

<b><u>No:</u></b>	<b>BH2016/02756</b>	<b><u>Ward:</u></b>	<b>Central Hove Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>The Former Texaco Garage Site, 133 Kingsway Hove &amp; 22 Victoria Terrace Hove BN3 2WB</b>		
<b><u>Proposal:</u></b>	<b>Proposed demolition of the former Texaco garage and shop and demolition of outbuilding to the rear of the former Alibi Public House. Proposed erection of 55 No. residential apartments and 375 sq.m of retail floorspace (A1 Use Class) in a new building of between 2 and 9 storeys together with associated parking and landscaping; a change of use of the ground floor of the former Alibi Public House to an A1 café, and conversion of the first, second and third floors to provide 3 No dwellings.</b>		
<b><u>Officer:</u></b>	<b>Kate Brocklebank, tel: 292454</b>	<b><u>Valid Date:</u></b>	<b>26.07.2016</b>
<b><u>Con Area:</u></b>	<b>ADJOINING OLD HOVE</b>	<b><u>Expiry Date:</u></b>	<b>25.10.2016</b>
		<b><u>EoT/PPA Date</u></b>	
<b><u>Listed Building Grade:</u></b>			
<b><u>Agent:</u></b>	<b>ECE Planning Limited Brooklyn Chambers 11 Goring Road Worthing BN12 4AP</b>		
<b><u>Applicant:</u></b>	<b>Rocco Homes (No 2) Ltd and Co-operative Foodstores Ltd Mrs Hufford c/o ECE Planning Ltd Brooklyn Chambers 11 Goring Road Worthing BN12 4AP</b>		

## 1. RECOMMENDATION

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

### Conditions:

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Block Plan	15898-3001	Rev C	18/10/16
Site Layout Plan	15898-3000	Rev C	18/10/16
Existing Floor Plans and Elevations	15898-3003		25/07/16
Existing Floor Plans and Elevations	15898-3004	Rev B	1/11/16
Existing Floor Plans and Elevations	15898-3005		2/11/16
Floor Plans Proposed	15898-300	Rev D	18/10/16

Floor Plans Proposed	15898-301	Rev E	18/10/16
Floor Plans Proposed	15898-301M	Rev B	18/10/16
Floor Plans Proposed	15898-302	Rev D	18/10/16
Floor Plans Proposed	15898-303	Rev D	18/10/16
Floor Plans Proposed	15898-304	Rev C	18/10/16
Floor Plans Proposed	15898-305	Rev C	18/10/16
Floor Plans Proposed	15898-306	Rev B	18/10/16
Floor Plans Proposed	15898-307	Rev C	18/10/16
Floor Plans Proposed	15898-308	Rev E	18/10/16
Floor Plans Proposed	15898-309	Rev D	18/10/16
Roof Plan Proposed	15898-310	Rev E	18/10/16
Elevations Proposed	15898-320	Rev C	4/10/16
Elevations Proposed	15898-321	Rev B	4/10/16
Elevations Proposed	15898-322	Rev B	4/10/16
Elevations Proposed	15898-323	Rev D	2/11/16
Elevations Proposed	15898-330	Rev B	18/10/16
Elevations Proposed	15898-331	Rev B	4/10/16
Elevations Proposed	15898-332	Rev C	18/10/16
Elevations Proposed	15898-333	Rev B	18/10/16
Elevations Proposed	15898-335	Rev D	4/10/16
Elevations Proposed	15898-336	Rev C	18/10/16
Elevations Proposed	15898-350	Rev E	4/10/16
Elevations Proposed	15898-351	Rev C	4/10/16
Elevations Proposed	15898-352	Rev C	18/10/16
Elevations Proposed	15898-353	Rev D	18/10/16
Other	1000002679-2-611-07	Rev D	21/11/16
Other	1000002679-2-611-05	Rev D	21/11/16

- 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 Prior to first occupation, details of a privacy screen along the eastern edge of the balcony serving Flat 3 within the former Alibi public house shall be submitted to and approved in writing by the Local Planning Authority and erected in full prior to first being brought into use and retained as such thereafter. The screen should be constructed of a material such as obscured glass to ensure it does not have a negative impact on daylighting.  
**Reason:** To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
  
- 4 Access to the spiral staircase at the rear of the former Alibi public house shall be for maintenance or emergency purposes only and shall not be used as a terrace or similar amenity area.

**Reason:** In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

- 5 The windows serving bedrooms 1 and 2 along with the window over the staircase within the eastern elevation of flat 1 at mezzanine level within the new build development hereby permitted shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.

**Reason:** To safeguard the privacy of the occupiers of the adjoining property and to comply with policy QD27 of the Brighton & Hove Local Plan

- 6 The lobby window windows in the east elevation of flat 2 within the former Alibi public house hereby permitted shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.

**Reason:** To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

- 7 All glazing to each balcony in the development hereby approved shall be constructed of obscured glazing.

**Reason:** To safeguard the privacy of the occupiers of the adjoining properties and to avoid the use of retro-fitted screens and to comply with policy CP12 of the Brighton & Hove City Plan Part One and policy QD27 of the Brighton & Hove Local Plan.

