

<b><u>No:</u></b>	<b>BH2017/04050</b>	<b><u>Ward:</u></b>	<b>Central Hove Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>35-39 The Drove Way Hove BN3 6LF</b>		
<b><u>Proposal:</u></b>	<b>Change of use from former Dairy Crest depot (B8) to Mixed-use flexible commercial development of 1383sqm (Flexible between use classes B1(a), A1, A2, A3, D1) incorporating alterations including removal of northern extension and erection of a new wing with 14no residential units (C3). Erection of a new central wing to court yard, onsite car parking, cycle storage and areas for storage of waste and recycling.</b>		
<b><u>Officer:</u></b>	<b>Jonathan Puplett</b>	<b><u>Valid Date:</u></b>	<b>18.12.2017</b>
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Expiry Date:</u></b>	<b>19.06.2018</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>	<b><u>EOT:</u></b>	<b>N/A</b>
<b><u>Agent:</u></b>	<b>Dowsett Mayhew Planning Partnership 63A Ship Street Brighton BN1 1AE</b>		
<b><u>Applicant:</u></b>	<b>Mr S Taghan RedBull Properties Ltd C/O Dowsettmayhew Planning Partnership 63A Ship Street Brighton BN1 1AE</b>		

## 1. RECOMMENDATION

- 1.1 That had the Council determined the application prior to an appeal being lodged, the decision of the council would have been to be **Minded to Grant** planning permission subject to the expiry of the re-consultation period and no new planning considerations arising, and subject to a s106 Planning Obligation and the Conditions and Informatives as set out hereunder, **SAVE THAT** should the s106 Planning Obligation not be completed on or before the 1<sup>st</sup> May 2019 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 9 of this report:

### **S106 Heads of Terms**

- Affordable Housing: Provision of 4 units on site comprising 2 rent units and 2 shared ownership.
- A contribution of £59,166 towards education.
- A contribution of £51,254 towards open space and recreation provision.
- A contribution of £20,150 to the Council's Local Employment and Training Strategy and a Construction Training and Employment Strategy including a commitment to using 20% local employment during the demolition and construction phases of the development.
- A contribution of £35,343 towards sustainable transport infrastructure in the vicinity of the site.
- An artistic component / element as part of the proposed scheme to the value of £21,000.

Conditions:

- 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
Site Location Plan	TA1045/01		08/12/2017
Proposed Demolitions	TA1045/09		08/12/2017
Proposed Sections	TA1045/18		08/12/2017
Proposed Sections and Elevations	TA1045/19		08/12/2017
Proposed Floorplans	TA1045/30		08/12/2017
Proposed Sections and Elevations	TA1045/31		08/12/2017
Proposed Elevations	TA1045/32		08/12/2017
Proposed Floorplans	TA1045/33		08/12/2017
Proposed Elevations	TA1045/34	Rev A	08/12/2017
Fabric Study	TA1045/40		08/12/2017
Fabric Study	TA1045/41		08/12/2017
Fabric Study	TA1045/42		08/12/2017
Fabric Study	TA1045/43		08/12/2017
Proposed Floor Plan	TA1045/13	Rev A	20/02/2018
Proposed Floor Plan	TA1045/21	Rev A	20/02/2018
Proposed Sections and Elevations	TA1045/22	Rev A	20/02/2018
Proposed Floor Plan	TA1045/33	Rev A	20/02/2018
Proposed Sections and Elevations	TA1045/34	Rev B	20/02/2018
Proposed Floor Plan	TA1045/12	Rev B	26/04/2018
Proposed Roof Plan	TA1045/14	Rev C	26/04/2018
Proposed Elevations and Sections	TA1045/15	Rev B	26/04/2018
Proposed Sections	TA1045/16	Rev B	26/04/2018
Proposed Floor Plans	TA1045/23	Rev B	26/04/2018
Proposed Sections and Elevations	TA1045/24	Rev B	26/04/2018
Proposed Sections and Elevations	TA1045/25	Rev B	26/04/2018
Proposed Floor Plans	TA1045/26	Rev C	26/04/2018
Proposed Sections and Elevations	TA1045/27	Rev B	26/04/2018
Proposed Sections and Elevations	TA1045/28	Rev B	26/04/2018
Proposed Floor Plans and Elevations	TA1045/29	Rev B	26/04/2018
Confirmation of Commercial Uses	TA1045/20		27/04/2018
Proposed Sections	TA1045/36		24/05/2018
Proposed Site Plan and	TA1045/11	Rev F	24/05/2018

Ground Floor Plan			
Proposed Sections	TA1045/17	Rev C	24/05/2018
Boundary Screening Study	TA1045/35	Rev A	24/05/2018
Proposed Floor Plans and Elevations	TA1045/29	Rev C	16/08/2018

- 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.

### **Proposed uses / Amenity**

- The non-residential uses hereby approved shall accord with the layout shown on drawing no. TA1045/20 received 27 April 2018. The areas annotated as office (Use Class B1(a)) shall be retained in office use and shall not be used for any other purpose. The areas annotated a mixed use shall only be used as uses within Classes B1(a) (office), A1 (retail), A2 (financial and professional services), A3 (café/restaurant) and D1 (non-residential institutions).

**Reason:** To ensure that an adequate provision of B-Class employment is delivered, to ensure that an appropriate mix of uses is delivered, to protect neighbouring amenity and to comply with Policies CP3, retail of the Brighton and Hove City Plan Part One, and Policies SU10 and QD27 of the Brighton and Hove Local Plan.

- No activities associated with the non-residential uses hereby approved, including servicing and deliveries, shall take place outside the hours of 07.00 to 23.00.

