

No:	BH2018/02126	Ward:	Westbourne Ward
App Type:	Full Planning		
Address:	29 - 31 New Church Road Hove BN3 4AD		
Proposal:	Demolition of existing synagogue, detached buildings providing Rabbi accommodation, synagogue social hall and childrens nursery. Erection of mixed use development comprising central single storey synagogue and four, five and six storey buildings to provide replacement childrens nursery, 2no classrooms for shared use by St Christophers school, offices, meeting rooms and cafe, underground car park and 45no residential dwellings (C3) comprising 35no flats and terrace of 10no houses to rear.		
<u>Officer:</u>	Nick Eagle, tel: 2106	<u>Valid Date:</u>	05.07.2018
<u>Con Area:</u>	Adjacent Pembroke And Princes	<u>Expiry Date:</u>	04.10.2018
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	29.03.2019
<u>Agent:</u>	DMH Stallard Gainsborough House Pegler Way Crawley RH11 7FZ		
<u>Applicant:</u>	AGB Reading LLP & The Brighton & Hove Hebrew Congregation C/O DMH Stallard Gainsborough House High Street Crawley RH11 7FZ		

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 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 **26th June 2019** the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 11.2 of this report:

S106 Heads of Terms

Affordable Housing

- Five (5) units to be offered up as affordable housing units, these will first be offered up to a Jewish Housing Association.
- Review Mechanism, in order to provide a commuted sum to the Council towards off-site affordable housing provision, should the financial viability of the scheme allow for this.

Retention of trees

- Should any tree be lost, 3 replacement trees should be provided to the local community (ratio 1:3)

Openspace

- £149,440.53 towards open space and indoor sports contribution as follows:
 - Play – children’s equipped: Wish Park and/or Stoneham Park, Hove Lagoon
 - Parks/Gardens, including Amenity, Natural/Semi Natural: Wish Park (Aldrington Rec) and/or Stoneham Park, Hove Lawns, Western Lawns Hove, Davis Park
 - Outdoor Sport: Hove Lagoon and/or Wish Park, Stoneham Park, Davis Park, Western Lawns Hove
 - Indoor Sport: King Alfred Leisure Centre and/or Withdean Leisure Centre
 - Allotments: Weald Avenue and/or Nevill Avenue Allotments

Education Contribution

- £91,326 towards the cost of secondary provision for Blatchington Mill and Hove Park Schools.

City Regeneration

- Employment & Training Strategies to the Council in writing for approval, for the demolition and construction phases, at least one month before the intended date of Formal Site Commencement.
- Requirement for a developer contribution of £15,900 towards the employment scheme.

Transport

- A sustainable transport contribution of £64,000. This will be allocated towards pedestrian footway and crossing improvements on routes between the site and local facilities to include Aldrington Station, Hove Station, Central Hove shopping areas and the Seafront.

Travel Plans

- Within three months of the date of first occupation, Travel Plans shall have been submitted to and approved in writing by the Local Planning Authority. Individual Travel Plans shall cover the following:
 - Facilities associated with the synagogue;
 - Residential use
- The Travel Plans shall include, but not be limited to, the following:
 - (i) Measures to promote and enable increased use walking, cycling, public transport use, car sharing, and car clubs as alternatives to sole car use;
 - (ii) Increase awareness of and improve road safety and personal security;
 - (iii) Undertake dialogue and consultation with adjacent/neighbouring tenants/businesses;
 - (iv) Identify targets focussed on reductions in the level of resident, visitor and employee car use;
 - (v) Identify a monitoring framework, which shall include a commitment to undertake an annual resident, staff and visitor travel survey (as appropriate) for at least five years, or until such time as the targets identified in section

- (iv) above are met, to enable the Travel Plans to be reviewed and updated as appropriate;
 - (vi) Following the annual surveys, an annual review will be submitted to the Local Planning Authority to update on progress towards meeting targets; and
 - (vii) For each Travel Plan, 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.
- Specifically, the residential travel plan shall include the following measures:
 - £150 cycle voucher per household;
 - Two years' membership per household to the Brighton Bike Share scheme;
 - One year's bus pass per household for travel within Brighton & Hove or the equivalent contribution towards a rail season ticket; and
 - Three years' car club membership per household.
 - The Travel Plans shall thereafter be fully implemented in accordance with the approved details.

Section 278 Works

- S278 highway works to include:
 - Removal of the two redundant vehicle crossovers on New Church Road, with the reinstatement of the kerb and footway;
 - Relocation of the bus shelter, accessible kerb, real time information sign, bench and litter bin at the eastbound 'Westbourne Villas' bus stop on New Church Road;
 - Resurfacing of the northern footway on New Church Road for the length of the site boundary;
 - Introduction of replacement street tree(s) alongside the site frontage, in the event that the proposed works require the removal of any existing trees;
 - Relocation of the bus cage and extension to double yellow line restrictions, including any required amendments to the associated Traffic Regulation Order (TRO);
 - Any other highway works necessary to implement the above.

Conditions:

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

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

Plan Type	Reference	Date Received
Location & Block Plan - As Existing	1717-P-200	26.09.18
Existing Survey Plan	1717-P-201	26.09.18
Existing Ground Floor Plan	1717-P-202	26.09.18
Existing First Floor Plan	1717-P-203	26.09.18
Existing Second Floor Plan	1717-P-204	26.09.18

Existing Roof Plan	1717-P-205	26.09.18
Existing North & South Elevations	1717-P-206	26.09.18
Existing East & West Elevations	1717-P-207	26.09.18
Existing Street Elevation New Church Road	1717-P-208	26.09.18
Location & Block Plan As Proposed	1717-P-209	26.09.18
Demolition Plan	1717-P-210	26.09.18
Proposed Site / Roof Plan	1717-P-211	26.09.18
Proposed Basement Plan	1717-P-212	29.01.19
Proposed Ground Floor Plan	1717-P-213	29.01.19
Proposed First Floor Plan	1717-P-214	29.01.19
Proposed Second Floor Plan	1717-P-215	29.01.19
Proposed Third Floor Plan	1717-P-216	29.01.19
Proposed Fourth Floor Plan	1717-P-217	29.01.19
Proposed Fifth Floor Plan	1717-P-218	29.01.19
Proposed North & South Elevations	1717-P-219	29.01.19
Proposed East & West Elevations	1717-P-220	29.01.19
Proposed Street Elevation New Church Road	1717-P-221	29.01.19
Proposed Site Sections Sheet	1717-P-2221	29.01.19
Proposed Site Sections Sheet 2	1717-P-223	29.01.19
Proposed St Christopher's School Interface	1717-P-224	29.01.19
Proposed Coloured Street Elevation	1717-P-225	29.01.19
Proposed Coloured Site Section	1717-P-226	29.01.19
New Church Road Street Elevation	1717-P-227	19.10.18
West Block - Green Wall Study	1717-P-228	26.09.18
West Block - Window Screening Study	1717-P-229	26.09.18
Westbourne Gardens Street Elevation - As Proposed	1717-P-230	17.09.18
Pembroke Gardens Street Elevation - As Proposed	1717-P-231	17.09.18
West Block South Elevation Bay Study	1717-P-232	29.01.19
West Block East Elevation Bay Study	1717-P-233	29.01.19
North Block South Elevation Bay Study	1717-P-236	29.01.19
North Block North Elevation Bay Study	1717-P-237	29.01.19
Sectional Elevation Diagram - St Christopher's site boundary	1717-P-238	18.10.18
Photographic Survey - St Christopher's site boundary	1717-P-239	18.10.18
Visual Assessment View	1717-P-240	01, 09.10.18
Visual Assessment View 02	1717-P-241	09.10.18
Visual Assessment View 03	1717-P-242	09.10.18
Visual Assessment View 03	1717-P-243	09.10.18
Visual Assessment View 04	1717-P-244	09.10.18
Visual Assessment View 05	1717-P-245	09.10.18
Visual Assessment View 06	1717-P-246	09.10.18
Visual Assessment View 07	1717-P-247	09.10.18

Visual Assessment View 08	1717-P-248	09.10.18
Strategic Views Assessment: Brighton & Hove OS Plan Key	1717-P-250	17.09.18
Strategic Views Assessment: Viewpoint Photographs	1717-P-251	17.09.18
West Block West Elevation Oriel Bay Privacy Screens	1717-P-255	17.12.18
Visual Assessment View 10 (No Trees)	1717-P-256	29.01.19
Visual Assessment View 11 (No Trees)	1717-P-257	29.01.19
Architect's Impression - Courtyard view from south	1717-P-258	29.01.19
West Elevation As Proposed (Colour)	1717-P-259	29.01.19

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. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the building commencing.
Reason: To ensure the principles of sustainable drainage are incorporated into this proposal and to comply with policy SU5 of the Brighton & Hove Local Plan.

4. No demolition or development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.
Reason: To ensure that the archaeological and historical interests of the site is safeguarded and recorded to comply with the National Planning Policy Framework and to comply with policy HE12 of the Brighton & Hove Local Plan.

5. 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 interests of the site is safeguarded and recorded to comply with the National Planning Policy Framework and to comply with policy HE12 of the Brighton & Hove Local Plan.

6. Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in

consultation with Southern Water. The scheme shall be implemented fully in accordance with the agreed details.

Reason: To ensure the principles of sustainable drainage are incorporated into this proposal and to comply with policy SU5 of the Brighton and Hove Local Plan.

7. No part of the building hereby approved shall be occupied until the approved highway works have been carried out in accordance with the approved scheme.

Reason: To ensure that suitable pedestrian and vehicular access to and from the development and to comply with policies CP9 of the Brighton & Hove City Plan Part One and TR7 of the Brighton & Hove Local Plan.

8. The vehicle parking area 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.

Reason: To ensure that adequate parking provision is retained and to comply with policy CP9 of the City Plan Part One.

9. Prior to first occupation of the development hereby permitted, a Car Park Management Plan shall have been submitted to and approved in writing by the Local Planning Authority. This shall include details of how bays will be allocated to residents and residential visitors, synagogue staff and synagogue visitors; and how this will be enforced.

Reason: To ensure the development provides for the needs of all residents and visitors to the site, to ensure the provision of satisfactory facilities for pedestrians and to comply with policies CP9 of the Brighton & Hove City Plan Part One and TR18 of the Brighton & Hove Local Plan.

10. 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 SPD14 guidance.

11. Prior to first occupation of the development hereby permitted, full details of electric vehicle charging points within the proposed car park hereby approved shall have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

Reason: To encourage travel by more sustainable means and seek measures which reduce fuel use and greenhouse gas emissions and to comply with policies CP9 of the City Plan Part One and SPD14 Parking Standards.

12. Prior to first occupation of the development hereby permitted, full details of motorcycle parking shall have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.
Reason: To encourage travel by more sustainable means and seek measures which reduce fuel use and greenhouse gas emissions and to comply with policies CP9 of the City Plan Part One and SPD14 Parking Standards.
13. Prior to first occupation 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 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
14. 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:
- (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 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.