- 8 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 as per the recommendations of the Flood Risk Assessment (Ref: RCEF38330-002R) 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 that the principles of sustainable drainage are incorporated into this proposal and to comply with policy CP11 of the Brighton & Hove City Plan Part One.

- 9 No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- 5 A preliminary risk assessment which has identified:

- All previous uses
- Potential contaminants associated with those uses
- A conceptual model of the site indicating sources, pathways and receptors
- Potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.  
**Reason:** The site lies above the Chalk, which is designated a Principal Aquifer. These aquifers provide significant quantities of water for people and may also sustain rivers, lakes and wetlands. They are therefore groundwater resources that must be protected and to comply with policy SU3 of the Brighton & Hove Local Plan.
- 10 No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.  
**Reason:** The site lies above the Chalk, which is designated a Principal Aquifer. These aquifers provide significant quantities of water for people and may also sustain rivers, lakes and wetlands. They are therefore groundwater resources that must be protected and to comply with policy SU3 of the Brighton & Hove Local Plan.
- 11 No development should take place until a long-term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports to the Local Planning Authority shall be submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.  
**Reason:** The site lies above the Chalk, which is designated a Principal Aquifer. These aquifers provide significant quantities of water for people and may also sustain rivers, lakes and wetlands. They are therefore groundwater resources

that must be protected and to comply with policy SU3 of the Brighton & Hove Local Plan.

- 12 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

**Reason:** The site lies above the Chalk, which is designated a Principal Aquifer. These aquifers provide significant quantities of water for people and may also sustain rivers, lakes and wetlands. They are therefore groundwater resources that must be protected and to comply with policy SU3 of the Brighton & Hove Local Plan.

- 13 No drainage systems for the infiltration of surface water drain age into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

**Reason:** To ensure that surface water drainage from the proposed development does not result in a deterioration of groundwater quality and to comply with policy SU3 of the Brighton & Hove Local Plan.

- 14 No development above ground floor slab level of any part of the development hereby approved shall take place until a detailed schedule of external repairs and improvements to the former Alibi PH have been submitted to and approved in writing by the Local Planning Authority. The works shall include but not be exclusive to the following:

- Removal of bulky light fittings positioned above the ground floor fascia, 4 on North elevation, 3 on West.
- Removal of vents and reinstatement of 6 pane top-lights on 2 ground floor windows; 1 North elevation and 1 West elevation.
- Replacement of lower casement from ground floor window on West elevation with window to match adjacent each side.
- Removal of burglar alarm boxes (2 no).
- Replacement of main entrance door (1980s slipped fanlight style) with traditional painted timber panelled door along with improvements to the entrance area surrounding the doorway.
- Replacement of existing flush door on West elevation with traditional painted timber panelled door.
- Removal of redundant pipes and cables.
- Removal of chalk boards from around entrance
- The approved works shall then be carried out in full prior to first occupation of the development.

**Reason:** To ensure complete and sympathetic restoration of this locally listed building and to comply with policy HE10 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

- 15 The shopfront glazing to the retail unit within the new build development shall be fitted with clear glazing and be kept unobstructed internally, free from fittings and fixtures and shall not be affixed with advertisements or vinyl that would obscure views into and out of the premises.

**Reason:** To ensure the shopfront maintains an active frontage and to comply with policy QD5 of the Brighton & Hove City Local Plan and policy CP12 of the Brighton & Hove City Plan Part One.

- 16 No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):

- a) Samples of all brick, stone rainscreen, metal cladding, perforated metal screen on the ground floor on the west elevation; the metal cladding samples shall be accompanied by details of any treatment against weathering.
- b) Samples of all hard surfacing materials
- c) Samples of the proposed window, door and balcony treatments

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

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

- 17 No development above ground floor slab level of any part of the development hereby permitted shall take place until full details of the differing materials junctions across the building, the ventilated brickwork, the window and shopfront profiles along with the depth of the reveals including 1:20 scale sample elevations and sections have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and maintained as such thereafter.

**Reason:** To ensure the satisfactory appearance to the building and to comply with policies CP12 and CP15 of the Brighton & Hove City Plan Part One.

- 18 No development above ground floor slab level of any part of the development hereby permitted shall take place until full details of the proposed perforated metal screens, doors and garage doors to the ground floor on the western elevation including and lighting proposed, sample elevations, opening mechanisms and sections at a minimum of 1:20 scale have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and maintained as such thereafter.

**Reason:** To ensure the satisfactory appearance to the building and to comply with policies CP12 and CP15 of the Brighton & Hove City Plan Part One.

