior to first occupation of the first phase of the development hereby permitted, details of disabled car parking provision for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented and made available for use prior to the first occupation of the first phase of the development and shall thereafter be retained for use at all times.

Reason: To ensure the development provides for the needs of disabled staff and visitors to the site and to comply with policy TR18 of the Brighton & Hove Local Plan

23. Prior to the first occupation of the first phase of the development hereby approved, a Delivery & Service Management Plan, which includes details of the types of vehicles, how deliveries will take place and the frequency of deliveries shall be submitted to and approved in writing by the Local Planning Authority. All deliveries shall thereafter be carried out in accordance with the approved plan.
Reason: In order to ensure the safe operation of the development and protection of the amenities of nearby residents, in accordance with policies SU10, QD27 and TR7 of the Brighton & Hove Local Plan.

24. Prior to the first occupation of the car dealership hereby approved, the site access road shall have been fully constructed and serviceable by car transporters.
Reason: In order to ensure the safe operation of the development in accordance with policy TR7 of the Brighton & Hove Local Plan.

25. Prior to first occupation of the first phase of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the first phase of the development and shall thereafter be retained for use at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan and SPD14 guidance.

26. Prior to first occupation of;

- A) The Northern Phase of the development hereby permitted,
- B) The Southern Phase of the development hereby permitted,

A scheme to enhance the nature conservation interest of the site, including details of bird / bat boxes, shall have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall accord with the standards described in Annex 6 of SPD 11 and shall be implemented in full prior to the first occupation of the respective phase of the development hereby approved.

Reason: To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

27. Prior to first occupation of;

- A) The warehouse unit hereby permitted,
- B) The builders' merchant hereby permitted,

Details of changing facilities and showers for staff employed at the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available

for use prior to the first occupation of the respective element of the development and shall thereafter be retained for use at all times.

Reason: To ensure that satisfactory facilities for staff cycling to the site are provided, to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan and SPD14 guidance.

28. Prior to first occupation of;

- A) The Northern Phase of the development hereby permitted,
- B) The Southern Phase of the development hereby permitted,

A scheme for landscaping of each respective phase shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

- a) Details of all hard and soft surfacing;
- b) Details of all boundary treatments;
- c) Details of all proposed planting to all areas fronting a street or public area, including numbers and species of plant, and details of size and planting method of any trees.

All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to first occupation of the respective Phase of the development. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

29. Unless otherwise agreed in writing by the Local Planning Authority, the non-residential development hereby approved in the Northern Phase shall not be occupied until the solar photovoltaic technologies shown in the approved plans have been installed and a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM New Construction rating of 'Excellent' has been submitted to, and approved in writing by, the Local Planning Authority.

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

30. Unless otherwise agreed in writing by the Local Planning Authority, the non-residential development hereby approved in the Southern Phase shall not be occupied until the solar photovoltaic technologies shown in the approved plans have been installed and a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM New Construction rating of 'Very Good' has been submitted to, and approved in writing by, the Local Planning Authority.
- Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy CP8 of the Brighton & Hove City Plan Part One.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The Northern and Southern Phases of the development referred to within the above conditions relate to the phases of the development identified on the Development Phasing Plan drawing no. P525Rev.A.
3. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website (www.communities.gov.uk).
4. Regarding the Travel Plan for each unit the applicant is advised that they should contact the Highway Authority Access Team for advice and information at their earliest convenience to avoid delay (travel.planning@brighton-hove.gov.uk or telephone 01273 292233). The Travel Plan shall include such measures and commitments as are considered necessary to mitigate the expected travel impacts of the development and should include as a minimum the following initiatives and commitments:
 - (i) Promote and enable increased use walking, cycling, public transport use, car sharing, and car clubs as alternatives to sole car use;
 - (ii) A commitment to reduce carbon emissions associated with business and commuter travel;
 - (iii) Increase awareness of and improve road safety and personal security;
 - (iv) Undertake dialogue and consultation with adjacent/neighbouring tenants/businesses;
 - (v) Identify targets focussed on reductions in the level of business and commuter car use;
 - (vi) Identify a monitoring framework, which shall include a commitment to undertake an annual staff travel survey utilising iTrace Travel Plan monitoring software, for at least five years, or until such time as the targets identified in section (v) above are met, to enable the Travel Plan to be reviewed and updated as appropriate;

- (vii) Following the annual staff survey, an annual review will be submitted to the Local Planning Authority to update on progress towards meeting targets;
 - (viii) Identify a nominated member of staff to act as Travel Plan Co-ordinator, and to become the individual contact for the Local Planning Authority relating to the Travel Plan.
5. The applicant is advised that details of the BREEAM assessment tools and a list of approved assessors can be obtained from the BREEAM websites (www.breeam.org).
 6. The applicant is advised the Construction Environmental Management Plan should make reference to the Hollingbury Industrial Estate Site of Nature Conservation Importance and Local Nature Reserves within the vicinity of the site, including Wild Park Local Nature Reserve.
 7. The applicant is advised of the possible presence of bats on the development site. All species of bat are protected by law. It is a criminal offence to kill bats, to intentionally or recklessly disturb bats, damage or destroy a bat roosting place and intentionally or recklessly obstruct access to a bat roost. A precautionary approach to site clearance should be taken with an ecology watching brief and if bats are seen during construction, work should stop immediately and Natural England should be contacted on 0300 060 0300.
 8. The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting birds, their nests and eggs is a criminal offence. The nesting season is normally taken as being from 1st March – 30th September. The developer should take appropriate steps to ensure nesting birds, their nests and eggs are not disturbed and are protected until such time as they have left the nest.
 9. The applicant is advised that the conditions on land contamination has been imposed because the site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer. To satisfy the condition a desktop study shall be the very minimum standard accepted. Pending the results of the desk top study, the applicant may have to satisfy the requirements of (i) (b) and (i) (c) of the condition. It is strongly recommended that in submitting details in accordance with this condition the applicant has reference to Contaminated Land Report 11, Model Procedures for the Management of Land Contamination. This is available on both the DEFRA website (www.defra.gov.uk) and the Environment Agency website (www.environment-agency.gov.uk).
 10. The applicant is advised that Sussex Police recommend that the applicant view the Secured by Design Commercial Development 2015 document which can be found at www.securedbydesign.com and also recommends that the applicant seek advice from Sussex Police Counter Terrorist Security advisers with regards to the scheme as soon as it is practicable given the design of the building is over multiple levels and has undercroft parking.