15. No development above ground floor slab shall take place until full details of all new door(s) and window(s) and their reveals and cills including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections 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 policy HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.
16. The development hereby permitted shall not be commenced until a survey report and a method statement setting out how the existing boundary walls are to be protected, maintained, repaired and stabilised during and after demolition and construction works, and including details of any temporary support and structural strengthening or underpinning works, shall have been submitted to and approved in writing by the Local Planning Authority. The demolition and construction works shall be carried out and completed fully in accordance with the approved method statement.
Reason: As this matter is fundamental to the acceptable delivery of the permission to ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.
17. 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 building work on the site the subject of this consent is commenced within a period of 6 months following commencement of demolition in accordance with a scheme for which planning permission has been granted.
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 Conservation Area and to comply with policy HE8 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.
18. The development hereby permitted shall not be commenced above slab level until samples of the following materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority:
- a) samples of brick, render and relief panels (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
- Development shall be carried out in strict accordance with the approved details.
Reason: As this matter is fundamental to the acceptable delivery of the permission to ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

19. Prior to occupation of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:
- a) details of all hard and soft surfacing to include type, position, design, dimensions and materials and any sustainable drainage system used;
 - b) a schedule detailing sizes and numbers/densities of all proposed trees/plants including details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
 - c) details of all boundary treatments to include type, position, design, dimensions and materials;
- Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD15 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One.
20. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of the proposed green walling and maintenance and irrigation programme have been submitted to and approved in writing by the Local Planning Authority. The walls shall thereafter be constructed, maintained and irrigated in accordance with the approved details.
- Reason:** To ensure that the development contributes to ecological enhancement on the site (and visual amenity of the locality) in accordance with policy HE6.
21. The wheelchair accessible accommodation 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 & Hove Local Plan.
22. 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.

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 & Hove City Plan Part One.

24. None of the residential units hereby approved shall be occupied until each residential unit built has achieved as a minimum, a water efficiency standard of 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 & Hove City Plan Part One

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

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

26. The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling 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.

27. The development hereby permitted shall not be first occupied until
- i) details of external lighting, which shall include details of; levels of luminance, predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors, hours of operation and details of maintenance have been submitted to and approved in writing by the Local Planning Authority.

- ii) the predicted illuminance levels have been tested by a competent person to ensure that the illuminance levels agreed in part 1 are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed in part i). The external lighting shall be installed, operated and maintained in accordance with the approved details and thereafter retained.

Reason: To safeguard the amenities of the area, to reduce light spillage, impact on the International Dark Sky Reserve and to comply with policies QD25 and QD27 of the Brighton & Hove Local Plan.

28. Other than demolition works and works to trees, no development shall take place until an acoustic and noise report to include details of the measures to protect the units from noise disturbance from road and mixed uses and the provision of noise reducing glazing, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the agreed details and shall thereafter be maintained.

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

29. Prior to the occupation, a noise management plan (NMP) for all floor space other than the residential units shall be submitted to and approved in writing by the Local Planning Authority, which shall include:

- a) restrictions on plant and equipment operation,
- b) restrictions on events and the use of amplified music or public address systems (within the building and the open space), and
- c) the opening times of the café/restaurant.

The aim of the plan should be to avoid noise nuisance during the day and should provide that during opening hours of the open space, security staff will patrol the public outdoor space and take steps to minimise noise nuisance. The approved NMP shall be implemented and maintained accordingly.

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

30. Within 6 months of the commencement of development a scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration shall be submitted to and approved in writing by the Local Planning Authority. The buildings should be designed to achieve standards in line with ProPG guidance for new housing, and BS8233 Sound Insulation and Noise Reduction in Buildings(2014). 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. Any external plant is to be free from any low frequency tones that are likely to attract complaints. A scheme of testing to be carried out post construction but prior to occupation to demonstrate that the standards are met. The measures shall be implemented in strict

accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

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.

31.

32.

a) Prior to commencement of development including demolition, a full asbestos survey of the premises, undertaken by a suitably qualified specialist shall be submitted in writing to the local planning authority for approval.

If any asbestos containing materials are found, which present significant risk/s to the end user/s then

b) 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.

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.

33.

No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased with five years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species until the Local Planning Authority gives written consent to any variation.

Reason: To ensure the continued well being of the trees in the interests of the amenity and environmental quality of the locality and to comply with policy QD16 of the Brighton & Hove Local Plan.

34.

No operations shall commence on site in connection with the development hereby approved (including demolition works, tree works, fires, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until a detailed Arboricultural Method Statement (AMS) in accordance with BS5837:2012 Trees in relation to design, demolition and construction – Recommendations has been submitted to and approved in writing by the Local Planning Authority and the protective fencing is erected as required by the AMS.

Reason: To ensure the continued well being of the trees in the interests of the amenity and environmental quality of the locality and to comply with policy QD16 of the Brighton & Hove Local Plan.

35.

Prior to the commencement of the development hereby approved (including any ground clearance, tree works, demolition or construction), details of all tree protection monitoring and site supervision by a suitably qualified tree specialist (where arboricultural expertise is required) 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/ CP13 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.

36. No extension, enlargement or other alteration of the dwellinghouse(s) as provided for within Schedule 2, Part 1, Classes A, B and C of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

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 applicant should note that any grant of planning permission does not confer automatic grant of any licenses under the Licensing Act 2003 or the Regulation (EC) No. 852/2004 on the Hygiene of Foodstuffs, Article 6(2). Note that where there is a difference between the operating hours allowed for licensable activities and the hours granted under planning permission the shorter of the two periods will apply.
3. The applicant is minded that, under the Wildlife and Country Side Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting birds activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

2. SITE LOCATION AND APPLICATION DESCRIPTION

- 2.1. The application site is located at the eastern end of New Church Road, between Westbourne Gardens and Pembroke Gardens. It is bound to the east by No. 25 New Church Road and Nos. 2-8 (Evens) Pembroke Gardens and to the west by St. Christopher's School and No. 1 Westbourne Gardens.

To the rear (north) of the site is Carmel House, a four storey block of flats which fronts onto Westbourne Road.

- 2.2. It is outside but adjacent to the Pembroke and Princes Conservation Area which borders the eastern boundary of the site and to the north east of the boundary with the Sackville Gardens Conservation Area.
- 2.3. The site currently comprises the existing Brighton & Hove Hebrew Congregation synagogue, a single storey brick built, pitched roof building to the rear of the site. Fronting New Church Road are two detached Victoria villas. The villa to the east, closest to the Pembroke and Princes conservation area boundary remains more intact than the villa to the west. These buildings are now used for a variety of purposes linked to the synagogue, including Rabbi accommodation, synagogue social hall and children's nursery.
- 2.4. The area is predominantly residential in character although some properties in New Church Road in the vicinity of the site comprise commercial uses such as dental and veterinary users within former residential houses. There are also a number of community/institutional/educational uses in the vicinity including Hove Museum, St. Christophers' School and Aldrington House (NHS).
- 2.5. New Church Road is heavily tree lined with buildings generally set back from the site frontage adding to the more suburban spaciousness and character. Whilst the majority of buildings are two storey dwellings these are, interspersed with larger community/institutional/educational buildings but also blocks of flats which are 5-7 storeys in height.
- 2.6. The applicants have indicated that the proposal is a response to falling congregation numbers and that this is something that not only of this synagogue but other synagogues in the City have been experiencing in recent years. The average age of a synagogue member is identified at being approximately 75 years old. Therefore, by replacing and improving the buildings/facilities on site, the overall objective of the proposal is to attract younger people into the area and so help secure the future of the Jewish community in the City.
- 2.7. This mixed-use re-development would be undertaken by The Bloom Foundation as a development partner, and the site would be returned to Brighton & Hove Hebrew Congregation once the development has been completed on site.
- 2.8. The application proposes the demolition of the existing buildings and the comprehensive redevelopment of the site to provide a new synagogue; two buildings (one of five storeys and one of six storey) to provide replacement children's nursery, rabbi accommodation together with 2no classrooms for shared use by St Christopher's School, offices, meeting rooms a café and 35no flats. A separate terrace of 10 No. houses is proposed to the rear of these buildings.

2.9. The development is laid out with the Synagogue positioned centrally within the site and the two main blocks to the east and west of the Synagogue comprising the flats, commercial and community uses. These buildings will front on to New Church Road and will be served by vehicular and pedestrian access points from New Church Road. The buildings as a whole will be served by a basement level which will provide 56 car parking spaces, bike storage, plant room, refuse storage, internal stairs to the east and west blocks and the Mikvah (ritual bath) and associated office which serve the Synagogue.

2.10. The terrace of dwellings will be to the rear and similarly accessed from New Church Road.

2.11. There are 22 protected trees on site running along the front and eastern boundary as identified in the Tree Preservation Order. This includes thirteen Sycamore and nine Elm. Four trees are to be removed as part of the scheme this includes T20 a Cordyline Palm, T21 a Maple, T28 a Bay Laurel and T31 a Sycamore.

Synagogue:

2.12. The synagogue will be a single storey double height building. It has been designed as a timber lined box with the external (south) elevation being enclosed by a terracotta privacy screen. The intention is to provide both privacy and a degree of separation and although light will filter through the privacy screen the interior will generally be lit from above.

2.13. The Synagogue is the smallest building within the proposal although it is proposed to utilise a foldable wall along its internal connection with the western block to allow the social hall to be used for additional seating during times when attendances are likely to exceed the normal levels, particularly around holy days and festivals.

Western Block

2.14. This block is adjacent to St. Christopher's School, it will comprise the following:

Ground Floor - Café
 Social Hall & kitchen (serving the synagogue)
 Classroom
 Storage
 Toilets

First Floor - Co-worker space
 Rabbi's Flat
 One 1-Bed Flat
 Classroom
 Toilets

Second Floor - One 1-Bed Flat

	Four 2-Bed Flats Rooftop Allotments
Third Floor -	One 1-Bed Flat Four 2-Bed Flats
Fourth Floor -	One 1-Bed Flat Four 2-Bed Flats
Fifth Floor -	One 2-Bed Flat One 3-Bed Flat

Eastern Block

Ground Floor -	Nursery Storage One 1-Bed Flat One 2-Bed Flat
First Floor -	One 1-Bed Flat Three 2-Bed Flats
Second Floor -	One 1-Bed Flat Three 2-Bed Flats
Third Floor -	One 1-Bed Flat Three 2-Bed Flats
Fourth Floor -	Two 2-Bed Flats

Northern Block

- 2.15. The northern block is a terrace of ten houses, each with its own private garden. The houses will provide family accommodation of 3+ bedrooms. The central eight units will be four storeys in height with the western unit, closest to St. Christopher's School, being 3 storeys as will be eastern unit.

Materials

- 2.16. The proposed east & west elevations plan and north & south plan (dwg no. 1717-P-220 Rev A & 1717-P-219-A) note the materials to be used on the scheme. In terms of brickwork, the predominant facing brick to be used on both the east and west block is Gault. This brick type and colour is shown in detail on drawings 1717-P-233 Rev A & 1717-P-232 Rev A
- 2.17. The proposed materials to the north, east and west elevations of the North Block has been revised to a red brick to reference the prevalence of red brick within the Pembroke and Princes conservation area
- 2.18. The middle section of the east elevation will be punctuated with a powder coated aluminium panel and an inhabited wall (a planting trellis incorporating habitat boxes). A similar arrangement is proposed on the west elevation with an inhabited wall and powder coated twin skin perforated aluminium privacy screen to prevent overlooking of neighbours. There are projecting brick

header panels proposed on both elevations, which would be constructed from the same Gault type brick as the main elevation brickwork.

- 2.19. The materials on the upper floor / penthouse are powder coated aluminium panels and a reconstituted stone spandrel / cladding panel in the middle section. The windows are powder coated aluminium.
- 2.20. The windows on the east and west elevation will be fitted with privacy glass to prevent overlooking of neighbours, this will be contravision glass.

Access:

- 2.21. The site has two existing vehicular access points from New Church Road, each one originally serving each of the villas. The application proposes to slightly reposition the western vehicular access away from the boundary with St. Christopher's School. The eastern access will be closed and replaced by new pedestrian access on the eastern boundary of the site. A new pedestrian access will be constructed centrally to the site.
- 2.22. The western vehicular entrance will provide access to the basement parking and a forecourt to the front of the western building. The eastern access will run along the eastern boundary of the site and provide pedestrian access to the northern block of houses.

3. RELEVANT HISTORY

- 3.1. There have been a number of small scale applications relating to the existing operations and trees on site but none are of relevance to the current application.