- 19 None of the new build 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 City Plan Part One.
- 20 None of the new build residential units hereby approved shall be occupied until each residential unit built has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.  
**Reason:** To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the City Plan Part One.
- 21 Prior to development of the ground floor slab level of the development hereby permitted details and plans of the size and location of the plantroom which shall include the facility for expansion for connection to a future district heat network shall be submitted to and approved in writing by the Local Planning Authority to include:
- a) The physical space to be allotted for installation of heat exchangers and any other equipment required to allow connection;
  - b) A route onto and through site for the pipework connecting the point at which primary piping comes on site with the on-site heat exchanger/ plant room/ energy centre. Proposals must demonstrate a plausible route for heat piping and demonstrate how suitable access could be gained to the piping and that the route is protected throughout all planned phases of development.
  - c) Details of the metering to be installed to record flow volumes and energy delivered on the primary circuit.
- Reason:** To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.  
**Reason:** To ensure that the development is sustainable and makes efficient use of energy to comply with policy SA1 of the Brighton & Hove City Plan Part One.
- 22 Unless otherwise agreed in writing by the Local Planning Authority, the non-residential development hereby approved shall not be occupied until a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM New Construction rating of 'Very Good' has been submitted to, and approved in writing by, the Local Planning Authority.  
**Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy CP8 of the City Plan Part One.
- 23 Prior to first occupation of the development hereby permitted, a scheme for landscaping shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

- a) Details of all hard and soft surfacing;
- b) Details of all boundary treatments;
- c) Details of all proposed planting to all communal areas appropriate for the seafront climate, including numbers and species of plant, and details of size and planting method of any trees.

All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to first occupation of the development. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 8 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

- 24 Notwithstanding the detail on drawing no. LLD930 02 revision 06 no development above ground floor slab level of any part of the development hereby permitted shall take place until details of the construction of the biodiverse roof covering of either chalk grassland, vegetated shingle or sedum have been submitted to and approved in writing by the Local Planning Authority. The details shall include justification of the proposed covering along with a cross section, construction method statement, the seed mix, and a maintenance and irrigation programme. The roofs shall then be constructed in accordance with the approved details and shall be retained as such thereafter.  
**Reason:** To ensure that the development contributes to ecological enhancement on the site and in accordance with policy CP10 of the Brighton & Hove City Plan Part One.
- 25 The development hereby approved shall not be occupied until details of the garage doors and how these will operate have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development.  
**Reason:** To ensure that the garage doors do not cause additional highway safety concerns and to comply with policy TR7 of the Brighton & Hove Local Plan.
- 26 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.
- 27 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 of the Brighton & Hove Local Plan.

- 28 Prior to first occupation of the development hereby permitted, details of the car park layout, including pedestrian routes, surface materials and 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 pedestrians and disabled residents, staff and visitors to the site and to comply with policies CP9 of the Brighton & Hove City Plan Part One and TR18 of the Brighton & Hove Local Plan and SPG4.

- 29 No development above ground floor slab level of any part of the development hereby permitted shall take place until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit.

**Reason:** This pre-commencement condition is imposed in order to allow the Traffic Regulation Order to be amended in a timely manner prior to first occupation to ensure that the development does not result in overspill parking and to comply with policies TR7 and QD27 of the Brighton & Hove Local Plan and CP9 of the City Plan Part One.

- 30 Prior to the first occupation of the development hereby approved a Delivery & Service Management Plan, which includes details of the types of vehicles, how deliveries will take place and the frequency of deliveries shall be submitted to and approved in writing by the Local Planning Authority. All deliveries shall thereafter be carried out in accordance with the approved plan.

**Reason:** In order to ensure 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.

- 31 Vehicles used to service the development hereby permitted shall not be articulated or exceed 8.5m in length.

**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.

- 32 The new build dwellings 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.

- 33 The wheelchair accessible dwelling(s) hereby permitted as detailed on drawing no. 15898 - PA - A - 302 revision D received on 18 October 2016 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.
- 34 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.
- Reason:** To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 35 The Party Ceilings/Floors between the commercial units and the residential units and the substation and residential units should be designed to achieve a sound insulation value of 5dB greater than that required by Approved Document E performance standards.
- Reason:** To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 36 No servicing work, deliveries or waste collections shall be made to or from the site outside of the hours: 07:00 to 20:00, Monday to Friday and 08:00 to 18:00 on Saturdays.
- Reason:** To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 37 Prior to first occupation of the development hereby permitted, details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and thereby retained as such unless a variation is

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

**Reason:** To safeguard the amenities of the occupiers of adjoining properties and to comply with policies QD25 and QD27 of the Brighton & Hove Local Plan.

38 The commercial units hereby approved shall only be open to the public between the hours of 07:00 to 23:00.

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

39 No development above ground floor slab level of any part of the development hereby permitted shall take place until a written scheme in accordance, as a minimum, with the levels laid out in Acoustic Associates Sussex Limited (ref: J1866), dated the 14th June 2016, for how and where ventilation will be provided to the residential accommodation hereby approved including specifics of where the clean air is drawn from, whilst providing sufficient acoustic protection built into the system to protect end users of the development, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme and shall ensure compliance with Building Regulations as well as suitable protection in terms of air quality.

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

40 No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority:

1. A detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such a scheme shall include nomination of a competent person to oversee the implementation of the works.

2. The development hereby permitted shall not be occupied or brought into use until there has been submitted to, and approved in writing by, the local planning authority a written verification report by a competent person approved under the provisions of this condition that any remediation scheme required and approved under the provisions of the condition has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority the verification report shall comprise:

- a) Built drawings of the implemented scheme;
- b) Photographs of the remediation works in progress;
- c) Certificates demonstrating that imported and/or material left in situ is free from contamination.