**Reason:** To protect the amenity of neighbouring occupiers and to comply with policies SU10 and QD27 of the Brighton and Hove Local Plan.

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

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

- Noise associated with plant and machinery throughout the development shall be controlled such that the Rating Level, calculated at 1-metre from the façade of the nearest proposed residential unit, shall not exceed a level 5dB(A) 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.

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

- Prior to first occupation of the development hereby approved, full details of a proposed external lighting scheme shall be submitted for approval by the Local

Planning Authority. No external lighting other than that which forms part of the approved scheme shall be installed.

**Reason:** To ensure the satisfactory preservation of this listed building, to protect neighbouring amenity, and to comply with policies QD25, QD27, HE1 and HE6 of the Brighton and Hove Local Plan and CP15 of the Brighton and Hove City Plan Part One.

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

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

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

### **Heritage / Design / landscaping / trees**

9. The works of demolition hereby permitted shall not be begun until documentary evidence has been submitted to and approved in writing by the Local Planning Authority to show that contracts have been entered into by the developer to ensure that two new build blocks on the site hereby approved are commenced within a period of 6 months following commencement of demolition.  
**Reason:** As this matter is fundamental to the acceptable delivery of the permission to prevent premature demolition in the interests of the character and appearance of the Locally Listed Heritage Asset and to comply with policy HE10 of the Brighton and Hove Local Plan and policy CP15 of the Brighton and Hove City Plan Part One.
10. The development hereby permitted shall not commence until full details of existing and proposed ground levels (referenced as Ordnance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.  
**Reason:** As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policy QD27 of the Brighton and Hove Local Plan and policy CP12 of the Brighton and Hove City Plan Part One.
11. Prior to occupation of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. All boundary treatments shall be erected in accordance with the approved details prior to first occupation of the development and shall be retained as such thereafter. The scheme shall include the following:
- a) details of all hard and soft surfacing to include type, position, design, dimensions and materials and any sustainable drainage system used;
  - b) a schedule detailing sizes and numbers/densities of all proposed trees/plants including details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
  - c) details of all boundary treatments to include type, position, design, dimensions and materials;
- Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.  
**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD15 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One.
12. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the trees alongside the boundaries of the site, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall

be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.

**Reason:** As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies QD16 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.

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

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

14. Other than demolition, no development shall take place until samples of all materials to be used in the construction of the external surfaces of the development including:

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

have been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policies QD14 and HE10 of the Brighton and Hove Local Plan and CP12 and CP15 of the Brighton and Hove City Plan Part One.

15. No development above ground floor slab level of any part of the development hereby permitted shall take place until a sample panel of flintwork has been constructed on the site and approved in writing by the Local Planning Authority. The flintwork comprised within the development shall be carried out and completed to match the approved sample flint panel prior to the development hereby permitted being occupied.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policies QD14 and HE10 of the Brighton and Hove Local Plan and CP12 and CP15 of the Brighton and Hove City Plan Part One.

16. The rooflight(s) hereby approved shall have steel or cast metal frames colour finished black or dark grey, fitted flush with the adjoining roof surface and shall not project above the plane of the roof.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policies QD14 and HE10 of the Brighton and Hove Local Plan and CP12 and CP15 of the Brighton and Hove City Plan Part One.

## Transport

17. The vehicle parking area(s) shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved and shall be maintained so as to ensure their availability for such use at all times.  
**Reason:** To ensure that adequate parking provision is retained and to comply with policy CP9 of the Brighton & Hove City Plan Part One and SPD14: Parking Standards.
18. The new/extended crossovers and accesses shall be constructed prior to the first occupation of the development hereby permitted.  
**Reason:** In the interests of highway safety and to comply with policy TR7 of the Brighton & Hove Local Plan and CP9 of the Brighton and Hove City Plan Part One.
19. Prior to the first occupation of the development hereby permitted the applicant shall reinstate the redundant vehicle crossover on The Drove way in front of the existing double garage (Building D) back to a footway by raising the existing kerb and footway.  
**Reason:** In the interests of highway safety and to comply with policies TR7 of the Brighton and Hove Local Plan and SA6, CP7, CP9, CP12, CP13 and CP15 of the Brighton and Hove City Plan Part One.
20. Prior to first occupation 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 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 and SPG4 guidance.
21. Prior to first occupation of the development hereby permitted, full 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 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.

## Sustainability / air quality

22. None of the new build residential units hereby approved shall be occupied until each residential unit built has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.  
**Reason:** To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton and Hove City Plan Part One.

23. None of the residential units hereby approved shall be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).

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

24. Unless otherwise agreed in writing by the Local Planning Authority, within 3 months of first occupation of the non-residential development hereby permitted a BREEAM Building Research Establishment has issued a Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM New Construction rating of 'Excellent' and such certificate 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.

### **Access**

25. Other than demolition no development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority providing full details of one of the units which form part of the approved scheme, which shall be in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings). This shall be completed in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings) prior to first occupation and shall be retained as such thereafter. All other dwelling(s) hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

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

### **Nature conservation / enhancement**

26. The development hereby permitted shall not be first occupied until a scheme to enhance the nature conservation interest of the site has 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 development hereby approved and thereafter retained, other than any planting which 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. Any 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 increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy CP10 of the Brighton and Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

### **Environmental Health**

27. 1. Further to the Preliminary Contamination Risk Assessment dated October 2017 (Report Ref. TA/Redbull/Dairy/PCRA) produced by Environmental Assessment Services Ltd and information provided from Soil Environment Services Ltd, if notified that the results of the intrusive site investigation are such that site remediation is required then:

- (a) A detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such a scheme shall include nomination of a competent person to oversee the implementation of the works.
2. The development hereby permitted shall not be occupied or brought into use until there has been submitted to the local planning authority a written verification report by a competent person approved under the provisions of condition 1.(a) that any remediation scheme required and approved under the provisions of condition 1.(a) 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).
3. Unless otherwise agreed in writing by the local planning authority the verification report shall comprise:
  - a) Built drawings of the implemented scheme;
  - b) Photographs of the remediation works in progress;
  - c) Certificates demonstrating that imported and/or material left in situ is free from contamination.
4. If during site investigation on construction any asbestos containing materials are found, which present significant risk/s to the end user/s then: a) A report shall be submitted to the local planning authority in writing, containing evidence to show that all asbestos containing materials have been removed from the premises and taken to a suitably licensed waste deposit site.