Pre-Application Advice:

- 3.2. The applicant went through a pre-application consultation with Officers and presented to Members and to the South East Design Review Panel.

SE Design Panel:

- 3.3. The pre-application proposals were initially reviewed by the SE Design Panel in October 2017, who were concerned that the scheme as envisaged at that stage sought to achieve a level of development above which the site couldn't accommodate. In summary the development proposed a new synagogue plus 180 square metres of classrooms for the adjoining St Christopher's School, a 200 square metre co-working hub, and a café, a nursery and 64 residential units.
- 3.4. Acknowledging that the proposals were still at an early stage, the Panel nevertheless felt that the development lacked a coherent strategy, particularly in terms of layout, height and massing.

- 3.5. The residential block at the rear was noted as being deep in plan, and consequently had single aspect north and south facing flats, which raised the consequential issues of sunlight, daylight and lack of cross ventilation. Fewer units were felt to give scope to a redesigned building.
- 3.6. In terms of providing assistance to the designers, the Panel commented that there was potential to bring the building line forward on New Church Road but at that stage the western block in particular would sit forward of the building line and have an overly dominant impact on the streetscape. The design of the synagogue was supported although alternative positions within the site were felt to be worth exploring.
- 3.7. The scheme was revised and re-presented to the Panel in February 2018. The scheme was reduced to provide the synagogue, 89sqm of classrooms, a 200sqm co-working hub, a café, a nursery and 38 residential units (a reduction from 64 units in the previous proposal). The layout remained similar, with taller buildings either side of the centrally located synagogue and a northern building to the rear. The Panel considered this to be an improvement with the reduction in the amount of accommodation allowing the massing to appear more appropriate for the site. The proposed mews to the rear was considered to be a significant advancement. Although the eastern and western blocks were now similar in height the differences between the blocks was not thought to be significant enough to be immediately obvious. The Panel advised that either the scheme be amended to produce identical heights or the two blocks be re-designed as two more clearly distinguished buildings that do not attempt to directly imitate one another. Ensuring that the facades did not appear overly complicated was likely to be a greater challenge.

Member Pre-Application Presentation:

- 3.8. Councillors were supportive in principle of the proposals to improve and expand the community facilities on the site and supported the intention to provide affordable housing.
- 3.9. Initially when the scheme was presented, the scale of development was of concern to councillors as was the overall design/layout and the impact this could potentially have on neighbours and the wider area. The revised scheme appeared more appropriate in terms of scale, layout and overall footprint of development but councillors were nevertheless keen for the proposal to be more than just another tall building and expressed a desire for the design and materials to compliment the area. There were some concerns that the design of the northern block was contrived to overcome any potential impact on Carmel House rather than designed as part an overall concept for the site.
- 3.10. Through the various iterations of the scheme, councillors noted that the impact on trees, the conservation area, the amenity of neighbours were important considerations and would need to be considered in detail once the application was submitted.

4. REPRESENTATIONS

4.1. **723 representations** have been received, objecting to the proposed development for the following reasons:

- Inappropriate Height of Development
- Inappropriate design and appearance
- Overdevelopment of the site
- Noise disturbance
- The scheme represents an overdevelopment of the site
- The scheme will result in overshadowing
- The scheme will negatively impact on daylight/sunlight
- The scheme will have a detrimental impacts on privacy and result in increased overlooking
- The scheme will have an overbearing impact
- Too close to the boundary
- The scheme will have a negative impact on traffic in the area and impact on highway safety
- Lack of car parking
- Adverse impact on listed building
- Adversely impact on Conservation Area
- Re-locating the bus stop is not justified or wanted
- The scheme will impact on trees
- Impacts on Ecology
- Loss of Green Space
- The proposal will increase pollution
- Security risk
- the viability of the scheme is questioned and it is suggested it could provide additional levels of affordable housing

4.2. **440 representations** have been received, supporting the proposed development for the following reasons:

- Good design
- Limited impact on residential amenity
- It will be an asset to the local community, and St Christophers School. It will also provide much needed local housing.
- Could be the only opportunity to improve the campus as there is no public funding available.

4.3. 4 representations have been received, commenting in general terms on the proposed development.

5. CONSULTATIONS

External:

Conservation Advisory Group - Objection

- 5.1. The Group recommended refusal for the following reasons:
- 5.2. The five storey block adjacent to the two storey late Victorian or Edwardian detached houses, which are typical of the conservation area would constitute a setting which is harmful to its character in terms of height and design and because the building line of the south elevations is brought forward into the site's existing front gardens. With respect to design the Group draws attention to the CA Character Statement which refers to "The charm of the area (which) lies in the contrast of hard red brick and extensive use of white painted exterior timber and the overwhelming predominance of the plain red tile." Furthermore the five and six storey blocks next to St Christopher's School would harm the setting of this locally listed heritage asset given the disparity in massing, height and design and again because the building line of the proposed south elevations would no longer respect that of the existing set of three Victorian villas, one occupied by the school and the other two, on the application site, regrettably proposed for demolition.
- 5.3. In the wider context of New Church Road the building line of the proposed blocks would harm the setting of two more locally listed assets which are: to the east the Hove Museum (Brooker Hall) with (in its front garden) the nationally listed Jaipur Gate and to the west Aldrington House. The list entry in both cases stresses the importance of the building line as follows. Hove Museum "the building is set back off the road within its own grounds which form its setting and emphasise the formal layout of the area". Aldrington House. "The building is set back off the road within its own grounds which form its setting and emphasise the formal layout of the area".

County Archaeologist – Comment

- 5.4. Although not in an Archaeological Notification Area the proposed development includes the demolition of two late 19th century high status buildings. Although not designated, the buildings appear to be relatively unchanged, hold interesting historic architectural detail and thus are of archaeological, social and architectural interest. They should therefore be recorded before they are demolished, as recommended in the applicant's heritage statement. I assume however that your Conservation Officer is also making comment on this application in relation to these buildings and the setting of the adjacent Conservation Area and local listed buildings.
- 5.5. In relation to buried archaeological remains pre-dating these buildings, the site is likely to be heavily disturbed and of low archaeological interest.
- 5.6. In the light of the potential for impacts to heritage assets with archaeological interest resulting from the proposed development, the area affected by the proposals should be the subject of a programme of archaeological works. This will enable any archaeological deposits and features that would be disturbed by the proposed works, to be either preserved in situ or, where this cannot be achieved, adequately recorded in advance of their loss. These

recommendations are in line with the requirements given in the NPPF (the Government's planning policies for England):

- 5.7. In furtherance of this recommendation, we shall be available to advise the applicant on how they can best fulfill any archaeological condition that is applied to their planning permission and to provide a brief setting out the scope of the programme of works.
- 5.8. The written scheme of investigation, referred to in the recommended condition wording above, will set out the contracted archaeologist's detailed approach to undertake the programme of works and accord with the relevant sections of the Sussex Archaeological Standards (April 2015).
- 5.9. It is acceptable that the risk of damage to archaeology is mitigated by the application of planning conditions.

County Ecologist- Comment

- 5.10. There are no sites designated for their nature conservation interest that are likely to be impacted by the proposed development.
- 5.11. The site is currently predominantly buildings and hard standing with amenity grassland and discrete areas of scattered ruderal vegetations, introduced shrubs and scattered trees. Overall the site is of relatively low biodiversity value. The features of greatest biodiversity value are the trees which are covered by a Tree Preservation Order and will be retained and protected.
- 5.12. The site has the potential to support breeding birds. Any demolition or removal of scrub/trees should be carried out outside the breeding season (March – August) unless this is not reasonably practicable in which case a nesting bird check should be undertaken by an appropriate qualified/experienced ecologist.
- 5.13. The site is unlikely to support any other protected species. If protected species are encountered during development, work should stop and advice on how to proceed should be sought from a suitably qualified and experienced ecologist.
- 5.14. The site offers opportunities for enhancement that will help the Council address its duties and responsibilities under the NERC Act and NPPF. Opportunities include, but are not limited to, the provision of bird, bat and/or insect boxes and the use of native species and species of known wildlife value within the landscaping scheme, the provision of bird and bat and/or insect boxes and the provision of green roofs and/or walls. The provision of green walls plus additional planting incorporating species of known wildlife value and the provision of bird and bat boxes are welcomed.

Sussex Police – Comment

- 5.15. No detailed comment to make at this stage.

- 5.16. Any permission is requested to be is conditional that alcohol is ancillary to food prepared on the premises and served at table by waiters / waitresses. Substantial food shall be available at all times.

Southern Water – Comment

- 5.17. If this application is approved a condition requiring the submission of details of the proposed means of foul and surface water sewerage disposal should be imposed.

UK Power Networks – Comment

- 5.18. Details of electrical lines/plant within the vicinity of the site have been provided.

Scotia Gas Networks – Comment

- 5.19. Details of gas lines/mains within the vicinity of the site have been provided.

Internal:

Arboriculture: Objection

Initial Comments

- 5.20. This proposal will still result in considerable root damage to a number of prominent protected trees and will threaten the retention of these and many others. The impact of placing such a large building and larger still underground car park plus the needs of future occupants will result in the steady erosion of the tree cover currently enjoyed. For these reasons the Arboricultural Team would recommend that permission is refused.

Further Comments

- 5.21. The above Objection concerns were addressed through the Arboricultural Implications Assessment And Method Statement Supplementary Report January 2019.
- 5.22. The additional supplementary report provides some clarity and helps fill a lot of the gaps within the initial Arboricultural Method Statement. However, overall little has changed for the better and a number of negative aspects have been revealed. There are 22 trees protected by tree preservation order (1) 2018 on the site. Five trees are proposed for removal, two of these T31 and T5, are protected by the tree preservation order.
- 5.23. The changes proposed are not convincing and the team are still of the view that the proposal will result in considerable root damage to twelve prominent protected trees. The impact of placing a building with such a large footprint and larger underground car park with the needs of future occupants will have an effect on the remaining trees, both in the short and long term, resulting in the steady erosion of the amenity that is currently enjoyed. For these reasons the Arboricultural Team recommend that consent is refused.

Heritage: Support

Initial Comments

- 5.24. Further heritage information was requested 21 August 2018 as follows:
- 5.25. An assessment of the proposal is unable to be made due to the lack of information and visual analysis as requested at both the 2017 and 2018 pre-application meetings (PRE2017/00260 and PRE2018/00053).
- 5.26. Full visual impact assessment of the proposal from key view points within and outside of the surrounding conservation areas. These should be photomontages of the proposed development.
- 5.27. Illustrated and full proposed elevations from Pembroke Gardens and Westbourne Gardens.
- 5.28. Full elevations of New Church Road will be required showing the entire proposal. Trees and surrounding buildings should be accurately scaled. This has been provided at a scale that is not legible when scaled.
- 5.29. 3D render/ views should be accurately show the size of the trees with and without leaves.
- 5.30. Material samples or material palette drawings to show the physical appearance of the proposal.
- 5.31. 360 degree elevations of the potential visual impact of the proposal on the city's urban, marine and downland context must be provided. These may be illustrated through the computer visualisations and photomontage techniques that consider, but are not limited to, the following:
- The built and natural environment
 - Key strategic views and approaches
 - Conservation settings and listed buildings
- 5.32. Clarification of what impacts the proposed zero setback, two- storey classroom adjacent to the St Christopher's site have on the local heritage item. Clarification of what this elevation will look like from St Christopher's is also required.

Further Comments

- 5.33. A meeting was undertaken with the agent and architects on 15th January 2019 to discuss the proposal. Discussions focused on the design of East and West Blocks and their appearance within the streetscape and from the conservation areas. At that meeting, materials were discussed as well as the importance of the submitted views accurately representing the proposed materials. It was agreed that revised plans with high quality coloured drawings be submitted for the site.