11. The applicant is advised that no development or new tree planting should be located within 3m either side of the centreline of the public foul sewers, all existing infrastructure should be protected during the course of construction works and no new soakaways, ponds, swales or other water retaining or conveying features should be located within 5m of a public sewer. Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. For further advice, the applicant is advised to contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.
12. The applicant is advised that areas used for vehicle washing should only be connected to the foul sewer after consultation with Southern Water. The applicant is advised to discuss the matter further with Southern Water's Trade Effluent Inspectors. Please see <https://www.southernwater.co.uk/BusinessCustomers/wasteServices/tradeEffluent/> for further information.
13. The development should enter into a formal agreement with Southern Water for connection to the public foul sewer. For further information please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.
14. The applicant is advised that the detailed design of the proposed drainage system, should take into account the possibility of surcharging within the public sewerage system in order to protect the development from potential flooding. For further information please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The application relates to a site which is located within the Hollingbury Industrial Estate and which measures approximately 1.7 hectares. Currently the site comprises 17,350sqm of mixed commercial floorspace (B1a, B2 and B8) spread across 2 interconnected buildings (a two storey office building on the northern side of the site, known as Factory 2 and a warehouse on the southern side, known as Factory 8, comprising mezzanines and different floor levels across the building). The last use of the site was for offices, print works and distribution warehouse for a local newspaper (use class Sui Generis). It is stated within the application that the site has been predominantly vacant since the beginning of January 2016, following the relation of the newspaper operations.
- 2.2 There is a difference in levels across the site with the land decreasing in height down from Crowhurst Road to the access road (accessed from Carden Avenue)

located to the south of Factory 8 (a level change of approximately 9m). As a result of the gradient of the site pedestrian access to the existing office building is located via a footbridge from Crowhurst Road. As a result of the topography of the site the floor levels between Factory 2 and 8 differ in addition to a variation in floor levels throughout Factory 8.

- 2.3 The application site is located to the south of Crowhurst Road adjacent to Talbot Tools, Matalan, Bestway Foods and Brighton Retail Park. An Asda superstore and other car showrooms are located to the north of the site.
- 2.4 Carden Recreation Ground and a Community Centre is located to the south of the site. Hollingbury Industrial Estate Site of Nature Conservation Importance and a boundary of the South Downs National Park are located to the east of the site (located approximately 168m and 277m approximately respectively from the site). The nearest residential properties are located approximately 100m to the south and approximately 200m to the west of the site.
- 2.5 Planning permission is sought by The Harwoods Group and Hanbury Properties for the erection of a new 3 storey, including basement and undercroft, Jaguar/Land Rover car dealership building (Sui Generis) fronting Crowhurst Road and the conversion of the existing rear buildings to a builders' merchants (Sui Generis), Warehouse and trade counter (B8) with provision of associated parking, cycle parking and landscaping.

3. RELEVANT HISTORY

BH2017/01351 - Prior Approval Demolition - Demolition of existing building Argus House Crowhurst Road. 16.05.2017

3.1 Officer Pre-Application Consultation

A mixed use proposal for re-development of the site was the subject of pre-application discussions with Officers in 2016. The officer feedback provided in September 2016 included the following;

- Further clarification required with regards to the amount and type of the employment to be provided by the proposed uses,
- Hollingbury Industrial Estate is not an appropriate location for retail uses,
- Further clarity required of the amount of floorspace proposed for each job type,
- Further information required on the uses to the rear of the site,
- Direct pedestrian access from Crowhurst Road to the showroom would be expected, and
- Recommended that the proposal was subject of a DesignPLACE review (the panels advice and input was not sought) and presented to Committee Members prior to the submission of an application.

3.2 Member Pre-Application Consultation

The scheme was presented to Councillors at pre-application stage on the 11th October 2016. Member's feedback included the following points:

- Members were pleased that the company was looking to invest in the City,
- Proposed design considered to be good and acknowledged the use of high quality materials. Material samples should be submitted with application,
- Proposal considered to be a good use of the, soon to be vacant, site,
- Welcomed appearance improvements to site and surrounding area,
- Raised concerns regarding the impact of the proposal upon the junction of Crowhurst Road and Carden Avenue,
- Welcomed proposed BREEAM rating of excellent however were concerned how such rating would be achieved where workshop doors likely to be open for the majority of the time, and
- Welcomed use of solar panels on roof but wished to see incorporation of other sustainable technologies.

3.3 EIA

An EIA Screening Opinion was undertaken in February 2017 which concluded that EIA is not required for the proposed development.

4. REPRESENTATIONS

4.1 No responses received.

5. CONSULTATIONS

5.1 **External:**

Ecology:

(10/07/2017) No objection. In summary, provided the recommended mitigation measures are carried out, the proposed development is 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 NERC Act and NPPF.

5.2 (Comments following e-mail from agent re southern boundary hedge) Confirm that the hedgerow refer to in comments of 10th July is the one shown in the Phase 1 Habitat Map (Annex 2 of the Ecology Appraisal report), labelled as "hedgerow (off site)". The hedgerow needs to be protected during construction. In this case, the wall present probably provides sufficient protection.

5.3 **Environment Agency:** No objection subject to conditions regarding a remediation strategy to deal with the risks associated with contamination of the site, a verification report demonstrating the completion of works set out in the approved remediation strategy, contamination not previously identified, no infiltration of surface water drainage and piling and using penetrative methods.

5.4 **County Archaeologist:** No objection. The application site is not situated within an Archaeological Notification Area and has been heavily developed/landscaped from the mid-20th Century. Accordingly do not believe that any significant below ground archaeological remain are likely to be affected by these proposals. For this reason have no further recommendations to make in this instance.

- 5.5 **Public Art Officer:** To make sure the requirements of local planning policy are met at implementation stage, it is recommended that an 'Artistic Component' schedule, to the value of £23,000, be included in the section 106 agreement.
- 5.6 **Sussex Police:** Comments that the application consist of two retail elements at the one location. One being a car dealership with the other comprising of a builders merchants with warehouse and trade counter facilities. Directs the applicant to the Secured by Design (SBD) Commercial Development 2015 document which provides in-depth advice pertinent to the specific design and layout of the end user and accredited products that are fit for purpose and appropriate, along with natural surveillance. Recommends that the applicant seeks advice from the Sussex Police Counter Terrorist Security advisers with regards to the scheme given the design of the building is over multiple levels and has undercroft parking.
- 5.7 **SGN 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.
- 5.8 **Southern Water:** Comments: The exact position of the public sewers must be determined on site by the applicant before the layout of the proposed development is finalised. No development or new tree planting should be located within 3m either side of the centreline of the public foul sewers and all existing infrastructure should be protected during the course of construction work. Also states that no new soakaways, ponds, swales or other water retaining or conveying features should be located within 5m of a public sewer. States that areas used for vehicle washing should only be connected to the foul water sewer after consultation with Southern Water.
- 5.9 Due to changes in legislation that came into force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served and potential means of access before any further works commence on site.
- 5.10 Initial investigations indicate that there are no public surface water sewers in the area to serve the development. Alternative means of draining surface water from the development are required, this should not involve disposal to a public foul sewer.
- 5.11 Land uses such as general hard-standing that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors.
- 5.12 The proposed development would lie within a Source Protection Zone around one of Southern Water's public water supply sources as defined under the Environment Agency's Groundwater Protection Policy. Southern Water will rely

on consultations with the Environment Agency to ensure the protection of the public water supply source.