### **Refuse/ recycling**

28. The development hereby permitted shall not be occupied until a scheme for the storage of refuse and recycling, for the residential and non-residential uses hereby approved, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out and provided in full in accordance with the approved details prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton & Hove Local Plan, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

### **Drainage**

29. Other than demolition works the development hereby permitted shall not be commenced until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

**Reason:** As this matter is fundamental to the acceptable delivery of the permission to prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with policy SU3 of the Brighton & Hove Local Plan.

30. No development above ground floor slab level of any part of the development hereby permitted shall take place until a drainage strategy detailing the proposed means of foul water disposal and an implementation timetable, has been submitted to and approved in writing by, the Local Planning Authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.

**Reason:** To ensure adequate foul sewage drainage/treatment is available prior to development commencing and to comply with policy SU5 of the Brighton & Hove Local Plan.

### **Archaeology**

31. The development hereby permitted shall not be commenced until a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority. A written record of any archaeological works undertaken shall be submitted to the Local Planning Authority within 3 months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is first agreed in writing with the Local Planning Authority.

**Reason:** To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policy HE12 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

#### Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton and Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

2. A formal application for connection to the public sewerage system is required in

order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House Southern Water Sparrowgrove House Otterbourne Winchester Hampshire SO21 2SW [www.southernwater.co.uk](http://www.southernwater.co.uk) Southern Water Services Ltd Registered Office: Southern House Yeoman Road Worthing BN13 3NX Registered in England No.2366670 Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).

3. The planning permission granted includes vehicle crossovers which require alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The crossover is required to be constructed under licence from the Highway Authority. The applicant must contact the Council's Streetworks Team ([permit.admin@brightonhove.gov.uk](mailto:permit.admin@brightonhove.gov.uk) 01273 290729) for further information at their earliest convenience to avoid any delay and prior to any works commencing on the adopted (public) highway.

4. The applicant is advised that the disabled car parking spaces should be designed in accordance with Department for Transport produced Traffic Advisory Leaflet 5/95 Parking for Disabled People. This requires a 1.2m clear zone to both sides of the bay.

The applicant is advised that in order to provide policy compliant cycle parking the Highway Authority's preference is for the use of Sheffield Stands spaced in line with the guidance contained within the Department for Transport's Manual for Streets section 8.2.22.

5. The applicant is advised that whilst planning permission may be granted, should any complaints be received with regards to noise, dust, odour or smoke, this does not preclude this department from carrying out an investigation under the provisions of the Environmental Protection Act 1990. This applies both during construction and post completion of the development

6. The applicant is advised to contact the East Sussex County Archaeologist to establish the scope for the Written Scheme of Archaeological Investigation as required by the archaeology condition.

## **2. SITE LOCATION AND APPLICATION DESCRIPTION**

2.1 The application relates to a site situated on the northern side of The Drove way, Hove.

2.2 This site is a locally listed heritage asset comprising single storey, early 19<sup>th</sup> century outfarm buildings associated with a larger dairy farm, which probably consisted of a long multi-functional barn with animal shelters and/or stables; it

was last used as a commercial dairy depot for many years. The c.1840 Preston tithe map shows the buildings surrounded by undeveloped land and situated on the driveway between Preston and Blatchington. In the 1870s the main building is identified on mapping as Hills Barn and at some time between 1875/6 and 1898 the eastern and northern ranges were added, by which time the site was known as Preston Farm. The eastern building, with roof vents, may have been an engine house or pasteurising unit. The site appears to have been used for dairy throughout its history but historic mapping shows that the actual arrangement of buildings has altered over time. The low ranges to the front were originally animal shelters. The 1910 plan from the Stanford Estate shows the eastern and northern ranges as cow stalls and also shows a dairy to the east (now gone). The site comprises a series of long, low buildings with half-hipped or gabled clay tile roofs and flint walls with brick dressings. The main barn building has semi-circular arched openings providing access to the rear yard. The eastern and northern ranges are in reddish brown brick in Flemish Garden wall bond. There is a tall flint wall with brick coping to the front boundary.