- 5.34. The amended drawings received on January 29th (2019) address the issues raised in the previous heritage comments. The western elevation of the West Block was of particular concern due to its bland appearance, however with the higher-quality images submitted, details such as projecting brick headers and the inhabited wall can be better appreciated. The submitted bay studies of the East and West Blocks show the materiality and detail proposed for these blocks. The bay studies now accurately reflect the proposed materials which reflect the character of the area along New Church Road.
- 5.35. The proposed materials to the north, east and west elevations of the North Block has been revised to a red brick to reference the prevalence of red brick within the Pembroke and Princes conservation area. This will allow for a red brick backdrop setting to the Pembroke and Princes conservation area.
- 5.36. As part of the amended plans, a high-quality architect's impression of the proposal from New Church Road has been provided (with the trees removed to show the details of the proposal). This image shows the materiality of the proposal and allows the Shul and residential blocks to be viewed together as a complete proposal.
- 5.37. As part of mitigation to address the arboriculture team's concerns regarding retention of trees on site, the proposed construction method has been changed to kingspan piling. The construction plans which form appendices to the supplementary arboriculture report by David Archer Associates dated January 2019. From these plans, it appears that the piling will be in close proximity to the existing parish boundary flint wall along the eastern boundary of the site. In order to ensure the protection of this wall during construction, a condition requiring method statements and protection measures for the wall during construction is required.
- 5.38. Furthermore, due to lack of detailed or sufficient information accompanying the application, conditions are required to address the following issues: material samples, window details, details of the inhabited wall, large scale details of the reconstruction of the front boundary wall and a landscape plan including all boundaries and any fencing within the site.
- 5.39. Overall, the proposal has been revised to minimise the impacts on the settings of the Pembroke and Princes and Sackville Gardens conservation areas, as well as the locally listed St Christopher's School. The proposal shows a high standard of design and detailing and reflects the characters of the surrounding conservation areas. Therefore, the proposal meets the requirements of HE6 and is supported, subject to conditions.

Further Comments

- 5.40. It has come to the attention of the heritage team that the council arborist consultation comments recommend refusal due to the potential impacts on a number of mature trees on the site. The following comments relate solely to the potential loss of trees on site and the potential impact on the nearby

conservation areas. These comments should be read in conjunction with the previous comments.

- 5.41. HE6 requires (amongst other requirements) that proposals within or affecting the setting of a conservation area should preserve or enhance the character or appearance of the area and should show (d) the retention and protection of trees, gardens, spaces between buildings, and other open areas which contribute to the character or appearance of the area.
- 5.42. Five trees are proposed to be removed from the site prior to works; trees T5, T20, T21, T28 and T31. T20 and T21 are located within the middle of the site and their loss will not have any harmful impact to the setting of the neighbouring Pembroke & Princes conservation area. Similarly, T31, although located on the New Church Road frontage, is not located within a conservation area and is not considered to cause harm to the setting of the conservation area. T31 is located within the setting of locally listed St Christopher's School, however it is one amongst many established trees along New Church Road and the impact of the loss of T31 will cause minimal harm to the locally listed item. The loss of T28 towards the western boundary of the site is a Bay Laurel and makes little contribution to the setting of St Christopher's School. Therefore, its loss will have minimal impact on the setting of the local item.
- 5.43. The number of mature trees that line the eastern boundary of the site with Pembroke Gardens properties makes a positive contribution to the setting of the Pembroke & Princes conservation area. Therefore, the loss of T5 has the potential to cause harm to the setting of the conservation area.
- 5.44. Bearing in mind the comments by council's arborist, the proposal will result in "considerable root damage to twelve prominent protected trees" which will lead to "the steady erosion of the amenity that is currently enjoyed". The loss of trees within the central entrance area of the proposal would be unlikely to harm the setting of the Pembroke and Princes conservation area. These trees, whilst mature do not appear to be visible from within the conservation area and make a minimal contribution to the setting of the conservation area. However, the mature trees along the eastern boundary of the site (adjoining the western boundaries of properties in Pembroke Gardens) make a positive contribution to the setting of the Pembroke and Princes conservation area. As such, any loss of these trees may have a harmful impact on the setting of this conservation area.

Housing Strategy: Comment

Initial comment:

- 5.45. The housing proposal does not meet the Affordable Housing Brief in the following ways:
- No affordable housing is included
 - No wheelchair accessible housing is identified

Updated comments:

- 5.46. Following the DVS report and the additional information from the applicant, the scheme and the provision of 5 affordable rented units can be accepted.

City Regeneration: Support

- 5.47. City Regeneration has no adverse comments regarding this application.
- 5.48. Due to the size of the proposed development, it will be categorised as a major development and therefore should this application be approved, there will be a requirement, detailed through a S106 agreement, for the developer or designated contractors to submit an Employment & Training Strategies to the Council in writing for approval, for the demolition and construction phases, at least one month before the intended date of Formal Site Commencement.
- 5.49. There will also be a requirement for a developer contribution of £15,900

Education: Comment

- 5.50. In this instance a contribution in respect of primary education is not sought as there are sufficient primary places in this area of the city for the foreseeable future. A contribution in respect of secondary and sixth form education of £91,326 is sought if this development was to proceed. The development is in the catchment area for Blatchington Mill and Hove Park Schools. Both of these schools are currently full and therefore it is entirely appropriate to seek a contribution in this respect.

Environmental Health: Awaiting comments

Planning Policy: Comment

- 5.51. The general principle of the development is supported and the scale and mix of uses (replacement synagogue, community uses and housing) is considered appropriate for this accessible location.
- 5.52. Although a high density of development is proposed, the overall scale of housing development is similar to the indicative figure of 40 dwellings in the draft site allocation proposed in the emerging CPP2 (Policy H1) and would contribute towards the city's housing requirements. The proposed development would generally provide a good mix of housing types and sizes in line with Policies SA6, CP14 and CP19.
- 5.53. However, it is noted that the application is not proposing to provide any element of affordable housing, whereas Policy CP20 would require 40% affordable. The applicant cites issues of financial viability and has submitted a Viability Assessment. This evidence will need to be assessed independently by the District Valuer or external consultants. Very strong evidence would be required to justify exemption from affordable housing obligations.

- 5.54. The proposed community uses appear to comply with relevant policies, including saved policies HO19 and HO20.
- 5.55. The site is in a relatively sensitive location, surrounded by existing properties and adjoining the Pembroke & Princes Conservation Area to the east and St Christopher's School, (a locally listed building) to the west. The proposed development would include buildings up to 6 storeys and the applicant has submitted a Tall Buildings Statement. The detailed aspects of the design will need to be assessed against relevant development plan policies, including CP12 and CP14, and the potential heritage impacts will need to be assessed against saved Policies HE6 and HE10. In addition, there are potential amenity impacts on neighbouring properties which will need to be assessed against saved Policy QD27.
- 5.56. The development would need to provide off-site financial contributions towards open space and sports provision to meet the requirements of Policies CP16 and CP17.

Private Sector Housing: Comment

- 5.57. No comment to make

Sustainability: No comment received

Sustainable Drainage: No objection

- 5.58. Recommended approval as the Lead Local Flood Authority has no objections to this application. A condition is recommended that seeks the submission of a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods.
- 5.59. To discharge the condition the Lead Local Flood Authority will need to be provided with:
- An appropriate soakaway test in accordance with Building Research Establishment Digest 365 (BRE365). Details of the results will need to be provided.
 - Appropriate calculations to demonstrate that the final proposed drainage system will be able to cope with both winter and summer storms for a full range of events and storm durations.
 - A demonstration that the surface water drainage system is designed so that flooding does not occur on any part of the site for a 1 in 30 year rainfall event, and so that flooding does not occur during a 1 in 100 (+40% allowance for climate change) year event in any part of a building or in any utility plant susceptible to water.
 - A formal, comprehensive maintenance plan for the drainage system that describes who will maintain the drainage, how it should be maintained and the frequency needed to monitor and maintain the system for the lifetime of the development.

Sustainable Transport: Support

Summary of Initial Comments:

- 5.60. The Highway Authority is not opposed to the proposed development in principle; however, it requires the following to be addressed prior to determination:
- If a refuse vehicle is intended to access the site as stated in the TS, it is requested that an additional swept path drawing be submitted;
 - Clarification be provided on the proposed design of the holding area at the top of the ramp, including stop-line;
 - Further information on the purpose of the classrooms and potential expansion of St Christopher's School;
 - Provide further assessment of trip generation, particularly in relation to non-residential person trips.

Summary of Supplementary Comments:

- 5.61. The Highway Authority's original comments included a number of requests for clarification and additional information. This has now been submitted and the Highway Authority would not wish to object subject to a sustainable transport S106 contribution and the necessary conditions.
- 5.62. It is recommended that the Arboriculture team and City Clean are consulted about the proposed site access and proposed refuse collection arrangements respectively.

Pedestrian and Vehicle Access:

- 5.63. The proposed pedestrian access is generally acceptable in principle. It is noted that pedestrian access direct to the cores of the east and west blocks is provided from the basement car park as well as a stairwell serving the north block. Ordinarily, the Highway Authority would also expect to see a segregated pedestrian pathway alongside the vehicle access into the site and also require further details to be submitted prior to determination. However, in this case it is acknowledged that pedestrians will not be expected to use the ramp and the central pedestrian access route leads directly to the surface level vehicle access area, providing a dedicated pedestrian access away from vehicles.
- 5.64. As the car park access ramp is suitable for one-way traffic only and will be managed through a traffic signal system, a holding area is proposed to reduce the likelihood of vehicles queuing back across the footway. The applicant's transport consultants have submitted additional swept path information to demonstrate that two vehicles are able to wait without impeding vehicles exiting the ramp or overhanging the footway.
- 5.65. It has also been demonstrated that a mini-bus is able to enter and turn on-site.

- 5.66. A Stage 1 Road Safety Audit (RSA) has been submitted, with the brief having previously been agreed by the Highway Authority. The Highway Authority has considered the RSA and associated response and agrees with the issue raised and proposed response which concerns the need to extend double yellow line restrictions in place of the former bus stop to prevent parked vehicles obstructing the visibility splay.
- 5.67. It is recommended that all highway works associated with the site access changes be secured via a S278 agreement. It is also noted that a street tree may need to be removed to accommodate the relocated bus stop. Subject to the comments of the Arboriculture Team, it is recommended that the provision of replacement street tree(s) also be included as part of the S278 highway works condition which will allow the location of the replacement street trees to be considered alongside the detailed design of the wider highway works and included in the associated RSA process.

Car Parking:

- 5.68. SPD14 would permit the following maximum car parking provision in this location (within the public transport corridor zone).
- 1-2 bed dwellings: 0.5 per dwelling + one per two dwellings = 33
 - 3+ bed dwellings: one per dwelling + one per two dwellings = 18
 - D1 education: one space per two teaching staff = Not stated
 - D1 places of worship: one space per 30 sqm = 28
 - A3 café: one space per 20 sqm = 4
- Total = 83
- 5.69. The proposals include 56 spaces within an underground car park which will be allocated to the different uses - 14 will be for the synagogue use and 42 for the residential. Although the ground floor plan suggests the split is in fact nine for the synagogue and 47 for the residential the level proposed in either case would be within the maximum permitted for each use. However, how the allocation of bays will be managed is unclear, including how visitors' bays will be kept available for general use rather than allocated to individual units. It is therefore recommended that a Car Park Management Plan be secured by condition.
- 5.70. The Applicant's Transport Consultant has submitted the full parking survey data as requested by the Highway Authority. Overspill parking from the residential development is not expected to be substantial; however, occupancy levels suggest some overspill parking could be accommodated. Therefore, the Highway Authority will not request a restriction on the ability of future residents to access a car parking permit in this instance.
- 5.71. In terms of non-residential parking demand, the TS estimates that 19 additional vehicle trips can be expected on a pro-rata basis, spread across the day. On-site parking associated with the synagogue will remain similar to existing levels; however, likely additional demand is limited and overspill parking will be restricted by the surrounding CPZ. Therefore, no objections are raised in this case.