- 5.13 The application makes reference to drainage using Sustainable Urban Drainage Systems (SUDS). Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.
- 5.14 The detailed design for the proposed basement should take into account the possibility of the surcharging of the public sewers.
- 5.15 Should approval be granted conditions regarding details of the proposed means of foul and surface water sewerage disposal and the design of the proposed drainage system are requested.
- 5.16 **UK Power Networks:** 16/06/2017 Comments that there is a substation in site lying to the south of Crowhurst Road. The substation is held under a lease dated the 29th September 1954. The conveyance for the site allows UK Power Networks access rights, where UKPN have full rights and liberty to pass and repass at all times and cable rights. Requests that the developer confirm how the new development will affect both the substation site and access rights.
- 5.17 **Internal:**
City Regeneration: Supports the proposed application. In the event this proposal or any amended proposal is approved, an Employment and Training Strategy will be required which should include the developer's commitment to using an agreed percentage of local labour on the development. It is proposed for this development that the minimum percentage of 20% local employment for the demolition (where appropriate due to the specialist nature of the works) and construction phase is required.
- 5.18 **Environmental Health:** It is noted that City Council records have identified the site as being potentially contaminated land. This is due to the fact that the site is referenced as having had a historical use as a Tool Makers and Dealers from 1956 to 1974 with entries in Kelly's Trade Directories. Additionally the site has had recent use as printers, which again has the potential to cause localised contamination. It is also noted that there are substations on site. Recommend Approval subject to conditions regarding potentially contaminated land, a written verification report, contamination not previously identified and noise.
- 5.19 **Heritage:** No Comment
- 5.20 **Planning Policy:** Comment.
Hollingbury Industrial Estate is protected under Policy CP3.3 as a primary industrial estate protected for business, manufacturing and warehouse (B1, B2, B8) use. CP3.3 supports the upgrade and refurbishment of industrial estates

and premises so that they meet modern standards, are more resource efficient and improve the environment or townscape of the site or premises. Policy CP3.3 states that Sui Generis uses will be acceptable, provided that they generate employment which is quantitatively and qualitatively comparable to B1 and B2 uses; would not harm the continuation of existing uses within those classes and comply with other City Plan policies.

- 5.21 The user-specific nature of the Argus buildings combined with the poor condition of the premises means that the property no longer meets modern business requirements. The Planning Statement indicates that site has been marketed since 2010 by Flude Commercial but that there has been no formal interest in re-using the property for the current lawful use and limited interest generated from potential occupiers. Flude Commercial indicated that were 4 developers who were credible, financially able and who were interested in acquiring the site on the basis of redevelopment to B1/ B8 / Sui Generis etc uses.
- 5.22 The main considerations are the nature of the proposed sui generis uses; and whether they generate employment quantitatively and qualitatively comparable to uses within B1, B2 and B8 uses.
- 5.23 The proposed car dealership creates a mix of employment, although only 16 of these are 'new jobs'. It is considered that the proposed Sui Generis car dealership use could generate an amount of employment which is quantitatively comparable to B1c/ B2 or B8 uses. The proposals will generate a mix of jobs, a proportion of which are retail/car sales (although the number for this type of employment has not been clarified by the applicant) however some are qualitatively comparable to B1 and B2 Use classes. A condition is recommended to require that the lower level plan remains in vehicle repair use, as this allows a variety of different jobs to be created. The proposal would allow an existing business to expand and invest in an employment site that has not been fully occupied for a number of years.
- 5.24 The rear part of the site will be refurbished/ reconfigured to provide builder's merchants floorspace 1,780 sqm, which will comprise a mix of quasi retail, warehouse and office areas (Sui Generis); warehouse (B8) and trade counter units (B8) uses. The proposal is indicated to be speculative i.e. no end users are specified. The Planning Statement estimates the potential to generate 60 Full Time Equivalent.
- 5.25 It is considered the nature of the existing floorspace to the rear could lend itself to greater flexibility for sub-division into smaller units than proposed and the potential for a range of B1c/ B2 or B8 uses. This could enhance the attractiveness of the units and ensure their successful take up. Recent analysis (Stiles Harold Williams Q1 2017) indicates that there remains a lack of good quality modern industrial and warehouse and storage units in the 1,000 sq m plus range. Demand remains strong particularly in the 400 – 1,000 sq m range.
- 5.26 A condition is recommended to restrict the builder's merchant to sale to trade only in order in recognition that Hollingbury Industrial Estate is a safeguarded

industrial estate and is not appropriate location for retail uses which would be contrary to NPPF.

- 5.27 The use of conditions is recommended to be considered for the proposed trade counter unit to restrict the sales area/ hours of opening/ sales to trade only to ensure that the trade counter element remains ancillary in terms of floorspace area and in terms of the main use of the premise and limited to trades/business customer in recognition that Hollingbury Industrial Estate is a safeguarded industrial estate and is not appropriate location for retail warehouse uses which would be contrary to NPPF.
- 5.28 **Sustainable Transport:** Recommend approval as the Highway Authority has no objections to the application subject to the inclusion of various conditions in addition to the applicant entering into a S106 agreement for a contribution of £40,000 and a S278 agreement.
- 5.29 **Sustainability Officer:** No objection subject to inclusion of the following conditions;
- Northern site – BREEAM New Construction ‘excellent’ an inclusion of solar photovoltaic technologies as per plan drawings
 - Southern site – BREEAM Refurbishment ‘very good’ and inclusion of solar photovoltaic technologies as per plan drawings.
- 5.30 **Flood Risk Management Officer:** Comments awaited.

6. MATERIAL CONSIDERATIONS

- 6.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report
- 6.2 The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016)
 - Brighton & Hove Local Plan 2005 (retained policies March 2016);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017).
- 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
CP2 Sustainable economic development
CP3 Employment land
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

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

TR4 Travel plans
TR7 Safe Development
TR14 Cycle access and parking
SU5 Surface water and foul sewage disposal infrastructure
SU9 Pollution and nuisance control
SU10 Noise Nuisance
SU11 Polluted land and buildings
QD14 Extensions and alterations
QD15 Landscape design
QD16 Trees and hedgerows
QD18 Species protection
QD25 External lighting
QD27 Protection of amenity
HE12 Scheduled ancient monuments and other important archaeological sites
NC4 Sites of Nature Conservation Importance (SNCIs) and Regionally Important Geological Sites (RIGS)

Supplementary Planning Documents:

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

8. CONSIDERATIONS & ASSESSMENT

8.1 Whilst the consultation response from UK Power Networks is noted, access arrangements to substations on the site are a private matter and not a material planning consideration. The main considerations in the determination of this application relate to the principle of the proposal, the impacts of the proposal upon the character and appearance of the Industrial estate and surrounding area, impact upon neighbouring amenity, transport impacts and sustainability.

8.2 Planning Policy:

Hollingbury Industrial Estate is an identified employment site as defined by Brighton & Hove City Plan Part One policy CP3.3 and as such is protected as a

primary industrial estate for business, manufacturing and warehouse (B1, B2, B8) use.