- 2.3 The main barn is the most significant element, with its long unbroken roof but the buildings have group value; the historic, functional inter-relationship of the buildings are important elements of their significance. There is particular visual interest provided by the two semi-circular headed openings and by the uniformly long and low form of the buildings, which are executed in the local vernacular. The complex retains considerable rural/industrial charm and has historic interest as a reminder of the agricultural origins of the area and of The Driveway. They are an unusually intact example of a group of former farm building in the local context of Brighton & Hove, despite significant 20th century alterations for commercial dairy use. The original rural setting has long been lost but the surrounding low-rise suburban development has not overwhelmed the site and the buildings remain an attractive and distinctive feature of the street scene with the open yard at the front.
- 2.4 The Dairy Depot use of the site continued in some form until 2016 when the site was vacated and put up for sale.
- 2.5 The application seeks consent for the redevelopment and change of use of the site. In terms of physical works-
- The northern wing of the buildings would be demolished and replaced with a terrace of dwellings.
  - The covered courtyard, which is a modern addition, would be removed.
  - The western wing would be partially rebuilt to facilitate a residential conversion.
  - A central wing would be constructed; historic mapping indicates that there was a structure in this location in the past.
  - Restoration and alterations are proposed to the buildings which would be retained.
- 2.6 The uses proposed comprise fourteen residential dwellings, of which four would be affordable units, and non-residential uses in the form of office space (Use Class B1(a)), and flexible / mixed use spaces which could be used as Classes

B1(a) (office), A1 (retail), A2 (financial and professional services), A3 (café/restaurant) or D1 (non-residential institutions).

- 2.7 During the course of the application discussions took place between the Council and Applicant and as a result a number of sets of amended drawings and information have been submitted. These design amendments primarily sought to address Heritage concerns. Further information was submitted to provide justification for demolition of buildings, further demonstrate relationships with neighbouring properties, and address comments of the Planning Policy Team regarding the dilution of the existing employment use of the site and the proposed commercial uses which include retail. For this reason neighbouring residents were re-consulted in December 2018.
- 2.8 In September 2018 discussions between the Council and Applicant were ongoing regarding the proposed affordable housing provision and the required sustainable transport improvements. At this time the Applicant was offered an opportunity to agree an extended deadline for the determination of the application but instead chose to lodge an appeal against non-determination of the application on the 18<sup>th</sup> of September 2018.
- 2.9 Subsequent to the appeal being lodged, on the 29<sup>th</sup> of October the Agent for the application confirmed that a Policy compliant affordable housing provision would be proposed.
- 2.10 On the 22<sup>nd</sup> of November the Agent for the application confirmed that the Developer was in agreement to financial contribution required to fund sustainable transport infrastructure improvements.

### **3. RELEVANT HISTORY**

- 3.1 There are a number of historic permissions for the 1940's up to the 1980's for various alterations and changes of use within the site in association with the use of the property as a dairy distribution depot.

#### **3.2 Pre-application advice**

The application submission follows the Applicant seeking and obtaining pre-application advice from Officers. This advice has informed the formulation of the application submission.

### **4. REPRESENTATIONS**

- 4.1 Nineteen (19) letters** have been received objecting to the proposed development **for the following reasons:**

- The proposed development should not include commercial uses.
- There are existing traffic, highway safety and parking problems on The Drove way, the proposed development will worsen these problems.
- The proposed vehicular parking is insufficient.

- The proposed buildings to the northern end of the site will cause harm to neighbouring amenity, including overlooking and harm to amenity.
- The proposed new buildings are of an inappropriate appearance.
- The proposed new buildings are of an inappropriate scale.
- The proposed new dwellings should have two storeys of accommodation not three.
- Larger gardens should be provided for the proposed dwellings.
- The proposed development will cause an increase in noise and disturbance.
- The proposed parking space accessed from Mallory Road will cause an increased highway safety risk, and the new access will result in a loss of on street parking.
- The front wall should be retained as it is- the proposed pedestrian entrance should be omitted.
- The dairy depot use provided adequate parking within the site and did not cause overspill parking.
- The vehicular movement associated with the dairy depot primarily occurred within the early hours of the morning and did not therefore contribute to peak traffic conditions.
- The submitted ecological report may have underestimated the potential of neighbouring sites as wildlife habitats. There are bats in the area.
- Servicing of the commercial units should be restricted to 8am to 7pm only.
- Construction vehicle access from Mallory Road should not be allowed.
- The proposed development would block sea views from neighbouring properties.
- A CPZ / residents parking scheme should be introduced to address the parking problems in the area.
- The proposed development would cause air, noise and light pollution.
- The proposed new central wing, and introduction of rooflights, will harm the character of the historic buildings.
- Building works will cause disturbance.

**4.2** **One (1)** letter has been received supporting the proposed development for the following reasons:

The scheme would re-use a redundant brownfield site.

**4.3** **Councillor Vanessa Brown** has written in objection to the application, a copy of this letter is attached.

**4.4** **Wealden District Council** object to the proposed development on the following grounds:

- The proposed development could impact upon the Ashdown Forest Special Area of conservation (SAC), Lewes Downs SAC and Pevensy Levels SAC.

#### **4. CONSULTATIONS**

## External Consultees

### **4.1 UK Power Networks: No objections.**

### **4.2 County Archaeologist: Comment**

Recommends that a written scheme of Archaeological Investigation and its implementation be secured by planning condition.

### **4.3 County Ecologist: Comment**

The proposed development is unlikely to have a negative impact 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. An Ecological Design Strategy should be required setting out how the site will be enhanced for biodiversity.

### **4.4 Southern Water: Comment**

There is a water main through the site which will require diversion to facilitate the proposed development. Clearances from all water mains must be maintained. Details of surface water drainage measures should be submitted. A connection to the public sewerage system will be required.

### **4.5 Environment Agency: Comment:**

This site lies above Tarrant Chalk Member which is designated a Principal Aquifer. The site also lies in Source Protection Zone 2 for Goldstone Public Water Supply abstraction. Contamination may be present at the site as a result of its historical use(s). Any contamination present may pose a risk to groundwater underlying the site. We have no objection to the proposed development as submitted, subject to the inclusion of the following conditions:

- Conditions to secure investigation and mitigation of potential land contamination.
- Condition to secure scheme for surface water drainage.