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

- 41 If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the Local Planning Authority. The remediation measures shall be carried out as approved and in accordance with the approved programme.

**Reason:** To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

- 42 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a method statement to identify, risk assess and address the unidentified contaminants.

**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.

- 43 No development shall commence on site until:

a) A full asbestos survey, of the areas to be converted will be undertaken by a suitably qualified specialist, and shall be submitted in writing to the local planning authority for approval.

And if any asbestos containing materials are found,

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

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 water efficiency standard required under relevant condition is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath,

5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.

3. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
4. The applicant is advised that the details of external lighting required by the condition above should comply with the recommendations of the Institution of Lighting Engineers (ILE) 'Guidance Notes for the Reduction of Light Pollution (2011)' for Zone E or similar guidance recognised by the council. A certificate of compliance signed by a competent person (such as a member of the Institution of Lighting Engineers) should be submitted with the details. Please contact the council's Pollution Team for further details. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP (telephone 01273 294490 email: [ehlpollution@brighton-hove.gov.uk](mailto:ehlpollution@brighton-hove.gov.uk) website: [www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)).
5. The applicant is advised that the permit free housing scheme required to be submitted by the relevant condition above should include the registered address of the completed development; an invitation to the Council as Highway Authority (copied to the Council's Parking Team) to amend the Traffic Regulation Order; and details of arrangements to notify potential purchasers, purchasers and occupiers that the development is permit-free.
6. The LLFA notes the Sustainable Drainage Report and Flood Risk Assessment, February 2016 (Ref: 14808/01/SDR) submitted in support of the application:  
To discharge the relevant condition the LLFA would expect to see:
  - Details and location of any proposed drainage infrastructure.
  - Details of the final (not indicative) peak rate of the surface water runoff - post development
  - Appropriate calculations to demonstrate that the proposed sustainable drainage will be able to cope with both winter and summer storms for a full range of events and storm durations.
  - The applicant should demonstrate 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 (+30% allowance for climate change) year event in any part of a proposed buildings susceptible to water.

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

- 2.1 The application site is located on the corner of Kingsway and St Aubyns South adjacent to the King Alfred Leisure Centre on an island of development bordered to the east by Sussex Row and to the south by King's Esplanade. The site is comprised of two portions, both are currently vacant, the main site to the

west was until 2015 occupied by a Texaco garage and shop whilst the eastern portion is occupied by the locally listed former Alibi public house, at 22 Victoria Terrace. The character of the surrounding area is a mix of residential and various commercial uses including cafes, restaurants and retail.

- 2.2 The surrounding form is a mix of terraced and purpose built flatted development, the scale is varied with the adjacent Victoria Terrace representing the smallest scale at only 2 storeys in height, whilst the nearby Bath Court represents the tallest development in the island at 7 storeys.
- 2.3 This site is partly within the Cliftonville Conservation Area and is also adjacent to the Old Hove Conservation Area and close to Pembroke and Princes Conservation Area. It is a prominent site on the main seafront route through Hove and is visible from the Seafront. To the rear of the site is St Aubyns Mansions which along with the Alibi public house is also locally listed. Opposite the site on the north side of the Kingsway nos. 2-6 St Aubyns are Grade II listed. The immediate surrounding materials palette is predominantly painted render although the King Alfred Leisure Centre and Bath Court are constructed of red and gault brick respectively.
- 2.4 The application seeks to demolish the existing structure to the rear of the Alibi public house and redevelop the main former garage site to construct a development rising from 4 storeys up to 9 on the north western corner. The development seeks to create 375sqm of retail floorspace accessed and serviced off the Kingsway with 8 associated surface parking spaces to the eastern side of the unit and 9 enclosed parking spaces for the residential element on the ground floor with 55 flats above with a mixture of 1, 2, 3 and 4 bedroom (one within the corner tower) units. The proposal also includes refurbishment and conversion of the existing Alibi public House to create an A1 retail/non-hot food café unit on the ground floor and three flats over, 2 x 1 bedroom and 1 x 2 bedroom units. The main entrance to the residential development is via a central courtyard entrance between the former Alibi and the proposed purpose built retail unit.
- 2.5 The palette of materials proposed include gault/buff brick to the majority of the elevations, grey metal cladding is proposed to the upper storeys whilst copper/green colour cladding panels are proposed in areas across the elevations, a honed limestone rainscreen is proposed to the north-west corner nine storey element. The fenestration is proposed in grey powder coated aluminium and the various service doors and garage doors on the ground floor western elevation are proposed to be concealed behind decorative perforated aluminium screening.
- 2.6 Pre-application advice:  
The development has been influenced by pre-application feedback from officers and the Design Panel and was presented to members prior to submission on 8 December 2015.

### **3. RELEVANT HISTORY**

**BH2015/00330:** Replacement of existing 17.2 metre monopole with a new 17metre monopole incorporating 6no shrouded antennas, replacement of 3 no existing cabinets, relocation of 1no existing cabinet and other ancillary works including 2m high fencing around cabinet area. Refused.