- 8.3 CP3.3 supports the upgrade and refurbishment of industrial estates and premises so that they meet modern standards, are more resource efficient and improve the environment or townscape of the site or premises. The adopted City Plan allocation reflects a robust and objective assessment of the qualitative and quantitative need for industrial and warehouse floorspace over the plan period and justified also by an assessment of the suitability of the sites for continued B1, B2 and B8 uses (Employment Land Study Review 2012). Ensuring that sufficient land of the right type is available to support growth and innovation is in accordance with the NPPF and reflects the City Plan vision and strategy for a strong and prosperous city economy.
- 8.4 The site, which measures approximately 1.7Ha and has a current employment Gross Internal Area (GIA) of approximately 17,350sqm, has historically been associated with manufacturing and distribution. The most recent occupier of the site, Newsquest, located to the site in June 1993, from Robert Street. The premises were used for the production and distribution of the Argus newspaper and other titles until August 2009 whilst the offices continued to be used until January 2016, when the Argus administrative function relocated to Manchester Street, Brighton.
- 8.5 The existing buildings include a range of uses, including office (B1a), warehousing/ distribution (B8) and industrial printing (B2). This mix of B1 and B2 and B8 uses is considered to be Sui Generis.
- 8.6 Policy CP3.3 states that Sui Generis uses in primary industrial estates will be acceptable, provided that they generate employment which is quantitatively and qualitatively comparable to B1 and B2 uses; would not harm the continuation of existing uses within those classes and comply with other City Plan policies.
- 8.7 The proposal would comprise the following;
- Unit 2 - following demolition of the existing unit (approved under application BH2017/01351), the construction of a new Jaguar/Land Rover car showroom (GIA 3,285sqm, use class Sui Generis) fronting Crowhurst Road, with
 - Unit 8 - The former Reel Stores, Dispatch Hall and Warehouse being converted and adapted to provide;
 - A builders' merchants (to be known as Unit 1) (use class Sui Generis, GIA 1,780sqm including a mezzanine of approximately 890sqm).
 - A trade counter (to be known as Unit 2) (use class B8, 220sqm, plus a mezzanine of 220sqm), and
 - A warehouse (to be known as Unit 3) (use class B8, 1,245sqm plus 2 mezzanine levels each of approximately 1,245sqm (level 1 and 2)),
- 8.8 The development would be undertaken in two stages, a northern phase comprising the car showroom/workshop and the southern phase to contain the proposed builders' merchant, warehouse and trade counter.

8.9 The proposed Sui Generis uses are clearly different to the previous use, being a quasi-retail in nature.

8.10 Marketing

The user-specific nature of the Argus buildings combined with the poor condition of the premises means that the property no longer meets modern business requirements. The property has been marketed by Flude Commercial since early 2010, initially as low key marketing due to the commercial sensitivities of the site and then more extensively from early 2013. Marketing strategy for the site comprised boards, brochures, advertising, websites, mailing etc.

8.11 It is stated that during the marketing period that a consistent response from all interested parties “was the unattractive nature of the 2 leases under which Newsquest held the property. These leases were dated and had relatively short terms remaining”.

8.12 The only serious interest from prospective purchasers was for a retail use, which would have also comprised the purchasing of adjacent sites, or from parties seeking to redevelop the property and that no serious offers to re-use the buildings for existing lawful use were made. Eventually marketing focused in on 4 developers on the basis of redevelopment to B1/B8/SG uses etc. Terms were agreed with Hanbury Properties in December 2014 but it was not until early 2016 that the contracts were exchanged and the site acquired.

8.13 Proposed Car Dealership (Northern Phase)

Although Car Dealerships are generally characterised by the display and sale of cars the proposal would create a mix of employment including sales and associated B1 office/administration functions as well as a number of new jobs in servicing and MOT test centre and approximately 378 parking bays. The submitted plan identifies that the floorspace of the proposed car showroom building would be allocated as follows;

- Retail (A1) – 1,145sqm,
- Office (B1) – 745sqm,
- Industrial (B2) – 1,230sqm, and
- Storage and Distribution (B8) – 125sqm.

8.14 The proposal would result in the relocation of an existing Jaguar dealership, which is currently located in Hove and a Land Rover dealership, currently located in Lewes. It is stated that the proposed relocation is to ensure that both Jaguar and Land Rover are promoted together on a single site that is sufficiently sized and laid out to meet the developing and evolving needs of the business. The proposal would result in the relocation of existing jobs, with the potential increase in employment generation of further (full-time equivalent) posts. The proposed Car Dealership Employment Generation is stated to be as follows;

| | Existing | Existing | Existing | Proposed |
|--------------|----------|----------|----------|----------|
| | Brighton | Lewes | Combined | Combined |
| Sales | | | | |

| | | | | |
|--------------------|-----------|-----------|-----------|-----------|
| Management | 3 | 4 | 7 | 6 |
| Execs | 3 | 8 | 11 | 18 |
| Admin/Support | 6 | 10 | 16 | 15 |
| Total | 12 | 22 | 34 | 39 |
| Aftersales | | | | |
| Management | 3 | 3 | 6 | 6 |
| Tech | 8 | 13 | 21 | 25 |
| Admin/Support | 4 | 12 | 16 | 20 |
| Total | 15 | 28 | 43 | 51 |
| Grand Total | 27 | 50 | 77 | 90 |

- 8.15 The above breakdown of jobs does not clearly clarify the proposed number of car sales/retail jobs but it does indicate that there would be some office (management/admin) jobs and 25 proposed technical jobs.
- 8.16 Whilst the submission suggests that the introduction of retail style employment “would not be at odds with the surrounding land uses which include Asda, Marks & Spencers, Argos, Next and Matalan”, these uses are outside of the identified and protected Hollingbury Industrial Estate.
- 8.17 The proposed use creates a mix of employment, although only some of these are ‘new jobs’. It is considered that the proposed Sui Generis car dealership use could generate an amount of employment which is quantitatively comparable to B1c/ B2 or B8 uses. The proposals will generate a mix of jobs, a proportion of which are retail/car sales however some are qualitatively comparable to B1 and B2 Use classes. A condition is recommended to require that the lower level plan remains in vehicle repair use, as this allows a variety of different jobs to be created. The proposal would allow an existing business to expand and invest in a site that has not been fully occupied for a number of years.
- 8.18 Builders Merchants, Trade counter and Warehouse Units (Southern Phase)
The southern part of the site would be refurbished/ reconfigured to provide;
- Builder’s merchants floorspace, comprising a mix of quasi retail, warehouse and office areas (Sui Generis);
 - Warehouse (B8), and
 - Trade counter (B8) uses.
- 8.19 The proposal is indicated to be speculative i.e. no end users are specified however the submitted Planning Statement estimates the potential to generate 60 Full Time Equivalent.
- 8.20 The use of part of the retained premises as builder’s merchants may be classified as being either B8 or Sui Generis activity if sales are not to the public but confined to trade.