### **4.6 Sussex Police: Do not support the application, for the following reasons:**

- There is no definitive separation between the C3 element and the additional proposed usages. Too much permeability. [N.B. This point has been addressed through amendments to the scheme.]
- The proposed development could cause harm to neighbouring amenity due to the potential commercial uses, lack of confirmation of opening hours, and potential additional parking.

### **4.7 Conservation Advisory Group: Object:**

While welcoming new vernacular housing in the north section, at the rear the group made the following comments These set of buildings make a very striking visual statement at this part of The Drove way, the long barn and its tiled roof the lower cow sheds at its perpendicular giving way to the important open space

fronted by the field flint road boundary wall. This view should not be compromised in any way. The boundary flint wall should not be punctured further with no roof lights to the south side of the long barn. If the proposed centre section were to be approved it should be both lower in width and height ending at its south side set back from the front boundary wall, with a similar hipped roof end to the cow shed structures. Recommend that the variety of roof tiles be retained. If gates are to be fitted, they should be in farmyard style perhaps oak and not copies of gates used by the railway.

#### Internal Consultees

#### **4.8 Planning Policy Team (comments on the scheme as originally submitted):** Comment

Comments based upon the scheme as originally submitted raised the following concerns:

The loss/dilution of the existing employment use has not been fully justified. Clarification is required in respect of the proposed mixed/flexible uses and the amount of office space which would be delivered. The proposed retail use outside of an identified centre has not been fully justified in accordance with national and local planning policy.

#### **Further comments following the submission of amendments and additional information:**

The retail use which is proposed has been justified. It has been stated that some marketing for employment use took place in the past however no evidence of this has been provided. The proposed uses and office use have been clarified. In the absence of evidence of marketing and the results of such marketing Policy CP3 has not been fully addressed.

#### **4.9 Housing Strategy Team: Support**

The proposed affordable housing provision is acceptable.

#### **4.10 Heritage Officer (comments on the scheme as originally submitted):** Comment

The principle of bringing this vacant heritage asset back into active use is welcomed and a mixed use approach is considered appropriate.

The scheme however proposed includes the demolition of parts of the locally listed heritage asset; this demolition has not been justified. The collective significance of the buildings across the site has not been fully acknowledged. The proposed new central range is excessive in height and scale and the stepped roof form is out of character.

#### **Further comments following the submission of amendments and additional information:**

The proposal retains the most significant elements of the heritage asset and the loss of the northern range, and part rebuilding of the western range, have been justified having regard to the significance and altered condition of the heritage

asset and the overall heritage benefits of bringing the asset back into use and removing the harmful late 20th century additions. The proposals have been acceptably amended to reduce the scale of the new central range to the front and retain the roof form of the detached building to the south-west corner, whilst the landscaping of the courtyards has been suitably simplified to respect the site's original agricultural character. It is now therefore considered that conflict between the heritage asset's conservation and the proposals has been minimised and that a balanced judgement under paragraph 197 of the NPPF would lead to a recommendation to approve, subject to conditions.

#### **4.11 Environmental Health Officer: Comment**

A land contamination assessment has been submitted and any required remediation measures can be secured by planning condition. A Construction Environmental Management Plan (CEMP) should be secured by condition to control disturbance during construction works. An external lighting scheme should be secured by condition, and hours of operation for the proposed commercial units should be controlled by condition.

#### **4.12 Transport: Comment**

- The proposed pedestrian accesses and vehicular accesses are acceptable.
- The new vehicular access on Mallory Road will require a vehicular crossover carried out under license.
- The crossover in front of the garage building on The Drove way should be reinstated as a raised kerb.
- 39 Parking spaces are proposed which is considered to be an acceptable provision in this case.
- Disabled parking provision should be secured by condition. 48 cycle parking spaces are proposed which exceeds the minimum standard required; full details of cycle storage should be secured by condition.
- In regard to the commercial premises, a delivery and servicing management plan should be secured by condition.
- The proposed development overall would result in a net increase in trip generation and therefore improvements to sustainable transport infrastructure are required which can be funded through a financial contribution of £35,343.

#### **4.13 Education: Comment**

The proposed development would create an additional demand upon local schools; a financial contribution of £59,166 towards Aldrington CE Primary, Brighton and Hove Bilingual Primary, Cottesmore Primary School or Stanford Infant and Junior Schools, Blatchington Mill and Hove Park Schools is required.

#### **4.14 Sustainable Drainage: Comment**

A full drainage strategy should be secured by planning condition.

#### **4.15 Economic Development: Comment**

The scheme is supported. A contribution towards delivery of the Local Employment Scheme is required, and an Employment & Training Strategy should also be secured.

#### **4.16 Sustainability: Comment**

The proposed residential units should meet optional building regulations standards for energy and water usage. The proposed non-residential development should meet a BREEAM rating of 'Excellent'.

#### **4.17 Public Art: Comment**

The proposed development should incorporate an artistic element to the value of £21,000.

### **5. MATERIAL CONSIDERATIONS**

- 5.1 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
- 5.2 The development plan is:
- Brighton and Hove City Plan Part One (adopted March 2016);
  - Brighton and Hove Local Plan 2005 (retained policies March 2016);
  - East Sussex, South Downs and Brighton and Hove Waste and Minerals Plan (adopted February 2013);
  - East Sussex, South Downs and Brighton and Hove Waste and Minerals Sites Plan (adopted February 2017);
- 5.3 Due weight has been given to the relevant retained policies in the Brighton and Hove Local Plan 2005 according to their degree of consistency with the NPPF.