Disabled Parking:

- 5.72. The proposed provision of five disabled bays for the development in total is in line with the minimum required and acceptable.
- 5.73. However, the design of the disabled parking is unclear. In accordance with Brighton & Hove Local Plan policy TR18, disabled parking should be designed in line with Traffic Advisory Leaflet 5/95 which requires a 1.2m access zone on both sides of each bay. It is therefore recommended that further details be secured by condition.

Electric Vehicles:

- 5.74. The TS notes the SPD14 standard to provide electric vehicle charging points for a minimum of 10% of bays. In addition, 10% should have 'passive' provision to allow further electric vehicle charging points to be installed in future. The Applicant's Transport Consultant has subsequently confirmed the proposal to meet this requirement and it is recommended that further details be secured by condition.

Motorcycle Parking:

- 5.75. SPD14 requires motorcycle parking to be provided a rate of 5% for major developments. The applicant has confirmed following the Highway Authority's original comments that three spaces will be provided and it is recommended that these be secured by condition.

Cycle Parking:

- 5.76. SPD14 requires the following minimum cycle parking provision:
- 1-2 bed dwellings: one per dwelling (33) + one per three dwellings (11) = 44
 - 3+ bed dwellings: two per dwelling (24) + one per three dwellings (4) = 28
 - D1 nurseries: one space per five staff = 1
 - D1 places of worship: two spaces plus one per 350 sqm = 3
 - A3 café: one space plus one per 250 m² plus one long-stay space per 5 staff = 3
- Total = 79
- 5.77. The applicant is proposing 96 cycle parking spaces within basement stores which is therefore compliant with the minimum required. However, the design is unclear and the size of the stores appears to be too constrained for accommodating this level of provision using an acceptable design. It is therefore recommended that further details be secured by condition.

Deliveries and Servicing:

- 5.78. Bins will be moved to the ground level forecourt by site staff for collection by a private contractor. Revised plans to demonstrate that a refuse vehicle is able to enter and exit the site have been submitted.
- 5.79. This does not address the need for City Clean to service the residential bins and it is recommended that they be consulted on the proposals. If refuse vehicles are intended to access the site, it is requested that the applicant resubmit swept path drawings prior to determination. A condition has been attached requesting a Delivery & Service Management Plan addressing this concern.

Trip Generation

- 5.80. Following the Highway Authority's original comments, the applicant has submitted a sensitivity analysis which indicates a similar number of trips during the morning and evening trips to previously forecast. Upon consideration of this, no objections are raised.

Travel Plan:

- 5.81. The Transport Statement commits to producing Travel Plans for each element of the site and a Framework Travel Plan has been submitted as part of the application. This includes the following measures:
- £150 cycle voucher per household;
 - Two years' membership per household to the Brighton Bike Share scheme;
 - One year's bus pass per household for travel within Brighton & Hove or the equivalent contribution towards a rail season ticket; and
 - Three years' car club membership per household.
- 5.82. This commitment is welcome and it is recommended that it be secured as part of the S106 agreement alongside full Travel Plans for each element of the proposed development.
- 5.83. These measures are necessary 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 City Plan Part One.

Contribution:

- 5.84. The site is located in a sustainable location; however, footways and crossing facilities between the site and local facilities would benefit from improvement in order to serve the needs of all additional residents and visitors to the site.
- 5.85. A sustainable transport contribution is therefore requested. This will be calculated in accordance with the council's Technical Guidance on Developer Contributions. This has been calculated based on the submitted information and the Highway Authority will reconsider the amount requested should a full person trip survey (in addition to vehicles) of the existing use be submitted.

- 5.86. Net increase in person trips (426) x contribution per trip (£200) x 0.75 (location-based deduction) = £64,000
- 5.87. This will be allocated towards pedestrian footway and crossing improvements on routes between the site and neighbouring facilities to include Aldrington Station, Hove Station, Central Hove shopping areas and the Seafront.
- 5.88. This is in accordance with Brighton & Hove City Plan Part One policies CP7 and CP9. It is also necessary to provide for users of the development of all abilities and access to sustainable modes; directly related to the development; and proportionate. It is therefore, consistent with the tests contained within the National Planning Policy Framework (NPPF) paragraph 56.

Construction Management:

- 5.89. Owing to the scale of the works and location adjacent to a bus stop and school, it is recommended that the applicant be required to complete a Construction Environment Management Plan and that this be secured by condition or as part of the S106 agreement. The movement of construction vehicles will be expected to avoid the peak periods and school opening and closing times.

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 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);
- 6.3. 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.

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton and Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
DA4	New England Quarter and London Road Area
SA6	Sustainable Neighbourhoods
CP1	Housing delivery
CP2	Sustainable economic development
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP13	Public streets and spaces
CP14	Housing density
CP15	Heritage
CP16	Open Space
CP18	Healthy city
CP19	Housing mix
CP20	Affordable housing

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

TR4	Travel plans
TR7	Safe development
TR11	Safe routes to school and school safety zones
TR12	Helping the independent movement of children
TR14	Cycle access and parking
TR15	Cycle network
TR18	Parking for people with a mobility related disability
SU3	Water resources and their quality
SU5	Surface water and foul sewage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD5	Design - street frontages
QD12	Advertisements and signs
QD14	Extensions and alterations
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection
QD25	External Lighting
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
HO19	New community facilities
HO20	Retention of community facilities
HO21	Provision of community facilities in residential and mixed use schemes
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas
HE12	Scheduled ancient monuments and other important archaeological sites

Supplementary Guidance Notes:

- SPGBH9 A guide for Residential Developers on the provision of recreational space
SPGBH15 Tall Buildings

Supplementary Planning Documents:

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

8. CONSIDERATIONS and ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the principle of the development, its scale, layout and access, affordable housing and viability considerations. In addition, the impact of the development on the character and appearance of the adjoining conservation areas and the setting of the nearby locally and statutorily listed buildings, impact on the street scene and wider views, neighbouring amenity, noise and anti-social behaviour/security considerations, pedestrian permeability, sustainable transport impacts including cycle parking demand, highway safety, impact on existing trees, and contribution to other objectives of the development plan.

Background:

- 8.2. The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually.
- 8.3. The Council's most recent housing land supply position is published in the SHLAA Update 2018 (February 2019). The figures presented in the SHLAA reflect the results of the Government's 2018 Housing Delivery Test which was published in February 2019. The Housing Delivery Test shows that housing delivery in Brighton & Hove over the past three years (2015-2018) has totalled only 77% of the City Plan annualised housing target. Since housing delivery has been below 85%, the NPPF requires that a 20% buffer is applied to the five year housing supply figures. This results in a five year housing shortfall of 576 net dwellings (4.5 years supply). In this situation, 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).

Principle of Development:

- 8.4. The site is long established as a religious/community use and the replacement/improvement of these uses would be acceptable in principle. Policy HO20 of the Brighton & Hove Local Plan seeks to retain community

facilities and only permits loss of community uses in exceptional circumstances.

- 8.5. The existing synagogue has a foot print of approximately 283.5 sq metres and as proposed would provide a footprint of approximately 169 sq metres, with an additional social hall of 146 sq metres. Whilst the synagogue would reduce in floorspace, the social hall would be classified as contributing to the overall community use and therefore the scheme would not result in a net loss of community floorspace.
- 8.6. Whilst the proposal does not constitute a new community facility the proposal would enhance current provision and therefore would accord with policy HO19 of the Brighton & Hove Local Plan by improving and enhancing facilities.
- 8.7. In addition to these existing uses, the scheme proposes residential development and commercial office/hub provision.
- 8.8. Planning policies are generally supportive of new housing development provided it is in the appropriate location, density and design (City Plan Part One policies CP1, CP12, CP14). The design of the development is assessed later in the report.
- 8.9. In this regard it is noted that the site is a draft housing site allocation within the emerging City Plan Part Two (Policy H1). The Draft CPP2 was published for consultation under Reg 18 of the T&CPA for 8 weeks over Summer 2018. Although CPP2 carries limited weight at this stage of the planning process, Policy H1 indicates the Council's aspirations for the future development of the site.
- 8.10. City Plan Part One policy CP2 supports indigenous business growth and the diversification of the city's economy. The same policy also supports a mix of employment floorspace including the provision of small and medium sized, flexible floorspace and start up business space for major mixed used sites across the city. Subject to certain requirements relating to need, space, accessibility, environmental impact, Local Plan policy EM4 supports new business uses (including Class B1) on unidentified sites within the city boundary.
- 8.11. The scheme includes a small café/ kosher kitchen. This is intended to support and enhance the community facilities and in this particular proposal it is considered reasonable to view them with the terms of policy HO19.

Affordable Housing and Viability:

- 8.12. City Plan Policy CP20 requires housing development of over 15 units to provide 40% affordable housing. The 40% target may be applied more flexibly where the council considers this to be justified, as set out in the policy. Of consideration in particular is the financial viability of developing the site (as demonstrated through the use of an approved viability model).

- 8.13. In this regard, the applicant has provided a Viability Assessment which concludes that the overall costs of the scheme mean it is not viable to provide any affordable housing. The scheme would have a Gross Development Value of £24,080,000 and a total project cost of £32,091,944. This equates to a negative value of £8,011,944. Notwithstanding this, the applicant has offered 5 affordable rent units.
- 8.14. The council commissioned the District Valuer Service (DVS) to assess the applicant's viability case. The DVS concluded the main areas of difference in the reports were the construction costs, residential values and overall methodology for undertaking the financial viability review. This leads to the proposed scheme being more viable than the applicant's appraisal suggests. However, when the residual land value (£1,783,735) of the proposed scheme, with 5 units of Affordable Housing, is compared with the Benchmark Land Value (£1,935,263) of the site, the value of the proposed scheme does not exceed this and therefore the scheme cannot viably provide more than the 5 Affordable Housing as proposed.
- 8.15. Given the DVS conclusions, it is therefore considered that a robust case has been made to accept a lower affordable housing percentage than is targeted by policy. Affordable housing should normally be a mix of shared ownership and affordable rented accommodation. Notwithstanding this, the provision of 5 affordable rented units is welcomed and supported, exceeds policy requirements and would make a valuable contribution towards housing need in the city and would help provide balanced mix of housing provision in the scheme, in accordance with policy. The applicant has advised that they are working with the Jewish Housing Association to manage the 5 rented units. Eligible households would normally be nominated through the council's Joint Housing Register. The applicant has provided additional information to allow an exception that residents will be placed through the Brighton & Hove Jewish Housing Association. The information states that the Jewish Housing Association already operates in the city and provides specialist homes for older, disabled and vulnerable people. They have also advised that the accommodation would have the benefit of housing members of the Jewish community close to the facilities on site. Housing Strategy has commented on the further information and is satisfied with the proposal.
- 8.16. The units identified to be made available for affordable rent is yet to be finalised. This this will form part of the s106, as well as securing the affordable units in perpetuity.
- 8.17. A Review Mechanism is also suggested, in order to provide a commuted sum to the Council towards off-site affordable housing provision, should the financial viability of the scheme allow for this in the future.
- 8.18. Representations have been received from residents questioning the viability of the applicant's submission and viability report. The DVS were made aware and were passed a copy of the objector's viability report but as an independent assessor have come to their own impartial view.