- 8.22 Trade counters are generally found in B2/B8 warehouses where they are ancillary in terms of floorspace area and in terms of the main use of the premise; limited to trades/business customer. The concern with the proposed trade counter unit (with no detail of how the floorspace will be utilised) is that it could become a 'retail warehouse' style operation open to members of the public, which would not meet the requirement in CP3 Employment Land for suitable Sui Generis uses, that is, those with industrial characteristics which are not included within the Use Classes Order.
- 8.23 It is considered the nature of the existing floorspace including the B8 storage and distribution units to the rear could lend itself to greater flexibility for sub-division into smaller units than proposed and the potential for a range of B1c/ B2 or B8 uses. This could enhance the attractiveness of the units and ensure their successful take up. Recent analysis (Stiles Harold Williams Q1 2017) indicates that there remains a lack of good quality modern industrial and warehouse and storage units in the 1,000 sqm plus range. Demand remains strong particularly in the 400 – 1,000 sqm range.
- 8.24 In order for the proposal to comply with policy CP3.3, in recognition that Hollingbury Industrial Estate is a safeguarded industrial estate and is not appropriate location for retail warehouse uses, which would be contrary to NPPF, it is recommended that conditions are attached, if overall the proposal is considered acceptable, that restricts the builder's merchant to sale to trade only and restricts the size of the trade counter to the area shown on the submitted plans, hours of opening and restriction of sales to trade only to ensure that the trade counter element remains ancillary in terms of floorspace area and in terms of the main use of the premise and limited to trades/business customer.
- 8.25 **Design and Appearance:**
The application site is located on Crowhurst Road and currently comprises interconnected buildings that range in height from 2 storey offices (brick faced) facing onto Crowhurst Road to a 3 storey warehouse (various internal levels including basements and mezzanines) (brick and clad) at the rear of the site. Due to the topography of the site the floor levels between Factory 2 and 8 differ (with Factory 2 located higher) in addition to a variation in floor levels throughout Factory 8.
- 8.26 The character of the surrounding area comprises a mixture of industrial units (east of site), large retail units (west and north of the site) and existing car show rooms (Ford, Seat and Renault) located on the corner of Crowhurst Road and Carden Avenue. Residential properties are located approximately 100m to the south and approximately 200m to the west of the site.
- 8.27 It is stated that the sizing of the proposals "have been carefully considered to be viable for the proposed commercial businesses to function, whilst not overdeveloping the site" and "the rationalisation of this site will see a slight reduction in build footprint. So that access and external space can be provided as required on what is currently an (almost) 100% developed footprint site".

- 8.28 The plans submitted shows that the proposed demolition and re-development of the site would be carried out in 2 phases. The Northern Phase of the proposal comprises of the office building (Factory 2), which is to be demolished to accommodate the proposed new car showroom, and the Southern Phase, which comprises the retained warehouse buildings (Factory 8), which would be altered and adapted to provide a Builders merchants, Warehouse and Trade Counter.
- 8.29 Northern Part of Site - Car Showroom
The proposed car showroom (comprising a Land Rover and Jaguar display area) would replace Factory 2 and would comprise of 2 levels (Level 1 - workshop area and Level 2 - showroom area) and an undercroft storage/parking area.
- 8.30 In addition to the internal car display areas an external display parking area would be provided to the west of the showroom, facing onto Crowhurst Road. A ramp from Crowhurst Road would provide direct access from Crowhurst Road to this proposed display area. Additional display parking and customer parking would be located to the rear of the showroom, level with the proposed workshop. The proposed undercroft, which would comprise galvanized weldmesh fencing, would be accessed from the proposed access road which would divide the northern and southern parts of the site.
- 8.31 The proposed showroom would have a contemporary appearance, stated to reflect the international Jaguar Land Rover Brand.
- 8.32 Materials for the proposed new car showroom would include;
- Curtain wall glazing (double height fronting Crowhurst Road and sides of car showroom areas),
 - Aluminium silver framed, top hung, ribbon windows,
 - Horizontal metallic rain-screen cladding in Jaguar Land Rover approved Sunshine Grey (to main showroom elevations and entrance parts of the showroom),
 - Horizontal metallic rain-screen cladding in Jaguar Land Rover approved Champagne Silver (recessed profile around display windows, between main display windows fronting Crowhurst Road and above entrance area to showroom),
 - Metallic horizontal trapezoidal profile composite cladding to workshop elevations (silver – RAL 9006),
 - Galvanized weldmesh fencing,
 - Insulated, up and over, shutter doors (silver – RAL 9006 and glazing),
 - Chrome finish trim glazed entrance doors,
 - Rooftop plant, to be screened with silver coloured aluminium louvres
 - Glazed/transparent balustrade/guarding, and
 - Vertical metal guarding/railings.
- 8.33 A sample of the proposed Sunshine Grey and Champagne Silver rain-screen cladding has been submitted as part of the application. It is stated that the "finish

of the metal cladding products has been selected and assessed for its suitability for the marine-environment on this south coast location".

- 8.34 Due to the gradient of the site the proposed car showroom (and external display area) would be located almost level with Crowhurst Road, with the workshop area below. The proposed showroom building would be taller (approximately 5.8m higher) than the existing Argus building, it is stated that this is due to commercial purposes, site gradient and so that the building has a greater presence on Crowhurst Road. The flat roof of the proposed car dealership building would only be approximately 0.6m higher than the retained building in the southern part of the site. Full Ordnance Datum can be request by condition should the application be approved.
- 8.35 Double height curtain wall glazing is to be provided to the car display areas whilst the proposed external rooftop display would be surrounded with glass balustrading. Use of glazing in these areas would allow for an active Crowhurst Road street frontage and would permit views into both the internal and external car showroom areas from various vantage points, which would add interest.
- 8.36 Due to the difference in levels across the site, with the land decreasing in height from Crowhurst Road to the southern boundary of the site, the proposed access point into the showroom would be from the eastern side of the building, at the workshop level. A ramp would be located to the west of the proposed external rooftop display area, accessed from Crowhurst Road.
- 8.37 Due to the existing appearance of the commercial units in the surrounding area, the proposed design, finish materials, siting and scale of the proposed car showroom building are considered to be appropriate and acceptable.
- 8.38 Southern Part of Site - Builders merchants, Warehouse and Trade Counter
Currently the rear of the site (Factory 8) is completely covered by buildings and canopy structures which adds to the massing of the existing unit and the built form coverage of the site.
- 8.39 The proposed business units would reuse part of the existing concrete slab and steel frame, whilst the existing underground basement areas would continue to be used for storage. A large proportion of the existing warehouse would become an external sales area. As such the proposal, whilst utilising the existing mass of the former Reel Hall Structure, would result in an overall reduction in the massing of the building. The proposal would also open up the site, which would enable vehicular and pedestrian permeability in addition to allowing for the accommodation of the proposed external parking and delivery areas. New internal mezzanines would provide further connectivity across the steeply sloping site.
- 8.40 The proposed building to be retained in the southern part of the site would comprise the following uses;
- Builders Merchant - to be located on the eastern side of the building, across 3 floors including a basement and a mezzanine level. The associated

external merchants would be located to the south of the proposed Builders Merchant and Trade Counter,

- Trade Counter - to be located in the centre of the building, across 2 floors including a mezzanine level, and
- Warehouse - to be located on the western side of the building, across 4 floors including basement and 2 mezzanine levels.

8.41 The proposed retained buildings in the southern part of the site would be finished with;

- Aluminium silver framed ribbon windows,
- Existing brickwork made good,
- Vertical metallic trapezoidal profiled composite cladding,
- Horizontal metallic trapezoidal profiled composite cladding,
- Insulated up and over shutter doors, and roof mounted photovoltaic panels.

8.42 Within the application it is stated that the proposed buildings have been located to make the best use of the existing site topography and the retained structures, ensuring appropriate visibility deep into the site with key frontages created.

8.43 The proposal would result in a reduction in massing of the retained building in the southern part of the site and as such the proposed design, finish materials and scale of the retained building are considered to be appropriate and acceptable.