**BH2005/06521:** Ground floor petrol filling station and shop, 12 upper storeys of residential accommodation (92 residential), basement car parking and first floor deck amenity space. Appeal lodged against non-determination, appeal subsequently withdrawn, recommendation made to members following the appeal being lodged - Appealed non-determination recommended for refusal.

#### 4. REPRESENTATIONS

4.1 **Sixty eight (68)** letters have been received from **Flat 2 11 Victoria Terrace, 2, Benett Drive, Flat 3 (2x), 11, 16, 20, 21, 22, 23 (2x), 26, 30, 39a (2x), 40 (2x), no flat number given, Bath Court, 44 Sackville Gardens, 29 Seafield Road, 21 (2x) Western Street, 7 Lower Market Street, 21d, Flat 1a 13, 7, Flat 1 11, 12, 16, flat 1, 2, 3, 4 and 5 3 St Aubyns, Flat 1, 2, 3, 4, 5, 6, 7 (2x), 8 (2x), St Aubyns Mansions, 8 Victoria Cottages, 4 Essex House, 4, 8 St Aubyns Gardens, 8, 23 (2x), 25, Benham Court, 3 Medina Terrace, 1, 4, 13, 14, 17 (2x), 18 Sussex Road, Courtenayside, Courtenay Terrace (2x), 25 Lovegrove Court, (Save HOVE) 13 Clarendon House Clarendon Road, Ingram Crescent East, 29 Seafield Road, Flat 7, 5 1-3 Vallance Gardens** objecting to the proposed development for the following reasons:

- The development will lead to a wind-tunnel effect that could result in server effects on the local environment and amendments should be made accordingly - the Council would be open to a cost claim if this 'expert' opinion is found correct on the basis the development would result in a violation of Art 8 of the Human Rights Act.
- Lack of community engagement.
- If the construction proposes to use piling this could lead to extensive damage to neighbouring properties.
- The parking surveys undertaken are questioned for their validity.
- Development should be car free, the waiting lists for permits are already huge.
- Parking survey flawed.
- Images are misleading.
- The development won't be affordable for local people and will be bought by Londoners and those from abroad as second homes.
- Significant noise and disruption will be caused to vulnerable elderly residents.
- Loss of views.
- Harmfully impact on property prices for neighbouring dwellings.
- Design has changed since seen at the public exhibition - inappropriate scale and poor design.
- The development does not constitute sustainable development according to the NPPF.

- No consideration has been given to the impacts on views from Seafield Road.
- The development is not in an area allocated for tall buildings and there is no architectural justification for this site to accommodate such a tall building.
- The tall buildings statement is inadequate and fails to demonstrate the impact on the conservation areas.
- The height is exacerbated by the increase in site levels up from the seafront.
- The Alibi is locally listed building which will be harmed by the development and should be restored to existing use not offices.
- The Co-op will compete and undermine local independent businesses - there are already too many chain businesses in the City.
- The cycle provision obstructs the highway and is dangerous for cyclists and road users alike.
- Development will exacerbate existing traffic and parking problems causing highway safety issues leading to environmental harm.
- Insufficient consideration for delivery vehicles.
- Insufficient infrastructure in the local area to support future occupants.
- Overlooking, loss of privacy.
- Loss of sunlight/daylight affecting right to light.
- Overbearing.
- The daylight assessment contains errors.
- Potentially infringes on human rights of neighbouring residents.
- One storey above existing should be the maximum height and would be much more in keeping with the area.
- Height sets an unwanted precedent.
- Overdevelopment.
- Concerned about the impact on internet connection.
- Noise disturbance from deliveries and activity from the larger retail unit will be harmful and cause a highway safety issue.
- An inset loading bay should be provided.
- A contribution could be made by the developer towards barriers at the entrance of Bath Court and St Aubyns.
- The proposal would result in the loss of an historic coach house structure to the rear of the Alibi in the conservation area.
- The development will harm the conservation area and neighbouring listed and locally listed buildings.
- Concern raised regarding the level of affordable housing provision.
- The junction at St Aubyns South and Kingsway is very dangerous and will be made worse by the proposed loading bay and additional traffic.
- Incorrectly registered in Old Hove Conservation Area.
- Insufficient number of neighbours directly notified.
- Severe overlooking to St Aubyns from the windows and balconies on the southern elevation.
- Reasons for refusal on the previous 2006 application are still valid.
- There is insufficient infrastructure to support the new residents, e.g. doctors, schools, dentists.
- When combined with the King Alfred development the openness of the seafront will be significantly impacted.