Housing Mix, Type and Tenure:

- 8.19. National and local planning policies seek to secure the delivery of a wide choice of high quality homes which will contribute to the creation of mixed, balanced, inclusive and sustainable communities. Proposals for new residential development are expected to incorporate a range of dwelling types, tenures and sizes that reflect and respond to the city's identified housing needs (City Plan Part One policies SA4, SA6, CP14, CP19, CP20, Local Plan Policy HO13 and emerging policy DM1 of the City Plan Part Two.).
- 8.20. Policy CP14 states that residential development should be of a density that is appropriate to the identified positive character of the neighbourhood and be determined on a case by case basis. It states development will be permitted at higher densities than those typically found in the locality where it can be adequately demonstrated that the proposal:
1. Would be of a high standard of design and would help to maintain or create a coherent townscape;
 2. Would respect, reinforce or repair the character of the neighbourhood and contribute positively to its sense of place;
 3. Would include a mix of dwelling types, tenures and sizes that reflect identified local needs;
 4. Is easily accessible by sustainable transport or has the potential to be easily accessible;
 5. Is well served by local services and community facilities; and
 6. Provides for outdoor recreation space appropriate to the demand it would generate and contributes towards the 'green network' where an identified gap exists.
- 8.21. Policy CP12 similarly promotes residential development to be of a density which is appropriate to the character of its neighbourhood. It also advises that development will be permitted at higher densities than typical of the locality if it complies with a set of criterion, and also states that in order to "make full efficient and sustainable use of the land available, new residential development...will be expected to achieve a minimum net density of 50 dwellings per hectare".
- 8.22. The proposed density of the development works out at 110dph, this was calculated by the number of residential units (45) / the size of the site (0.41ha) = 109.76 (110dph). Matters relating to the design are considered later in the report, however, the increased density would comply with this policy requirement.
- 8.23. Policy CP19 of the Brighton & Hove City Plan seeks an appropriate mix of housing which is informed by local assessments of housing demand and need. It states that:
- Sites coming forward as 'windfall' development will be required to demonstrate that they have had regard to housing mix considerations and been informed by local assessments of demand and need.

- All new residential development will have regard to the characteristics of existing neighbourhoods and communities to ensure that development makes a positive contribution to the achievement of mixed and sustainable communities.

- 8.24. The supporting text of policy CP19 refers to a B&HCC demographic analysis, which suggests an estimated 65% of overall housing need and demand will be for 2 and 3 bedroom properties (34% and 32% respectively), 24% for 1 bedroom properties and 11% for 4 bedroom or more properties. This advises that in terms of demand for market housing this is likely to be weighed towards 2 and 3 bedroom properties.
- 8.25. In terms of the market mix there is clearly a preference towards one and two bedroom homes when compared with the recommended mix put forward by the Brighton & Hove Objectively Assessed Housing Need. This has led to a shortfall in respect of 3 and 4+ bedroom properties against the Brighton & Hove Objectively Assessed Housing Need.
- 8.26. It is noted that within the City as a whole there is clear evidence of bias towards smaller dwelling types, and the supporting text of policy CP19 advises that due to the size limitation of central sites it will be important to maximise opportunities to secure family sized accommodation on suitable sites.
- 8.27. The application proposes a total of 45 residential units, the majority of which are 1 & 2-bed units (73% in total). However, the proposed mix will also provide a number of 3 & 4-bed units (27% of the total units), and these are provided in order to help supply much need family sized homes.

Market Mix Comparison			
	Recommended	Proposed	Difference
1- Bed	15%	18%	+3%
2- Bed	35%	55%	+15%
3- Bed	35%	7%	-28%
4- bed	15%	20%	+5%

- 8.28. Whilst there is a lack of 3 bed accommodation, it is considered to be acceptable given the overall benefit of providing additional units of residential accommodation. As such is considered to address the nature of housing needs and market demand in the City, and is therefore considered to comply with policy CP19.
- 8.29. It is noted that the application site is a brownfield site within the urban area of Brighton & Hove with good accessibility to public transport, shops and services. It therefore represents an opportunity to make an efficient use of the site to make a significant contribution to housing provision.
- 8.30. This proposed mix is also considered to be in character with the surrounding area which forms a mixture of semi-detached houses and small blocks of

flats. Consequently, it is considered that the proposed mix is appropriate for this area and would help to make an efficient use of the site.

Standard of Accommodation:

- 8.31. The proposed houses and flats will each benefit from sizeable living accommodation, with the houses benefiting from both front and rear gardens, and the flats benefiting from balconies or communal outdoor space. The Government's Technical housing standards – nationally described space standards are used to help make an assessment of an acceptable standard of accommodation for residential units. It is noted that the council has not adopted these sizes locally but provide a comparable and an indicator that the accommodation proposed is an acceptable size. The proposed units would all meet or exceed these standards.
- 8.32. Policy HO5 requires the provision of private useable amenity space appropriate to the scale and character of the development. The proposed houses and flats will each benefit from reasonable outdoor living accommodation, with the houses benefiting from small front and larger rear gardens. A number of the flats benefit from balconies.
- 8.33. In terms of the demand created for outdoor recreation space, sports and children's play. The building line of the development is coming forward so part of the current open space around the site will be lost. Proposed communal open space within the proposal provided as hard and soft landscaping to the front and rear of the east and west block can be enjoyed by residents and users of the development.
- 8.34. It is welcomed that the applicant has agreed to fully meet the financial contribution of £149440.53 for enhancement of off-site open space, sport and play provision, in accordance with the requirements of policies CP7, CP16 and CP17 and the Developer Contributions Technical Guidance.

Design, scale and appearance:

- 8.35. National and local policies seek to secure good quality design which respects general townscape and the setting of heritage assets and is a key aspect of sustainable development. Taller and higher density development than that typically found in a locality is considered appropriate in the right location. Policies SS1, CP12 and DA3 of Brighton and Hove City Plan Part One support the design of high quality sustainable buildings that respect the surroundings, make a positive contribution to the streetscene and embrace local distinctiveness through various means including the choice and use of materials as well as articulation and detailing of the elevations.
- 8.36. The design and massing of the development has evolved positively since the initial pre-application submission and also during the submission as a result of discussions with the Design Panel, officers and Members.
- 8.37. The development of this site offers a significant opportunity to improve the quality of this area, and to enhance the urban environment. The supporting

documentation states that the proposed scheme has been driven and developed by its built surroundings.

- 8.38. The proposed development would be staggered in height with part 3-storey, part 5-storey, and part 6-storey elements. This staggered building height is in response to the character of the surrounding area and ensures that the proposal would have an acceptable impact on the amenities of the occupiers of the surrounding buildings as well as ensuring an appropriate balance of heights to reflect the context of the sites surroundings.
- 8.39. The scale of the original buildings in the area is mainly 2-3 storeys in height, however, there have been a number of taller, more modern developments that range from 4 to 7-storeys in height such as Blenheim Court at 7 stories, 50 New Church Road at 5 stories and Oakleigh Lodge at 7 stories. The northern side of the road is in the main made up of substantial detached villas, but this scheme displays a much tighter urban grain derived from the terraced development to the north and the more modern blocks of flats which have been developed on the late 20th and early 21st century.
- 8.40. The proposal for a part 5-storey and 6-storey building is therefore considered acceptable within the streetscene in this instance given the presence of higher blocks such as Blenheim Court, Oakleigh Lodge and 50 New Church Road.
- 8.41. It is acknowledged that a 6-storey building is considered to be a tall building. A tall building statement has been provided in support of this application in accordance with SPG 15 Tall Buildings. The statement shows that the application site is suited to a residential reuse. Through a historic study and view analysis it has also been demonstrated that the proposals do not harm the character of the area or the setting of the conservation area. Instead it is considered the scale and design of the buildings will reinvigorate an underused site. The statement demonstrates that the tall building element of the proposals complies with the broad range of local authority guidance and planning policies. By utilising the headings of this study to also assess all parts of the proposals, not just those parts above 18m, it has been possible to show that the scheme will have no adverse impact on its environs in terms of character, urban form, local & strategic views, local infrastructure or adjoining neighbours.
- 8.42. The taller element of the building is located on the western half of the site, within the West Block, and is characterised by a building of increased height with a total of 6-storeys, which reflects the higher building heights along New Church Road and the non-residential use of the St Christopher's School to the west.
- 8.43. It is noted that there's an established character when it comes to building heights in the area. The medium and low heights of buildings have been dictated both by the history of the area. However, in recent years a number of taller buildings have been created within the area such as 50 Church Road. It is considered that taller buildings may be appropriate in order to signify a

change in the urban environment. In this case, the site is considered to be an appropriate site for the proposed landmark community building given the varied character of the area.

- 8.44. The form and scale of the development is therefore considered to be in keeping with the varied character of this area, and the scheme is considered to comply with saved policies QD5 and QD27 of the Local Plan and policy CP12 of the City Plan. The Design and Access Statement submitted in support of this application provides further detail.
- 8.45. The general arrangement of the proposed development can be broken into four distinctive sections: The North Block, The East Block, The West Block, and the Shul in the centre. The location of the development on the site has been driven by the need to locate the Shul at the heart of the proposal. The development then wraps around this central area, and this also helps to ensure that the focus remains on the Shul as the centre of the proposal.
- 8.46. The design and appearance of the scheme has been developed by the character of the surrounding area. This enables the scheme to be subdivided into distinctive areas. The North Block provides a lower density residential area with 3-storey townhouses, this is considered to reflect and respect the four-storey height, and residential use of Carmel House to the north of the site. The West Block is a mix of commercial and residential uses, it is characterised by a building of increased height with a total of 6-storeys, which reflects the higher building heights along New Church Road and the non-residential use of the site to the west. The East Block is lower in height and is predominantly residential in use, which is in response to the residential dwellings located to the east of the site.
- 8.47. In terms of brickwork, the predominant facing brick to be used on both the east and west block is Gault. The proposed materials to the north, east and west elevations of the North Block has been revised to a red brick to reference the prevalence of red brick within the Pembroke and Princes conservation area.
- 8.48. The middle section of the east elevation will be punctuated with a powder coated aluminium panel and an inhabited wall (a planting trellis incorporating habitat boxes). A similar arrangement is proposed on the west elevation with an inhabited wall and powder coated twin skin perforated aluminium privacy screen to prevent overlooking of neighbours. There are projecting brick header panels proposed on both elevations, which would be constructed from the same Gault type brick as the main elevation brickwork.
- 8.49. The materials on the upper floor / penthouse are powder coated aluminium panels and a reconstituted stone spandrel / cladding panel in the middle section. The windows are powder coated aluminium.
- 8.50. The Shul has been designed to be the heart of the proposal, and as such in order to ensure that the design / appearance of the other elements are not competing visually with the synagogue, the use of subtle textures and tones

are proposed and overall it is considered that the proposal is bringing forward a scheme of good design in keeping with the surrounding area and adjoining Conservation Area.

- 8.51. It is noted that residents have objected to the design of the scheme and how it's out of keeping with the surrounding area; however the scheme has been through a pre- application process and the design has evolved over time to where the materials and form are considered to be at an acceptable level.

Impact on local Heritage Assets and Conservation Areas:

- 8.52. The subject site is located on the northern side of New Church Road and shares its eastern boundary with the Pembroke and Princes conservation area and its western boundary with the local heritage item St Christopher's School. The Sackville Gardens conservation area commences on the southeast corner of New Church Road and Westbourne Villas.
- 8.53. Two existing two-storey Victorian villas survive to the front of the subject site which are similar in appearance and age to the neighbouring locally listed building at St Christopher's School. The villa to the east, closest to the Pembroke and Princes conservation area boundary remains more intact than the villa to the west.
- 8.54. To the rear of the site is a single storey c.1960s red brick synagogue hall. It lacks any architectural distinctiveness and is hidden from public view behind the two Victorian villas at the front of the site.
- 8.55. St Christopher's School at 33 New Church Road is a locally listed building dating to c.1897. The building is a good quality two-storey Victorian villa set within its own grounds and little altered. Despite alterations to the side and rear, and the resurfacing of the front garden, the relationship between the house, grounds and road survives.
- 8.56. Located to the east of the subject site, within the Pembroke and Princes conservation area is the locally listed Hove Museum and Art Gallery. The gallery is a fine example of a Victorian villa with high quality Italianate style features with similarities to Osborne House on the Isle of Wight. Despite some later additions, the gallery occupies a prominent location within the conservation area and also houses the grade II listed building the Jaipur Gate located within its grounds.
- 8.57. Original comments received from the Heritage team sought additional clarification and further visual assessments to comment on the proposal. The amendments included visual impact assessment of the proposal from key view points within and outside of the surrounding conservation areas, illustrated and full proposed elevations from Pembroke Gardens and Westbourne Gardens and full elevations from New Church Road. An additional Arboricultural Implications Assessment and Method Statement were also provided. The amended and additional drawings and information received during the course of the application address the issues raised in the

previous heritage comments and the heritage team now support the application.