### **6. POLICIES**

#### The National Planning Policy Framework (NPPF)

#### Brighton and Hove City Plan Part One

- SS1 Presumption in Favour of Sustainable Development
- CP1 Housing delivery
- CP2 Sustainable economic development
- CP3 Employment land
- CP7 Infrastructure and developer contributions
- CP8 Sustainable buildings
- CP9 Sustainable transport
- CP10 Biodiversity
- CP11 Flood risk
- CP12 Urban design
- CP14 Housing density
- CP15 Heritage
- CP16 Open space
- CP18 Healthy city
- CP19 Housing mix
- CP20 Affordable housing

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

TR4 Travel plans  
TR7 Safe Development  
TR14 Cycle access and parking  
SU9 Pollution and nuisance control  
SU10 Noise Nuisance  
QD15 Landscape design  
QD27 Protection of amenity  
HO5 Provision of private amenity space in residential development  
HO13 Accessible housing and lifetime homes  
HE10 Buildings of Local Interest

Supplementary Planning Documents:

SPD03 Construction and Demolition Waste  
SPD09 Architectural Features  
SPD11 Nature Conservation and Development  
SPD14 Parking Standards

## **7. CONSIDERATIONS and ASSESSMENT**

7.1 The main considerations in the determination of this application relate to the dilution of the existing B-Class employment use of the site, the impact of the proposed development upon the character and importance of the locally listed heritage asset, the proposed residential units including affordable units, the proposed commercial uses, impacts upon neighbouring amenity, transport, sustainability, landscaping, ecology and trees.

### **7.2 Background**

The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually.

7.3 The Council's most recent land supply position was published in the 2017 SHLAA Update (February 2018) which showed a marginal surplus (5.0 years supply). However, the inspector for the recent planning appeal on Land south of Ovingdean Road (APP/Q1445/W/17/3177606) considered that the Council's delivery timescales for two sites were over-optimistic and concluded that there would be a five year supply shortfall of at least 200 dwellings. The Council's five year housing land supply figures are currently being updated as part of the annual monitoring process and an updated five year housing position will be published in due course. In the interim, when considering the planning balance in the determination of planning applications, increased weight should be given to housing delivery in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

### **7.4 Principle of Development / Proposed uses**

The lawful use of the site is as storage / distribution (Use Class B8). The Applicant has cited restrictive conditions on the property as restricting its potential for employment use. In Planning Policy terms however it is clear that

the activation of, or redevelopment of the site for, suitable employment uses such as those within the B1 Use Class would in principle be supported.

- 7.5 In Planning Policy terms the proposed development would dilute the B-Class employment use of the site and would see an introduction of a mix of uses including residential. Policy CP3 sets out that such a dilution will only be considered acceptable where it has been demonstrated that site or premises can be demonstrated to be redundant and incapable of meeting the needs of alternative employment uses (Use Classes B1-B8). In this case, whilst there are a number of factors in the proposals favour, it appears that a period of marketing of the premises for employment use did not take place or if it did cannot be evidenced. The subtext of Policy CP3 requires:

‘documented evidence of the marketing strategy adopted, particularly whether it has been marketed at a price that reflects local market prices and attempts to make the building attractive to different business or employment uses’

- 7.6 The application submission, despite lengthy discussions with the applicant and multiple submissions of additional information, still fails to address this element of the policy.
- 7.7 The site however constitutes a locally listed heritage asset and a significant amount of information has been presented regarding the condition of the existing building and their suitability for conversion to employment or alternative uses. Furthermore the proposed mix of uses would deliver a significant amount of modern office space alongside mixed uses which could include some further office space, and which would in themselves generate employment. Furthermore, whilst the dilution of B-Class employment space is regrettable, the provision of housing units including dwellings suitable for family occupation and affordable housing would be of benefit to the city. Overall it is considered that the proposed scheme can be supported in principle.

## **7.8 Heritage**

As detailed above, the application as originally submitted lacked some of the information required to make a full Heritage assessment of the scheme and some of the proposed works were considered to be inappropriate. Through discussions with the Applicant, a number of subsequent submissions have provided the required supporting information and analysis, and amendments to the scheme have addressed the concerns raised regarding the proposed works. The Heritage Officer is in support of the amended scheme.

- 7.9 It was of importance to explore the potential options for retention and conversion of all the historic buildings on the site. This work has been done and it has been demonstrated that the retention / conversion of the northern wing would not be practicable. The loss of this wing is therefore accepted and the proposed replacement terrace of dwellings is considered to be appropriate, in particular as it has been demonstrated that this terrace would not be of prominence in key views from The Droveaway.

- 7.10 The proposed central wing design has been amended and reduced in scale to ensure that it would have an appropriate relationship with the main barn and the east and west wings. The proposed works to Building D have also been amended and clarified to ensure that as much original fabric is retained as possible and an appropriate roof form is proposed. Similarly the works to the west wing have been clarified and as much original fabric will be retained as is possible.
- 7.11 Paragraph 197 of the NPPF states that “in weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset”.
- 7.12 In this case, whilst the proposals would result in some harm to the heritage asset as a whole through loss of historic fabric and features and a change in the character of the site. The loss of some parts would impact negatively on the significance of the retained elements by eroding the historic grouping and context. The most significant elements of the site would however be retained and the key public views from The Drove way would be conserved. Bringing the site back into long term sustainable use is a heritage benefit and the removal of the harmful 20th century additions would also be a welcome heritage benefit.
- 7.13 The overall development and arrangement proposed is considered to be acceptable in Heritage terms.
- 7.14 Proposed residential units / standard of accommodation / access**  
The proposed residential units comprise:
- Market Housing:
- 1x 4-bedroom house
  - 7 x 3-bedroom house
  - 2x 2-bedroom house
- Affordable Housing:
- 2x 2-bedroom house
  - 2x 1-bedroom houses
- 7.15 It is considered that the proposal represents a good mix of accommodation; a number of units suitable for family accommodation would be provided in a sustainable location. The proposed affordable provision is policy compliant representing 30% of the overall number of units, which is required by Policy CP20 for schemes of 10-14 units. It is proposed that two of the units would be for rent and two would be for shared ownership, which is a policy compliant tenure mix.
- 7.16 All of the proposed residential units would provide an acceptable standard of accommodation internally. The market housing units would all benefit from some private outdoor amenity space. The affordable units in the west wing would have access to a communal courtyard in front of the wing.