- The proposed materials are not in keeping with the surrounding development with the exception of the poorly designed Bath Court.
  - The loss of the public house is a concern as it is an important social space.
  - Flood risk is a significant concern with neighbouring properties having suffered damage in recent storm flooding - capacity in the existing infrastructure is insufficient.
  - The development would be in breach of a restrictive covenant on site.
- 4.2 **One (1)** letter has been received from **21 Furze Croft, Furze Hill** supporting the application on the following grounds:
- The development will replace an eyesore and will form an excellent transition between developments to the south of Kingsway and the proposed King Alfred.
  - The choice of materials relate well to surrounding development.
  - The new homes are welcomed.
  - The mass and form stepping up from the Alibi pub terminating in an elegant tower is supported.
- 4.3 **Hove Civic Society:** Support the proposal on the following grounds:
- It will rejuvenate this part of Kingsway.
  - The design of high quality and is very elegant.
  - The group are supportive of the emphasis given by the raised height and turret on the western edge - it will provide a good transition to the beginning of the King Alfred redevelopment.
  - The development should provide environmental improvements to the junction at St Aubyns and Kingsway with landscaping.
- 4.4 **Regency Society:** Support the proposal on the following grounds:
- Mixed use scheme is appropriate and will replace the existing eyesore.
  - The restoration of the Alibi Pub is also supported.
  - The surrounding area is mixed in scale and character and the scheme will in all probability relate to the future King Alfred redevelopment.
  - The stepped form and scale up to the northwest corner will set up an interesting and dynamic transition from the terraces on the Kingsway to the new King Alfred development acting as a marker for the end of St Aubyns.
  - The use of materials is supported and relates well to surrounding development.
- 4.5 **CAG:** The Group held varying opinions. Some took the view that the application should be approved on grounds that it is an elegant design which provides a good transition between older buildings to the east and the proposed new King Alfred development to the west. Others thought it should be refused because the corner building is too tall for the site and doesn't show any sympathy to neighbouring buildings. Given the site's proximity to the original Hove village it was suggested that an archaeological survey may be appropriate before any work is started.

## 5. CONSULTATIONS

### 5.1 External:

#### 5.2 **Sussex Police:** Support:

The principle of mixed use development on the site but encourage the applicant to consider appropriate crime prevention measures set out in Secured by Design.

#### 5.3 **Brighton and Hove Archaeological Society:** Comment:

The archaeological record shows that there have been a small number of archaeological finds of prehistoric dating around the Kingsway location. The existing buildings have probably removed any archaeological deposits. However, as the development is of a significant size, the Brighton and Hove Archaeological Society would suggest that you contact the County Archaeologist for his recommendations.

#### 5.4 **County Archaeologist:** Comment:

Although the site is in an Archaeological Notification Area it is considered unlikely that any significant below ground archaeological remains are likely to be affected by these proposals.

#### 5.5 **County Ecologist:** Comments:

Provided the recommended mitigation measures are implemented, the proposed development is unlikely to have any significant impacts on biodiversity and can be supported from an ecological perspective. The site offers opportunities for enhancement that will help the Council address its duties and responsibilities under the NPPF and NERC Act.

5.6 It is recommended that rather than a sedum roof which is of relatively low biodiversity value, the green roofs should be chalk grassland to support Biosphere objectives, or vegetated shingle given the proximity to the coast.

#### 5.7 **Southern Water:** Comment:

The public sewer crosses the site and may therefore need diverting; if diverted it will need to meet Southern Water's specific requirements and a condition is recommended to secure details of how the sewers will be protected along with an informative to request that the applicant seeks advice regarding surveying the condition of the sewer from Southern Water should a sewer be found during construction.

5.8 Southern Water believes there is capacity to provide foul sewage disposal to the service the development however formal application for connection is required.

5.9 An initial desktop study indicates that additional local infrastructure is necessary to support the development due to increased wastewater into the sewerage system to avoid increased flooding risk. As such a condition is recommended to secure a drainage strategy and means of foul and surface water disposal; the drainage strategy shall also take account of the possibility of surcharging within the public sewer.

- 5.10 Any Sustainable Urban Drainage (SUDS) should be agreed by the Local Planning Authority (LPA).
- 5.11 **Environment Agency: Comment:**  
No objection is raised providing conditions relating to contamination and filtration of drainage have been provided to ensure the Principle Aquifer/protected ground water.
- 5.12 Internal:
- 5.13 **Sustainable Drainage: Comment:**  
The Lead Local Flood Authority (LLFA) has no objections to this application subject to the inclusion of a condition to seek details of design and management of the surface water drainage.
- 5.14 **Economic Development: Comment:**  
City Regeneration supports this application. The proposed redevelopment of the existing garage site to provide 55 mixed-size dwellings and conversion of the adjacent public house to provide a further 3 dwellings, totalling 58, will contribute to addressing the city's challenging housing targets and will further enhance the area with the planned redevelopment of the King Alfred Leisure Centre.
- 5.15 The provision of A1 commercial space will provide employment opportunities for local residents and services for residents and visitors to the city, although the number of FTE and equivalent FTE employment opportunities indicated are less than expected using the Off PAT Guidance on Employment Density for A1 class.
- 5.16 An Employment and Training Strategy will be required in addition to developer contributions towards the council's Local Employment Scheme, as specified in the Developer Contributions Technical Guidance.
- 5.17 It is proposed for this development that the minimum percentage of 20% local employment is expected for the demolition (where appropriate) and construction phases of the development.
- 5.18 Also, if approved, in accordance with the Developer Contributions Technical Guidance, City Regeneration requests a contribution through a S106 agreement for the payment of £19,600 towards the council's Local Employment Scheme
- 5.19 **Private Sector Housing: No comment**
- 5.20 **Sustainability: No objection**  
Comment: The proposals meet the overarching minimum performance standards for the housing and the non-residential elements as specified under City Plan Policy CP8.
- 5.21 An Energy and Sustainability Statement has been submitted with the application. This includes a BREEAM pre-assessment report which shows a pathway to achieve a 'very good' standard for the retail space which totals

375sqm. The size of the retail element falls into the 'non-major' threshold and is therefore expected to achieve a 'very good' standard.