- 8.58. The proposed materials to the north, east and west elevations of the North Block has been revised to a red brick to reference the prevalence of red brick within the Pembroke and Princes conservation area. This will allow for a red brick backdrop setting to the Pembroke and Princes conservation area.
- 8.59. As amended, the western elevation of the West Block has greater detail such as projecting brick headers and the inhabited wall which tie in better with the heritage of the area. The submitted bay studies of the East and West Blocks show the materiality and detail proposed for these blocks. The bay studies now accurately reflect the proposed materials which reflect the character of the area along New Church Road.
- 8.60. A high-quality architect's impression of the proposal from New Church Road has been provided this image shows the materiality of the proposal and allows the Shul and residential blocks to be viewed together as a complete proposal.
- 8.61. Conditions are required to address the following issues: material samples, window details, details of the inhabited wall, large scale details of the reconstruction of the front boundary wall and a landscape plan including all boundaries and any fencing within the site to maintain the heritage character.
- 8.62. The Heritage officer has reviewed the application following receipt of the finalised comments from the Arboriculturalist. Whilst the Arboriculturalist has raised an objection, the trees that are to be felled are not considered to impact on views in and out of the Conservation Areas. It is, however, noted that the mature trees along the eastern boundary of the site (adjoining the western boundaries of properties in Pembroke Gardens) make a positive contribution to the setting of the Pembroke and Princes conservation area. As such, any loss of these trees may have a harmful impact on the setting of this conservation area.
- 8.63. Overall, the proposal has been revised to minimise the impacts on the settings of the Pembroke and Princes and Sackville Gardens conservation areas, as well as the locally listed St Christopher's School. The proposal shows a high standard of design and detailing and reflects the characters of the surrounding conservation areas. Therefore, the proposal is not considered to have an adverse impact on the Conservation Areas or locally listed buildings and listed buildings in the vicinity of the site and meets the requirements of retained policy HE6 of the Brighton and Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One and is supported, subject to compliance with the recommended conditions and subject to maintaining the mature trees along the eastern boundary of the site.
- 8.64. Impact on amenity of neighbouring residents and businesses, and amenity of proposed residents:

- 8.65. The existing properties which are most likely to be impacted by the proposal are Carmel House to the rear of the site, the dwellings along New Church Road and Pembroke Gardens to the east, St Christopher's School and Westbourne Gardens to the west. It is noted that the scheme has resulted in a significant level of objections raising concerns about the impact to these properties. The impact of these are considered below.
- 8.66. At its closest point, the rear of the building to the north, Carmel House, is located some 15m from the proposed three-storey townhouses of the scheme; this is a similar separation distance as the current synagogue building. However, it is noted that the height of the building is higher than the existing. A daylight / sunlight assessment has been submitted in support of this application which assesses this relationship with Carmel House, and confirms the scheme is BRE compliant; it is therefore considered that the level of impact on the amenity of the occupiers of this building is acceptable in this instance.
- 8.67. Whilst windows are proposed on the facing elevations of the proposed townhouses within the North Block, there are no windows at roof level and the separation distance at ground floor of approximately 15metres is considered acceptable.
- 8.68. The proposed East Block would result in a building of 5-storeys in height; this would be higher than the existing property located on the eastern half of the site. The proposed block would provide residential units, the internal arrangements of this block would ensure that the number of openings on the facing (east) elevation is minimal. In addition, the existing trees along the eastern boundary will remain and it is important that they remain in order to maintain the privacy along this boundary. It is noted that the Arboriculture team is objecting and concerned about the long term health of these trees along the eastern boundary. If the trees are lost it is considered that there could be a level of lost privacy or perceived levels of privacy to the properties along Pembroke Gardens and 27 Church Road. However on balance it is considered that the impact of the proposal on the existing amenities of the neighbouring dwellings is at an acceptable level in this instance.
- 8.69. The proposed West Block is a mix of commercial and residential uses, it is characterised by a building of increased height with a total of 6-storeys, which is considered to reflect the higher building heights along New Church Road and the non-residential use of the site to the west. St. Christopher's School is located to the west of the site, and in order to minimise the possibility for overlooking to the school, the windows on the facing elevation of the flats will be oriel angled windows which would divert views away from the School. This is important as there have been significant objection to the potential of overlooking and privacy to the school.
- 8.70. The proposed development has been assessed in terms of their likely impact on the amenity of the nearest neighbours. A daylight/sunlight report was submitted in support of the application as well as an overshadowing

assessment by BRE who assessed the impact on neighbouring gardens. The daylight/ sunlight assessment is summarised as follows:

- 8.71. The nearest residential properties which might be affected by the proposals are Carmel House, to the north, 1 and 3 Westbourne Gardens to the north west, 27 New Church Road to the east, 2 to 10 Pembroke Gardens to the east and St Christopher's School to the west. This report presents an assessment of daylight and sunlight to these locations following the development.
- 8.72. Loss of daylight and sunlight would be within the guidelines in the Report for Carmel House, 1-3 Westbourne Gardens and Pembroke Gardens. This has been analysed in the BRE client report 21 June 2018. Windows on the lowest three floors were analysed at Carmel House, loss of both daylight and sunlight would be within the BRE guidelines in all cases. Dormer windows above them would be less affected. Loss of daylight and sunlight would be within the BRE guidelines in all cases at 1-3 Westbourne Gardens.
- 8.73. Loss of daylight would be outside the guidelines for seven windows at St Christopher's School. One of these appears to be covered from the inside and is likely to be a secondary window in any event.
- 8.74. Loss of daylight to one window at 27 New Church Road would be outside the guidelines. As the window faces within 90° of north, it would not require sunlight assessment. This window is very close to the site boundary and directly faces the site. Based on room layout in another house of similar design, it may be a secondary window or serve a circulation space. Loss of daylight would be within the guidelines for the other windows analysed.
- 8.75. It is noted that there has been significant objection from neighbours regarding the impact the development will have on their amenity. It is acknowledged that the development will be increasing the built form compared to the existing situation. However, the overshadowing and daylight/ sunlight assessments have demonstrated a BRE compliant scheme. Given the above the impact on neighbouring windows and properties is considered to be in line with BRE guidelines and is unlikely to have a significant adverse impact on amenity that would justify refusal of the application.
- 8.76. Consequently, it is considered that the proposed development will provide an acceptable level of amenity for the proposed residents, as well as protect the amenity of the existing occupiers of neighbouring properties. Overall the scheme is therefore considered to be compliant with saved policies QD5 and QD27 of the Local Plan, and policy CP12 of the City Plan.
- 8.77. Turning to concerns raised regarding increased levels of overlooking it is considered that the measures outlined in the preceding paragraphs will provide appropriate measures to protect neighbour's privacy. The buildings, particularly to the east and north, have been laid out internally to minimise the number of windows facing neighbouring buildings and the design of the development has integrated oriel windows, privacy screens and panels to

help prevent overlooking of neighbouring buildings and gardens. As noted above, the existing trees, which are to be retained on site, will continue to provide additional screening, particularly on the eastern boundary of the site. Whilst it is acknowledged that the development will increase the density and height of development on the site, separation distances between proposed and existing buildings have sought to take into account the privacy of neighbours. The separation distances between the northern block and Carmel House are comparable with the back-to-back distances between dwellings in Westbourne Gardens and Westbourne Street, to the north of the site and the distances between the east block and the main rear elevations of properties in Pembroke Gardens are some 30m. In view of all these provisions and features it is considered that the privacy of neighbours can be sufficiently safeguarded.

Sustainable Transport:

- 8.78. City Plan policy CP9 seeks to promote sustainable modes of transport and cycling and walking in particular, to reduce reliance on the private car. Local plan policy TR4 promotes the use of Travel Plans. Policy TR7 seeks to ensure highway safety. Development is expected to meet vehicular and cycle parking standards set out in SPD14.
- 8.79. Following discussion with the Highway Authority and additional information being submitted the Highway Authority has confirmed that it would not wish to object to the proposal subject to a sustainable transport contribution and the recommended conditions outlined above.
- 8.80. There are currently two vehicle crossovers serving the site. These will be replaced by a single vehicle access to the south west of the site. Pedestrian access will be provided via two accesses in the centre and to the south east of the site. The access to the west provides the entrance/exit to the underground car park. The ramp to the car park would be managed through a traffic signal system and the likelihood of cars queuing across the footway has been minimised. Following a Stage 1 safety audit it has been confirmed that there is a need to extend the double yellow lines where the current bus stop is located to prevent parked cars obstructing the access.
- 8.81. Although it is not clear how the allocation of bays will be managed, including how visitors' bays will be kept available for general use rather than allocated to individual units the overall level parking provided on site (56 spaces) meets the requirements of SPD14. Within this provision are five disabled bays which is in line with the minimum required and is considered acceptable. A Car Park Management Plan submitted via a condition would be sufficient to establish in how the car park would be managed on a day to day basis. A full parking survey has been submitted in support of the application which confirms that any overspill car parking into the surrounding streets can be accommodated. Accordingly there is no reason to restrict future occupiers from obtaining resident parking permits.

8.82. The development will provide provision for sustainable transport elements such as electric vehicle charging points for a minimum of 10% of bays; 3 motorcycle spaces.

8.83. In summary the following would need to be secured through a s106/278 agreement:

- sustainable transport contribution of £64,000
- site access changes
- replacement street tree(s)
- Travel Plans/Framework Travel Plan measures:
 - £150 cycle voucher per household;
 - Two years' membership per household to the Brighton Bike Share scheme;
 - One year's bus pass per household for travel within Brighton & Hove or the equivalent contribution towards a rail season ticket; and
 - Three years' car club membership per household.

8.84. Conditions covering the following elements will also be required:

- Car Park Management Plan
- Design of the disabled parking
- electric vehicle charging points
- motorcycle parking
- cycle parking spaces
- Construction Environment Management Plan

Electric Vehicles:

8.85. The TS notes the SPD14 standard to provide electric vehicle charging points for a minimum of 10% of bays. In addition, 10% should have 'passive' provision to allow further electric vehicle charging points to be installed in future. The Applicant's Transport Consultant has subsequently confirmed the proposal to meet this requirement and it is recommended that further details be secured by condition.

Motorcycle Parking:

8.86. SPD14 requires motorcycle parking to be provided a rate of 5% for major developments. The applicant has confirmed following the Highway Authority's original comments that three spaces will be provided and it is recommended that these be secured by condition.

Cycle Parking:

8.87. SPD14 requires the following minimum cycle parking provision:

- 1-2 bed dwellings: one per dwelling (33) + one per three dwellings (11) = 44
- 3+ bed dwellings: two per dwelling (24) + one per three dwellings (4) = 28
- D1 nurseries: one space per five staff = 1
- D1 places of worship: two spaces plus one per 350 sqm = 3
- A3 café: one space plus one per 250 m² plus one long-stay space per 5 staff = 3

Total = 79

- 8.88. The applicant is proposing 96 cycle parking spaces within basement stores which are compliant with the minimum required. However, the design is unclear and the size of the stores appears to be too constrained for accommodating this level of provision using an acceptable design. It is therefore recommended that further details be secured by condition.