7.17 In regard to access, all of the units would be required to meet optional Building Regulations access standards and it is a Policy requirement that at least one of the proposed units be wheelchair accessible; it is recommended that this be secured by condition.

7.18 Overall it is considered that the proposed development would provide a good standard and mix of residential accommodation and future occupiers would benefit from living in a characterful historic site in a sustainable location.

#### **7.19 Neighbouring amenity**

In terms of increased bulk and overlooking, the greatest potential impact would occur to the northern end of the site. A terrace of dwellings is proposed, the rear of which would face towards the northern boundary of the site. A number of additional drawings have been submitted demonstrating the height of the proposed rear windows and the boundary screening which is proposed. Due to the site levels and the screening proposed it is considered that an appropriate relationship would result with the property to the north of the site. Implementation of the boundary screening and retention of it is recommended to be secured by planning condition.

7.20 The proposed commercial uses have the potential to cause disturbance through activity and the use of plant and machinery. The Environmental Health Team have commented on the application and consider that the potential impacts of the proposed development could be appropriately controlled through the use of planning conditions and these are recommended to-

- Restrict hours of all activities to 07.00 to 23.00
- Restrict noise output from any plant / machinery
- Secure a delivery / servicing / refuse collection Management Plan

7.21 It is also recommended that a Construction and Environmental Management Plan be secured by condition to control noise and disturbance during the construction phase of the development.

7.22 Many of the representations received object to the scheme on the basis that it would generate additional vehicular movements along the Drove way and in the surrounding area. It is not considered that the potential for vehicular movements would cause disturbance of a magnitude which would warrant the refusal of planning permission. As detailed above deliveries / servicing / refuse collections associated with the proposed commercial uses can be controlled through a Management Plan.

7.23 Subject to the application of appropriate conditions, overall it is considered that the proposed development would not cause significant harm to neighbouring amenity.

#### **7.24 Transport**

The previous use of the site as a storage and distribution centre generated vehicular movements / trips. Since this use ceased the site has been dormant.

The proposed uses would generate vehicular movements / trips from residents, workers and visitors to the site. It is acknowledged that there is a high demand for on street parking on the Droveaway for various reasons. The introduction of a Controlled Parking Zone (CPZ) in the Hove Park Area may alleviate some of these problems in the future, the scheme has however been assessed in the current context that a CPZ is not in place.

7.25 Thirty nine parking spaces are proposed on site to serve the development. Neighbouring occupiers have expressed concern that the proposed parking provision for the commercial units in particular would be insufficient. The Transport Team have however commented on the scheme and considered that the level of parking proposed on site would be acceptable and that harmful overspill parking would not result.

7.26 In regard to trip generation, a net increase would result and therefore a contribution is required towards sustainable transport infrastructure in the vicinity of the site.

7.27 Other transport matters are detailed below:

- The proposed pedestrian accesses and vehicular accesses are acceptable.
- The new vehicular access on Mallory Road will require a vehicular crossover secured by condition and carried out under license.
- The crossover in front of the garage building on The Droveaway should be reinstated as a raised kerb, it recommended that this be secured by condition.
- Retention of the proposed 39 Parking spaces for residents / workers and visitors to the site is recommended to be secure by condition.
- Disabled parking provision is recommended to be secure by condition.
- 48 cycle parking spaces are proposed which exceeds the minimum standard required; full details of cycle storage is recommended to be secure by condition.

7.28 Overall, subject to appropriate conditions and s106 requirements, the scheme is acceptable in transport terms.

### **7.29 Landscaping and trees**

The proposed site layout indicates areas of lawn / planting. A fully detailed landscaping scheme and planting schedule is recommended to be secured by condition. A scheme of nature conservation enhancements is required and again is recommended to be secured by condition. As detailed above the implementation and retention of the proposed boundary screening, of particular importance to the northern boundary of the site, is recommended to be secured by condition.

7.30 Whilst there are no trees within the site itself, a number of trees are located within neighbouring sites alongside the boundaries of the site. It is recommended that a scheme of protection measures to ensure that these trees are not harmed during construction works be secured by condition.

### **7.31 Sustainability**

Policy CP8 requires that new dwellings meet the Optional Building control Standards for Energy and Water usage and it is recommended that this be secured by condition. The proposed non-residential development should meet a BREEAM rating of 'Excellent'. This may be challenging given that some conversion of historic buildings is involved, therefore the condition wording proposed allows some flexibility should an Excellent scoring not be achievable across all scoring categories.

### **7.32 Ecology**

The County Ecologist advises ecological harm and impact upon protected species unlikely. It is recommended that a scheme of nature conservation enhancements be secured by planning condition.

### **7.33 Environmental Health / Land contamination**

A desktop study has been submitted which indicates the need to for further on site investigation. This investigation and any works which are subsequently identified as necessary are recommended to be secured by condition.

### **7.34 Other matters**

Sussex Police raised concerns re the lack of formal separation between the proposed residential and non-residential uses. In response to this an amendment was made to the scheme introducing a secure gated entrance between the residential and non-residential uses (see drawing TA1045/15 Rev B).