- 5.22 It is recommended a condition be attached securing these minimum standards.
- 5.23 The energy strategy proposed is to incorporate communal on site heating - the proposed scheme is sited within Development Area SA1 - The Seafront in City Plan Part One which has been identified as having potential for heat networks.
- 5.24 The scheme proposes onsite communal heating, and is next to the site allocation King Alfred Centre, on which a heat network is expected to come forward. As a result the energy centre proposed on the former Texaco site should provide capacity for future connection to a heat network which should be secured by condition.

Suggested conditions:

BREEAM New Construction 'very good'

Minimum energy and water efficiency standards

Capacity for future connection to a heat network

5.25 **Arboricultural Services:** No objection

Nothing of any public amenity value from an Arboricultural perspective will be lost to facilitate the development and therefore the Arboricultural Section has no objection to these proposals. There is some concern over the viability of the soft landscaping due to the exposed location as this is a very exposed site where soft landscaping should be kept low to the ground and should not include tree planting. Little of any size other than Tamarisk should be planted with only part success to be expected.

5.26 **Environmental Health:** No objection

5.27 Updated comment:

Noise:

The proposed is located next to a busy road and therefore there is the potential for residents to be impacted by road traffic noise. Additionally the mixed commercial and residential use creates potential noise impacts for residents and the potential for complaints for the commercial units.

5.28 In relation to road noise, glazing and passive ventilation is recommended to be secured by condition in accordance with the acoustic report submitted with the application along with details of plant and machinery used in connection with the retail unit and hours of delivery.

5.29 Additional insulation is proposed between the Alibi café/retail unit on the ground floor which will also be secured by condition. No external extract or ventilation units are proposed as no cooking is proposed on site, any external extract would require submission of a separate planning application.

5.30 Contamination:

The contaminated land report is considered robust, and states that the site is safe for its proposed use. However, the tanks are still on site and will need to be

removed as part of a remediation process. A remediation and validation condition should therefore be attached.

- 5.31 Additionally, a contaminated land discovery strategy would also be recommended for this development just in case otherwise unsuspected contamination is found during the development of the site.
- 5.32 Additionally within the building that is being converted there is a concern over asbestos within the building structure, it is expected that this will be addressed through an asbestos survey.
- 5.33 **Air Quality:**  
The development does not introduce new residential receptors into an area of existing pollution (and there are no air quality compliance issues at the site). Environmental Health should be consulted on the detail of a CEMP with reference to air quality in addition to more general matters.
- 5.34 **Heritage: No objection**  
**Principle of Development:**  
The Heritage Statement demonstrates that the site of the existing garage building has been anomalous since development in the vicinity began, with the first structure appearing there only in 1932. The current development under-uses the site and has alien scale, grain, massing and form. There is therefore great potential for a new development of high quality to preserve or enhance the character of the conservation areas as required by the Planning (Listed Building and Conservation Areas) Act 1990 and sustain or enhance the significance of the heritage assets as required by the NPPF.
- 5.35 There is therefore no objection to the loss of the existing garage building and the principle of redevelopment of the site, or to the proposed uses.
- 5.36 The immediate area around the site contains buildings that range widely in their scale from 2 storey Victoria Terrace to 7 storey Bath Court. The suitability of sites for taller buildings is primarily established through the Tall Buildings SPD which identifies the Western Seafront/Kingsway corridor as suitable for mid-rise buildings to replace poor building stock, and a taller 'landmark development form' as an end-stop to Hove's Western Lawns. It is therefore considered that this site has potential for a substantially increased scale of development. However as acknowledged in para 4.9 of the Heritage Statement the various heritage assets on and around the site will be affected by such a proposal.
- 5.37 The proposed development has been influenced by pre-application feedback and consultation with the Design Panel. It now includes the Alibi PH and the submission mentions restoration works to this locally listed building, however no specific proposals are provided. This will be a public benefit that can be balanced against any harm that would be caused to the heritage assets and in the absence of a schedule from the applicants the list below is considered necessary and should be required by condition, subject to details.