8.44 Landscaping:

Within the submission it is stated that the on-site hard landscaping has been developed to ensure that the site uses are clear and ordered. The proposed hard landscaping would include block paving (with contrasting paving for vehicle bay demarcation) to vehicle bays, tarmac running circulation and a resin-bound gravel feature pathway around the proposed showroom entrance areas.

8.45 The existing grass verges/embankment fronting Crowhurst Road and alongside the access roads located on the eastern and western side of the site would be retained. Due to the proposed siting of the new and retained buildings it is acknowledged that the opportunity to incorporate additional soft landscaping across the site is limited however landscaping of the proposal does include low-level box hedges, to be planted directly in front of the showroom entrance. Full details of landscaping of the proposal can be secured via a condition.

8.46 **Impact on Amenity:**

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.

8.47 The nearest residential properties are located approximately 100m to the south and approximately 200m to the west of the site.

- 8.48 Car servicing and valeting has the potential to cause noise problems. The submitted plans show that these activities are proposed to take place in enclosed areas. As a result of this and given the distance to any residents it is considered unlikely that the proposal would have an adverse impact upon the amenities of neighbouring properties.
- 8.49 The submitted design and access statement states that the proposal is likely to require air extraction and external plant, such as compressors and air conditioning. Given the distance from residents, it is considered very unlikely that such features would impact on sensitive receptors.
- 8.50 Whilst it is considered unlikely that car valeting, car servicing and the inclusion of air extractors/plant would have a significant adverse impact upon the amenities of neighbouring properties the Council's Environmental Health Officer has requested that such activities are conditioned to take place inside the building and the limiting of noise from any plant installed.
- 8.51 The Council's Environmental Health Officer also anticipates that there would also be a requirement for customer privacy and relative quiet within the proposed car showroom. As such it is recommended that the applicant considers a degree of sound insulation within the end build which suits all parties and which contains the noisier elements.
- 8.52 Deliveries to the proposed vehicle showrooms often occur overnight and with the proposed showroom facing ASDA which has a 24/7 use, this should not present an issue.
- 8.53 In terms of the Southern Phase of the proposal, which would provide a builders merchants, warehouse and trade counter, access and egress could be at early and late hours which could have an adverse impact upon the amenities of neighbouring properties. However the nearest residents are located approximately 100m to the south of the site and therefore whilst times for deliveries and collections to the builders centre could be restricted, given the distance it is not considered that a condition is warranted.
- 8.54 The design and access statement submitted includes the mapping of the Lux spill from the proposed development. Given the information provided the Council's Environmental Health Officer considers that, while the premises would be visible, the light spill would be very unlikely to have a negative impact on local residents, and it is therefore not perceived that further information is required.
- 8.55 Subject to the inclusion of conditions regarding noise associated with plant and machinery incorporated within the proposal and the enclosure of car servicing and valeting, overall it is considered that the proposal would not have a significant adverse impact upon the amenities of local residents.
- 8.56 **Sustainable Transport:**
- 8.57 Access

The site currently has three accesses; to the east and west on Crowhurst Road and one from Carden Avenue. These are shared by adjacent premises and it is understood that access to these would continue to be possible.

- 8.58 The applicant is proposing to retain all three accesses in their current locations with alterations proposed to the accesses on Crowhurst Road. The applicant has stated that a Stage 1 Road Safety Audit has been undertaken, although this does not appear to have been submitted as part of the Planning Application. This will need to be submitted as part of the S278 process through which all design details will be agreed.
- 8.59 Each of the Crowhurst Road accesses include a footway for pedestrians; however, pedestrian routes to the proposed warehouse and builders' merchant are more limited, with the footway narrowing south of the accesses to the car dealership. Limited provision is also provided for pedestrians crossing within the site and alongside the builders' merchants itself. The Highway Authority would therefore request that a car park/ access road layout plan be secured by condition. This should provide details of on-site pedestrian routes, including dropped kerbs and tactile paving at crossing points. Whilst it is noted that the nature of the use means that the mode share of vehicles will be higher, trips to the site on foot would still be expected, for example by staff, and should be encouraged. Vehicle occupants will also be expected to be using the car park area on foot and therefore safe, dedicated pedestrian facilities are required.
- 8.60 As a minimum, the Highway Authority would expect to see on-site footway widths of 1.5m in accordance with the Department for Transport's Inclusive Mobility. Although the use of the site and need to accommodate HGVs is acknowledged, where possible, the crossing distance for pedestrians (for example at access points between the internal site roads and car dealership car park) should be minimised. At all crossing points, dropped kerbs and tactile paving should be provided.
- 8.61 It is noted that there is an upper deck, the access to which appears to be constrained. However, it is acknowledged that this is not for use by visitors and customers and is instead for the display of cars within the showroom. Therefore, no objections are raised.
- 8.62 Car Parking
The proposal comprises a car show room, builders' merchant and warehouse unit. SPD14 provides a maximum standard for the latter only, that is one space per 150m² in an outer location. This equates to nine spaces for the proposed development. As a guide, were the A1 non-food retail standard applied to the trade counter, a maximum of one space per 30m² would be permitted, equivalent to eight spaces.
- 8.63 The proposal would provide;
- Car dealership: There is some discrepancy between the number of spaces cited on the application form, Transport Statement and car parking plan. However, the Highway Authority would not consider showroom or storage

spaces in its assessment. The Transport Statement indicates that 67 customer spaces are provided which would appear particularly high. However, reference to the layout plan indicates that this includes 'customer service parking' which is not independently accessible and appears to be for vehicles being serviced on the site rather than customers visiting the showroom. Approximately 21 spaces are therefore indicated as staff and visitor parking. Given that the Planning Statement indicates that 90 full time equivalent positions are expected at the site, this number does not appear excessive.

- Trade counter, warehouse and builders' merchant: A combined total of 22 spaces is proposed. As the applicant has suggested, were a B8 use applied to the combined warehouse and builders' merchant plus the retail standard applied to the trade counter, a maximum of approximately 27 spaces would be permitted as a guide. The proposed number of spaces again does not appear unreasonable when considering the 60 full time equivalent staff forecast in the Planning Statement.

8.64 There is limited scope for overspill parking immediately beyond the site owing to restrictions in place on much of Crowhurst Road. It is however considered necessary that Travel Plans are introduced by individual occupants in order to encourage and facilitate sustainable travel by staff. This will help to mitigate the impact of additional parking demand.

8.65 Disabled Parking

For the reasons noted above, a minimum number of disabled parking spaces would not be provided for the uses in question by SPD14. However, it would be expected that a level of disabled parking for staff and visitors be provided for each use in order to comply with Brighton & Hove Local Plan policy TR18.

8.66 The applicant is proposing one space adjacent to the builders' merchant entrance and one adjacent to the trade counter/ warehouse together with two spaces for the car dealership. This is acceptable in principle; however, the layout should accord with the Department for Transport's Traffic Advisory Leaflet 5/95 which requires a 1.2m access zone on both sides of each bay. As not all bays are compliant, it is recommended that further details be secured by condition should overall the proposal be considered acceptable.