7.35 The County Archaeologist recommends that a scheme of Archaeological Investigation be secured, and it is recommended that this be achieved through a suitably worded condition.

7.36 Wealden District Council have objected to the application on the basis that the development could potentially generate traffic which could impact upon the Ashdown Forest Special Area of conservation (SAC), Lewes Downs SAC and Pevensey Levels SAC. The Council has however demonstrated through background studies for City Plan Part 2 that such harmful impacts will not result from the level of development proposed in the city during the plan period.

## **8. CONCLUSION**

8.1 The proposed development would provide a significant delivery of B Class employment floorspace alongside mixed uses and 14 residential units including a provision of 4 affordable units with a policy compliant tenure mix. Furthermore the proposal would ensure the retention of much of the fabric and character of a locally listed heritage asset and would secure an active use of the site for the future.

8.2 The proposed development is acceptable in transport, sustainability and ecological terms, and conditions / s106 requirements are recommended to secure:

- Disabled parking and cycle parking provision, and travel plan measures;
  - Details of materials and works to the historic buildings;
  - Compliance with energy and water consumption standards and access standards;
  - Ecological improvements;
  - Contributions towards educational provision, open space / sports provision, and the Council's Local Employment Scheme.
- 8.3 The scheme would result in the dilution of the employment use of the site which is regrettable; however the proposed mix of uses is considered acceptable and would deliver many benefits.
- 8.4 Overall, whilst the proposed scheme would result in some dilution of employment use, and would have some impact upon neighbouring amenity, it is considered that the scheme would deliver genuine benefits in the form of new employment and mixed use spaces, residential units including affordable units, and would ensure an appropriate redevelopment of a locally listed heritage asset. Overall the scheme is considered acceptable and it is recommended that had the Council determined the application prior to an appeal being lodged, its decision would have been to approve planning permission subject to the conditions and s106 requirements set out in sections 1 and 11.

## **9. EQUALITIES**

- 9.1 The new build element of the scheme would be required to comply with optional access standards by condition, and one wheelchair accessible unit would be provided.

## **10. DEVELOPER CONTRIBUTIONS**

### **10.1 S.106 Agreement**

**The contributions required would be allocated and spent as follows:**

- A contribution of £59,166 towards education (Aldrington CE Primary, Brighton and Hove Bilingual Primary, Cottesmore Primary School or Stanford Infant and Junior Schools, Blatchington Mill and Hove Park Schools).
- A contribution of £51,254 towards open space and recreation provision. To be allocated as follows:
  - Children and Young People play space £1,307 towards Hove Park and/or Dyke Road play area
  - Amenity Green Space £1,451 towards Improvements to planting areas and landscape/natural infrastructure in Hove Park and/or Dyke Road Park and/or Preston Park
  - Outdoor sports facilities £12,370 towards tennis and/or football facilities at Hove Park and/or Dyke Road Park

- Parks and Gardens £18,104 towards improvements to planting areas and landscape/natural infrastructure in Hove Park and/or Dyke Road Park and/or Preston Park
- Natural and Semi-Natural open space £8110 towards improvements to planting areas and landscape/natural infrastructure in Hove Park and/or Dyke Road Park and/or Preston Park
- Allotments £1,775 towards water/infrastructure improvements at The Weald allotments, Weald Avenue
- Indoor Sport £8,134 Awaiting comments.
- A contribution of £20,150 to the Council's Local Employment and Training Strategy.
- A sustainable transport contribution of £35,343 to be allocated towards the following measures:
  - Public transport improvements to include:
    - Shelter and/or accessible kerb and/or real time information at the Droveway southbound stop on Shirely Drive; and/or
    - Accessible kerb at the Droveway northbound stop on Shirley Drive; and/or
    - Accessible kerbs at the Droveway northbound and Church of the Good Shepherd southbound stops on Dyke Road
    - and/or
  - Pedestrian footway and cycle route improvements to include, but not limited to, dropped kerbs and tactile paving, crossing and junction entry treatments on routes between the development site and local facilities including, but not limited to, the above bus stops.

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

1. The proposed development fails provide a provision of affordable housing which addresses the requirement of Policies CP1, CP19 and CP20 of the Brighton and Hove City Plan Part 1.
2. The proposed development fails to provide a financial contribution towards the improvement and expansion of capacity of local schools required contrary to policy CP7 of the Brighton and Hove City Plan Part 1 and the City Council's Developer Contributions Technical Guidance.
3. The proposed development fails to provide a financial contribution towards the improvement and expansion of open space and recreation in the vicinity of the site required contrary to policies DA5, CP7 and CP16 of the Brighton and Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
4. The proposed development fails to provide necessary sustainable transport infrastructure improvements in the vicinity of the site and therefore fails to address the requirements of Policies CP7 and CP9 of the Brighton and Hove City Plan Part One.

5. The proposed development fails provide a financial contribution towards the City Council's Local Employment Scheme to support local people to employment within the construction industry contrary to policy CP7 of the Brighton and Hove City Plan Part 1 and the City Council's Developer Contributions Technical Guidance.
6. The proposed development fails to provide an Employment and Training Strategy specifying how the developer or their main contractors will provide opportunities for local people to gain employment or training on the construction phase of the proposed development contrary to policy CP7 of the Brighton and Hove City Plan Part 1 and the City Council's Developer Contributions Technical Guidance.
7. The proposed development does not include an appropriate artistic element commensurate to the scale of the scheme and therefore fails to address the requirements of CP5, CP7 and CP13 of the Brighton and Hove City Plan Part One.