Deliveries and Servicing:

- 8.89. Bins will be moved to the ground level forecourt by site staff for collection by a private contractor. Revised plans to demonstrate that a refuse vehicle is able to enter and exit the site have been submitted.
- 8.90. This does not address the need for City Clean to service the residential bins and it is recommended that they be consulted on the proposals. If refuse vehicles are intended to access the site, it is requested that the applicant resubmit swept path drawings prior to determination. A condition has been attached requesting a Delivery & Service Management Plan addressing this concern.

Trip Generation

- 8.91. Following the Highway Authority's original comments, the applicant has submitted a sensitivity analysis which indicates a similar number of trips during the morning and evening trips to previously forecast. Upon consideration of this, no objections are raised.

Travel Plan

- 8.92. The Transport Statement commits to producing Travel Plans for each element of the site and a Framework Travel Plan has been submitted as part of the application. This includes the following measures:
- £150 cycle voucher per household;
 - Two years' membership per household to the Brighton Bike Share scheme;
 - One year's bus pass per household for travel within Brighton & Hove or the equivalent contribution towards a rail season ticket; and
 - Three years' car club membership per household.
- 8.93. This commitment is welcome and it is recommended that it be secured as part of the S106 agreement alongside full Travel Plans for each element of the proposed development.
- 8.94. These measures are necessary 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 City Plan Part One.

Contribution:

- 8.95. The site is located in a sustainable location; however, footways and crossing facilities between the site and local facilities would benefit from improvement in order to serve the needs of all additional residents and visitors to the site.

- 8.96. A sustainable transport contribution is therefore requested. This will be calculated in accordance with the council's Technical Guidance on Developer Contributions. This has been calculated based on the submitted information and the Highway Authority will reconsider the amount requested should a full person trip survey (in addition to vehicles) of the existing use be submitted.
- 8.97. Net increase in person trips (426) x contribution per trip (£200) x 0.75 (location-based deduction) = £64,000
- 8.98. This will be allocated towards pedestrian footway and crossing improvements on routes between the site and neighbouring facilities to include Aldrington Station, Hove Station, Central Hove shopping areas and the Seafront.
- 8.99. This is in accordance with Brighton & Hove City Plan Part One policies CP7 and CP9. It is also necessary to provide for users of the development of all abilities and access to sustainable modes; directly related to the development; and proportionate. It is therefore, consistent with the tests contained within the National Planning Policy Framework (NPPF) paragraph 56.

Construction Management:

- 8.100. Owing to the scale of the works and location adjacent to a bus stop and school, it is recommended that the applicant be required to complete a Construction Environment Management Plan and that this be secured by condition or as part of the S106 agreement. The movement of construction vehicles will be expected to avoid the peak periods and school opening and closing times.
- 8.101. It is noted that there have been a number of objections to highways and car parking, it is considered that these objections do not warrant refusal and it is acknowledged that the highways team is supportive of the scheme. Highways contributions are secured to help mitigate as is travel plans and S278 works to relocate the bus stop.

Arboriculture/Ecology:

- 8.102. This site on New Church Road abuts the Pembroke and Princes Conservation Area and a number of trees on it are protected by virtue of existing Tree Preservation Orders. As noted by the County Ecologist, these trees provide the main bio-diversity value on the site as overall the site in terms of biodiversity is of relatively low value.
- 8.103. Due to the high salt winds from the seafront, tree cover in this area and particularly larger trees is generally confined to larger properties/gardens which offer space for trees to develop although the environment means that species choice is often limited to elm and sycamore. The local weather/environment will necessarily impact the choice of species within the landscaping scheme although the submission has given consideration to this issue. Similarly, the provision of green roofs within the scheme, which may

assist in the site's future bio-diversity, will need to be appropriately managed in order to ensure their success.

- 8.104. The County Ecologist has noted that the use of native species and species of known wildlife value within the landscaping scheme, together with the green roofs are suitable enhancements and that the provision of bird and bat boxes will be appropriate mitigation measures given the site's existing low ecological and bio-diversity value.
- 8.105. The Council's Arboricultural Team initially objected to the scheme as the proposal could result in considerable root damage to a number of prominent trees and will threaten the retention of these and many others. The impact of placing such a large building, underground car park and the needs of future occupants was considered to result in the steady erosion of the tree cover.
- 8.106. The developer submitted the Arboricultural Implications Assessment and Method Statement Supplementary Report January 2019 to address the objection.
- 8.107. Amendments have been made to address the objection, and these are reflected in the revised tree protection plans and were addressed under the following three main headings:
- Impact of the new construction works on the existing trees
 - Impact of the completed development on the existing trees
 - Future light issues arising from the existing trees
- 8.108. The principal change is the relocation of the proposed electricity substation from its proposed position within the Root Protection Area (RPA) of T3 & T4 to the extreme south-west corner of the site, adjacent to the proposed main vehicle and construction access.
- 8.109. A further amendment relates to the proposed ground floor slab level of the eastern apartment block, the northern section of which is proposed to be raised in level by 150mm, thereby enabling the pedestrian access pathway on its east side to be constructed above existing ground levels, as shown on the tree protection plan. The developer has noted that this localised 150mm internal floor level change does not affect the overall ground level datum height of the East Block which remains the same as the original application drawings.
- 8.110. A detailed Construction Management and Logistics Plan for the proposals has also been amended and expanded in light of the concerns expressed, to address specific potential problems, this includes piling of the basement using a kingpost approach, siting of the tower crane and scaffolding.
- 8.111. The arboriculture officer commented on the above further information and advised that the additional supplementary report provides some clarity and helps fill a lot of the gaps within the initial Arboricultural Method Statement. However, overall little has changed for the better and a number of negative aspects remain. There are 22 trees protected by tree preservation order (1)

2018 on the site. Five trees are proposed for removal, two of these T31 and T5, are protected by the tree preservation order.

- 8.112. The Arboriculture team remain unconvinced by the changes proposed and are still of the view that the proposal will result in considerable root damage to twelve prominent protected trees. The impact of placing a building with such a large footprint and larger underground car park with the needs of future occupants will have an effect on the remaining trees, both in the short and long term, resulting in the steady erosion of the amenity that is currently enjoyed. For these reasons the Arboricultural Team maintain an objection to the scheme.
- 8.113. While the objection is noted, it is considered that overall the benefits of the scheme on balance outweigh the potential harm to the trees and that the impact is mitigated by adherence to recommended conditions. In addition, should any trees be lost through the process of the development three trees should be provided to the local area (ratio of 1:3), which is secured through the s106. The conditions are considered to minimise the impact and overall the scheme is acceptable to bring the development forward. It is noted that should the mature trees be lost along the eastern boundary that a level of privacy is considered will also be lost to the existing occupiers along Pembroke Gardens. However on balance to bring the scheme forward this is considered to be acceptable in this instance.

Sustainability:

- 8.114. City Plan Policy CP8 requires that all new development achieves minimum standards for energy and water performance as well as demonstrating how the proposal satisfies an exhaustive range of criteria around sustainable design features. 'Major' non-residential developments are expected to achieve BREEAM 'Excellent'.
- 8.115. The proposed development gives a total predicted BREEAM score of 74%. This is just above the 70% needed for BREEAM Excellent, which is required for major non-residential developments such as this.
- 8.116. In terms of residential uses, policy CP8 requires new residential development to demonstrate efficiency in the use of water and energy, setting standards that mirror the national technical standard for water and energy consumption, therefore a condition will be applied to ensure the development meets the standards set out in policy CP8.

Security:

- 8.117. Concerns have been raised in the letters of representation regarding the security of the site and implications for neighbours. Whilst security measures that an applicant is proposing to adopt would not normally be a material planning consideration, it is acknowledged that a perceived concern by neighbours regarding crime or public safety can be capable of being a

material planning consideration and therefore information has been provided by the applicants in this regard.

- 8.118. The application is proposing a replacement synagogue and so whilst a redevelopment would bring a wider public awareness of the site and its use, which may be of concern to neighbours; it is not introducing a new use in this respect. The redevelopment also enables the redevelopment to incorporate the newest security measures available into the site/buildings. Some enhancements to security such as CCTV, secure perimeter fencing and access gates, anti-shatter window film, secure locking systems and intruder alarms are to be introduced. As with the existing Synagogue security arrangements, there will be a local Community Security Trust security presence during religious services on site and during the week there would be a commercial security guard presence at the site. This security would not prevent access to the site for general members of the public, rather the security personnel will assess the potential threat posed by individual visitors and respond accordingly. Security would restrict access to the nursery school to authorised personnel only. It is noted that the Sussex Police are not objecting to the scheme. Sussex Police recommended the applicant to seek further guidance in regard to crime prevention, however, this is a matter for the applicant to consider at a later date.

9. CONCLUSION AND PLANNING BALANCE

- 9.1. The scheme represents a mixed use development and will provide benefits to the Jewish community and the wider community of Brighton & Hove. The proposal would provide a number of new and improved community uses, at the heart of the scheme is the new synagogue, which will provide a much needed fit-for-purpose place of worship for the Jewish community. In addition, a new social hall, courtyard, children's nursery and café will provide benefits to the wider community.
- 9.2. The scheme will also provide floorspace for Work Avenue, which will provide new office space for small / start-up businesses. Education is also a key offering of the scheme, with the construction of classrooms which will be available to St Christopher School during the week and the Jewish community at the weekends. This mixed-use scheme will create a mixed-use site for all members of the community.
- 9.3. The submitted scheme will make a contribution towards meeting the housing needs of the City. The proposal would also result in a much more efficient use of this site and land, and the density of the proposed residential development is in compliance with Policy CP14 of the City Plan.
- 9.4. The proposed residential element of the scheme will enable the community facilities to come forward on the site. This proposal will make best use of the space on site, and in addition will provide a contribution to the Council's housing supply.

- 9.5. The proposal represents a sustainable development, being located within the defined built-up-area of the City. The site is well located close to existing public transportation links and the extensive services and facilities located within the Centre of Hove.
- 9.6. The scheme is in general accordance with the relevant local and national planning policies and guidance and is in accordance with the presumption in favour of sustainable development, as set out in the NPPF. Notwithstanding the arboriculture objection it is considered that appropriate conditions have been attached to help mitigate this impact. Further to this it is noted that the mature trees along the eastern boundary of the site (adjoining the western boundaries of properties in Pembroke Gardens) make a positive contribution to the setting of the Pembroke and Princes Conservation Area. As such, any loss of these trees, may have a harmful impact on the setting of this conservation area, and the level of privacy or perceived privacy currently enjoyed to the occupiers of Pembroke Gardens and 27 Church Road and are therefore conditioned to be retained.

10. EQUALITIES

- 10.1. If overall considered acceptable conditions are proposed which would ensure compliance with Building Regulations Optional Requirement M4(2)(accessible and adaptable dwellings) and that 5 percent of the overall development would be built to Wheelchair Accessible Standards.

11. DEVELOPER CONTRIBUTION

- 11.1. S106 Agreement heads of terms are set out in Section 1.
- 11.2. In the event that the S106 agreement has not been signed by all parties, the application shall be refused for the following reasons:
1. The proposed development fails to provide appropriate mitigation of the transport impacts of the development contrary to policies TR7 of the Brighton & Hove Local Plan and CP7 and CP9 of the Brighton and Hove City Plan Part One.
 2. The proposed development fails to provide adequate travel plan measures to encourage use of sustainable transport modes and therefore fails to address the requirements of Policies CP7 and CP9 of the Brighton and Hove City Plan Part One.
 3. 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.

4. 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.
5. 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.
6. The proposed development fails to provide a financial contribution towards the improvement and expansion of open space contrary to policies CP7 and CP16 of the Brighton and Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.