8.67 Electric Vehicles

The applicant has proposed four electric vehicles charging points for customers/ staff of the car showroom use. Such provision is welcomed and whilst additional spaces would be beneficial across the site, there are no additional minimum requirement and, as such, no further details are requested on this occasion.

8.68 Cycle Parking

A total of fourteen cycle parking spaces are proposed, this appears to be by means of a single store located to the west of the site.

8.69 For an A1 (non-food) use, SPD14 would require one space plus one space per 150m² for customers, and one space per five staff. Therefore, the Highway

Authority recommend that the trade counter (220m²) provide a minimum of three cycle parking spaces.

- 8.70 Based on a B8 use class, the builders' merchant and associated warehouse would require cycle provision of one space plus one space per 350m². Therefore, for the 3,025m² proposed, nine spaces should be provided as a minimum requirement.
- 8.71 Although there is no directly applicable standard or the car dealership, the Highway Authority would expect to see some cycle parking for staff and ideally a small number for visitors. As a guide, cycle parking should be provided for 10% of staff, equivalent to nine in this instance.
- 8.72 It is recommended that further details of cycle parking be secured by condition. In addition, shower and changing facilities should be provided to cater for 10% of staff for the larger units of over 500m². This is consistent with the SPD14 requirement for B1, B2 and B8 uses. The showers provided for the car dealership could be used by staff cycling and is therefore acceptable; however, it is recommended that further details be provided prior to the occupation of the warehouse and builders' merchant units.
- 8.73 Deliveries and Servicing
The proposed access arrangement would mean that large vehicles are able to enter and exit the site in forward gear. The Transport Statement includes swept paths which indicate that a car transporter can service the car showroom by following a circuitous route between the two accesses on Crowhurst Road. Similarly, swept paths indicate that an articulated Heavy Goods Vehicle (HGV) servicing the proposed warehouse and builders' merchants would be able to follow a route from Carden Avenue to Crowhurst Road. Given the nature of the proposed uses and likely frequency of HGV movements, it is recommended that a Delivery and Servicing Management Plan be secured by condition. It is noted that an outline plan has been included in the Transport Statement, the general principles of which acceptable; however, some details appear to be incorrect for this site and it is recommended that a full plan be secured by condition.
- 8.74 Noting the potential for the site to be developed in two phases, it is not considered that the car dealership could be accessed without the construction of the servicing road to the rear were the southern phase to follow at a later date. The access road is included within the northern area on the submitted phasing plan and it is recommended that delivery of this element prior to occupation of the car dealership be secured by condition.
- 8.75 Trip Generation and S106
The applicant has undertaken a trip generation assessment using the TRICS national trip rate database. This is not a multi-modal exercise, though it is acknowledged that the number of comparable surveys of this type is limited. The calculations indicate a substantial reduction of 508 daily trips.
- 8.76 This level of reduction is a result of the application of B1 office trip rates rates to 3,894sqm and B8 warehouse rates to 11,755sqm floorspace. Although, the

Highway Authority needs to consider the potential number of trips which could potentially occur without the need for planning consent, this method would appear to inflate the number of trips that would have realistically have been generated by the historic use or could reasonably have been so in its current form. Consequently, this is likely to exaggerate the expected reduction in trips and therefore downplay the impact of the proposals on the surrounding highway.

- 8.77 For the proposed uses, the TRICS surveys used for the car showroom and builders' merchant uses do not appear to have been included in the Transport Statement; however, the Highway Authority has completed a comparison exercise and the trip rates applied do not appear unreasonable. There is a larger discrepancy between the trip rate provided for the workshop element of the car dealership; however, this does not equate to a substantial number of additional trips above those forecast by the applicant.
- 8.78 The trip generation exercise also does not take into account the composition of trips, with the Builders' merchant in particular likely to generate a greater number of goods vehicle movements.
- 8.79 Nevertheless, in this instance the Highway Authority does not expect that the net increase in vehicle trips over the permitted use would be substantial and therefore not warrant the need for capacity modelling at nearby junctions. This assessment in particular takes into account the accessible nature of the location in close proximity to the strategic road network and the nature of the neighbouring uses where goods vehicles can be expected.
- 8.80 When considering the need for a sustainable transport contribution, the Highway Authority considers the number of person trips together with the need for any off-site developments to serve the proposed development. In addition, it is noted that the council's Guidance on Developer Contributions states: *"the contribution sought is based on the net increase in transport impact but contributions may still be secured for developments that have a lower impact but change the nature of travel to a site. The formula acts as a guide to the overall level of contribution. However, in certain circumstances depending on whether the necessary transport infrastructure is in place to support the development, the Highway Authority may seek contributions above or below the standard formula figure."*
- 8.81 In this case, bus stops adjacent to the site would benefit from additional facilities in order to encourage staff to use public transport as well as provide for the needs of mobility impaired users accessing the development.
- 8.82 A contribution of £40,000 is therefore requested and will be allocated to public transport improvements in the vicinity of the development site which may include, but not be limited to, the provision of:
- Accessible kerb at the eastbound Crowhurst Road west stop; and/or
 - Real time public transport information at the eastbound Crowhurst Road stop; and/or

- Real time public transport information at the westbound Asda stop on Crowhurst Road; and/or
 - Shelter at the Crowhurst Road west stop.
- 8.83 This is in order to provide for users of all abilities travelling to the site by sustainable modes in accordance with policies CP7 and CP9 of the Brighton & Hove City Plan Part One, the council's Guidance on Developer Contributions and the National Planning Policy Framework.
- 8.84 Travel Plan
Details of a proposed Travel Plan have been included within the submission. This is acknowledged; however, the Highway Authority would expect to see many of the measures marked as 'potential' become confirmed measures, in particular public transport discounts/ taster tickets. Given the size of the component units of the development, different occupants and potential phasing, it is recommended that individual Travel Plans be secured for each unit. This is necessary in order to encourage sustainable travel by employees in accordance with policies CP9 of the Brighton & Hove City Plan Part One and TR4 of the Local Plan.
- 8.85 Construction Environmental Management Plan
Owing to the scale of construction and likely vehicle movements, it is recommended that a Construction Environmental Management Plan be secured by condition. This should address both phases of development were it to progress in distinct phases.
- 8.86 **Sustainability:**
CPP1 policy CP8 requires that all major non-residential development achieve BREEAM 'excellent and requires that all development incorporate sustainable design features.
- 8.87 The Design and Access Statement submitted with the application includes a sustainability chapter and BREEAM pre-assessments have been undertaken and submitted for both the developments within the northern and southern parts of the site.
- 8.88 With regards to the proposed new build car showroom, to be located in the northern part of the site, the submitted pre-application report indicates that the design of the building would provisionally achieve an 'Excellent' rating of 72.80% (assessed under BREEAM New Construction 2014: Non-Domestic (Retail)). The northern most part of the proposed showroom building (flat roofed) would comprise large solar PV array.
- 8.89 The southern element of the proposal comprises the adaption and alteration of the retained warehouse. The refurbishment of an existing building is welcomed against policy CP8. It is stated that the refurbishment would be to 'shell and core' status only, ahead of letting to specific commercial tenants. The BREEAM pre-assessment has concluded that a BREEAM target of 'Very Good' would be achievable for this element of the proposal. The BREEAM assessor has

provided their view that the policy requirement of BREEAM 'excellent' in this case would be onerous and not cost effective.

8.90 The proposed BREEAM 'very good' achievement would include thermal and environmental improvements compared to the existing building on the site and a solar photovoltaic array is shown on the southern roof of the retained building within the submitted plans.

8.91 The Council's Sustainability Officer has assessed the proposal and acknowledges that the achievement of a BREEAM 'excellent' standard in a refurbishment scheme, and in terms of this proposal to shell only, would be challenging and as such in this exceptional case, recommends that the proposed BREEAM 'very good' standard is accepted.

8.92 Positive sustainability aspects of the proposal include;

- Reduction of water consumption by 40% through efficiency measures,
- Use of sustainable materials, specifying that a majority of main building elements will achieve a BRE Green Guide rating A+ and A rating, 100% of all timber on site to be responsibly sourced and a procurement policy for specification priority of materials to be obtained from responsible sources,
- Reduction in carbon emissions through increased thermal properties over and above the requirements of the current Building Regulation,
- Using zoning, orientation and glazing arrangements with deep, angled window reveals to minimise uncontrolled solar gain,
- Natural daylighting to back of house accommodation,
- Air tightness measures,
- Draught lobbies,
- South facing photovoltaic panels, and
- Electric charging points.

8.93 As a result of the above, in order to comply with policy CP8, it is recommended that an approval is subject to conditions requiring the following sustainability measures;

- Northern Phase - BREEAM New Construction 'excellent' and the inclusion of solar photovoltaic technologies as per submitted drawings, and
- Southern Phase - BREEAM Refurbishment 'very good' and the inclusion of solar photovoltaic technologies as per submitted drawings.

8.94 **Ecology**

The site is located approximately 168m west of the Hollingbury Industrial Estate Site of Nature Conservation Importance (SNCI), the Ladies Mile Local Nature Reserve is located approximately 150m to the north of the site and Wild Park Local Nature Reserve is located approximately 80m to the east of the site.

8.95 The site currently comprises two large commercial buildings (one of which is to be demolished), hard standing, semi-improved grassland, tall herb and ruderal vegetation, trees, shrubs and scrub. There is also a mature hedgerow adjacent

to the southern boundary of the site. Overall it is considered that the site is of relatively low ecological value.

- 8.96 As part of the application an Ecology Appraisal has been submitted in which a number of mitigation measures are set out, including the submission of a Construction Environmental Management Plan, to minimise the risk of disturbance and pollutants and the protection of the existing hedgerow located to the south of the site.
- 8.97 The site has the potential to support breeding birds and as such works involving demolition or alterations to buildings on the site should avoid the bird breeding season.
- 8.98 There are records of protected and notable species from within the Industrial Estate, including an unspecified bat roost. As such a precautionary approach to site clearance should be taken with an ecological watching brief in addition to the proposal requiring a sensitive lighting scheme. Whilst issues regarding impact upon neighbouring properties from the proposed lighting of the development does not require further details to be submitted it is considered that further details in terms of impact upon ecology are required, which can be secured via a condition.
- 8.99 It is noted that the County Ecologist suggested the inclusion of green roofs within proposal however the agent has stated that neither part of the site is considered suitable for such feature.
- 8.100 The County Ecologist has confirmed that the existing wall located to the north of the southern boundary hedge would provide sufficient protection during construction phase and therefore no details regarding additional protection are required.
- 8.101 In addition to mitigation measures the submitted Ecology Appraisal provides proposed ecology/biodiversity enhancements which could be incorporated as part of the proposal including, the provision of nest boxes, bat boxes, tree and species rich grassland planting.
- 8.102 Subject to mitigation measures being secured and ecology/biodiversity enhancement opportunities being implemented, which can be ensured via a condition, should overall the proposal be considered acceptable, it is considered that the development is unlikely to have any significant impacts on biodiversity and can be supported from an ecological perspective.
- 8.103 **Other Considerations:**
- 8.104 Contamination/Drainage
Council records identify the site as being potentially contaminated land. This is due to the fact that the site is referenced as having had a historical use as a Tool Makers and Dealers from 1956 to 1974 with entries in Kelly's Trade Directories. Additionally the site has had recent use as printers, which again has the potential to cause localised contamination.

- 8.105 It is also noted that there are substations on site. Substations due to their composition have a number of products and materials which may have the potential to cause localised contamination. Of initial concern are PCB's (Poly Chloride Biphenyl's) and any localised mineral oils used as lubricants. These particular chemicals are not obvious to the naked eye and would have implications for human health.
- 8.106 The Environment Agency has stated that The Seaford Chalk Formation, which is a designated Principal Aquifer, is present at or close to the ground surface across the site and is only overlain by Head deposits in a strip across the centre of the site running west to east. The site also lies within a Source Protection Zone 3 for the Falmer abstraction which is 2.3km to the south east of the development site. As such groundwater in this area is sensitive to contamination and appropriate mitigation measures need to be put in place to prevent groundwater pollution.
- 8.107 As part of the application a Flood Risk Assessment has been submitted in which surface drainage is considered. The proposal is for the southern part of the site to discharge drainage from roofs and hardstanding to existing soakaways. Due to space restrictions the proposal is to drain the northern area to use deep borehole soakaways for drainage from the roof and forecourt areas.
- 8.108 The previous use of the site as a printing works and the electricity substations presents a medium risk of contamination, which could be mobilised during construction to pollute controlled waters. The Environment Agency has stated that the Environmental Risk Review prepared by CGL in May 2015, submitted in support of the application, provides confidence that it would be possible to suitably manage the risk proposed to controlled waters by the proposal.
- 8.109 The Environment Agency has stated that their preferred system for groundwater quality would be shallow infiltration design and as such have requested that a condition is attached to an approval regarding infiltration of surface water drainage.
- 8.110 In addition the Environment Agency have requested to a condition regarding piling and using penetrative methods as these can result in risks to potable supplies from, for example, pollution, turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways.
- 8.111 As a result of the potential for land contamination, both the Environment Agency and the Council's Environmental Health Officer have recommended approval of the application subject to conditions regarding potential land contamination to ensure safe development of the site.
- 8.112 Archaeology
Although Archaeological Notifications Areas (ANA) are located to the east and north of the Hollingbury Industrial Estate the County Archaeologist does not believe that any significant below ground archaeological remains are likely to be affected by the proposal as the site is not situated in an ANA and has been heavily developed/landscaped from the mid-20th century.

8.113 Public Art/Public Realm

City Plan Policy CP5 supports investment in public realm spaces suitable for outdoor events and cultural activities and the enhancement and retention of existing public art works, policy CP7 seeks development to contribute to necessary social, environmental and physical infrastructure including public art and public realm whilst policy CP13 seeks to improve the quality and legibility of the City's public realm by incorporating an appropriate and integral public art element. An 'artistic component schedule' could be included as part of a S106 agreement, to the value of £23,000 (based on the internal gross area of development), in order to ensure that the proposal complies with the stated policies. This contribution could be linked with external surrounding public realm including hard/soft landscaping.

9. EQUALITIES

- 9.1 Level access would be provided into all of the proposed buildings at each threshold and accessible toilets would be provided.