- 5.38 The re-arrangement of the access point to the flats in association with the small landscaped area will allow clear separation and visibility of both North and West elevations of The Alibi which is welcome.
- 5.39 **Form of Development**  
On the garage site, the proposed development hints at the traditional development form where higher scale is used to punctuate the ends and corners of development block frontages. Heights within the site have been graduated to align with the scale of existing development elsewhere in the block bounded by Kingsway, St Aubyns South, the Esplanade and Sussex Road. The East and South extents of the proposed development acknowledge the lower scale of adjacent assets, The Alibi and St Aubyns Mansions respectively. However, being separated by Kingsway, a gradual transition with the lower heights of the listed buildings opposite (2-6 St Aubyns) is not possible, and the impact of the tall corner building on the listed buildings when viewed from the East is arguably the most dramatic aspect of the development.
- 5.40 Until the King Alfred site is developed the view from the West will be highly visible, and the corner tower will be the tallest element in the vicinity. The Heritage Team disagrees with 4.5 of the Design and Access Statement that the development will have "minimal visual impact on surrounding buildings and environment". Following requests for further information the applicants submitted an additional image and this demonstrates that the distance between the corner tower and the listed terrace provides balance to the greater scale of the corner block and the impact is considered acceptable.
- 5.41 **Materials**  
The reasons for the avoidance of render finishes in the scheme, which is clearly the most dominant material in the vicinity is understood, and the use of limestone instead, (which is not a material that is characteristic in this location) will not stand out in long views.
- 5.42 Yellow/buff brick is proposed as the main building material in this development. This material is significant historically further East, (notably in The Avenues Conservation Area) but is only present nearby on modern developments. The applicants have put forward arguments in favour of this material, which include its proven durable qualities for the whole life of the building with little or no maintenance, benefits that cannot be attributed to render, which is historically more characteristic of this immediate area. It is considered that the weathering properties of materials and maintenance cycles are important considerations in this process, and in this case in order to ensure that the quality of finish in this development is lasting, it is accepted that the proposed bricks present an acceptable solution.
- 5.43 The use of translucent glass balconies is welcomed and responds to discussions over privacy on balconies and the need to avoid individual solutions.
- 5.44 Unlike other retail uses, supermarket windows are often dead frontages due to internal fitting out and the need to maximise the use of internal space. A lively

street frontage is important for this prominent site which will be an important contributor in an area that will become a destination and focal point once the King Alfred site is redeveloped. It is considered that the treatment of the shop windows needs to be fully considered and specified, however as this will be the concern of the future occupier it is requested that an appropriate condition is added to any approval, requiring active frontages to the north and west elevations of the retail unit and restricting the placement of fittings with their backs to the glass.

5.45 The proposed removal of the outbuilding to the South of the Alibi is accompanied by an analysis that indicates this structure does not have an early association with the former PH and is not of historic significance in its own right, therefore although it does not have a harmful impact on the identified heritage assets there is no objection to its demolition.

5.46 **Conclusion**

It is considered that the 9 storey tower and general scale of the proposed development, along with the extensive use of yellow brick will cause harm to the identified heritage assets. However, it is considered that the harm would be less than substantial and it is acknowledged that the form of the existing garage development is itself harmful.

5.47 Subject to conditions regarding improvements to The Alibi it is considered that there are public benefits from the development that can be weighed against the harm.

5.48 **Housing: Comment**

The scheme proposes to provide 58 apartments made up of 24 x 1 beds; 23 x 2 beds; 10 x 3 beds and 1 x 4 bed apartment.

5.49 To be policy compliant the scheme should provide 40% of units as affordable housing which would be 24 units - of which 13 should be for affordable rent and 11 should be for shared ownership sale.

5.50 Within this, 10% should be wheelchair accessible.

An independent viability by the DV District Valuer has confirmed that provision of 20% Affordable Housing - in the policy compliant tenure split - is viable on this scheme. This equates to 12 units, which the developer has now offered as 6 for Affordable Rent and 6 for Shared Ownership sale.

5.51 No affordable housing was included in the original scheme of 59 units, but the developers have now accepted the DV viability with 20% provided as affordable as outlined above.

5.52 The published Affordable Housing Brief sets out the following broad tenure split as a citywide objective:

Tenure mix:

55% Social Rent or Affordable Rent

45% Intermediate e.g. shared ownership

- 5.53 This would equate to 7 rented and 5 shared ownership sale properties. The scheme is now offered at a 50/50 split which means 6 units for affordable rent and 6 for shared ownership, as this works better within the specific scheme layout. This is an acceptable compromise.
- 5.54 As the scheme is not policy compliant (as it does not provide 40% affordable housing) based on costs identified in viability assessments, it is important that viability is reassessed at or near the time of scheme completion and any increase in the viability position is reflected in an uplift of the contribution, to be paid as a commuted sum. This is outlined in the Affordable Housing Brief and will be included in the S106 agreement for the development.
- 5.55 The scheme does not meet full policy requirements but housing support the revised offer based on the DVS viability assessment, with inclusion of the viability update outlined above, as best option available for meeting the city's housing needs.
- 5.56 **Planning Policy: Comment**  
The proposed mixed use development is for 58 apartments, 375sqm retail and ground floor café use is supported in principle and accords with making efficient and effective use of development sites. The residential element will make a welcome contribution towards meeting the city's minimum housing requirement for 13,200 new homes to be delivered by 2030 and the city's five year housing supply requirement in accordance with CP1 Housing Delivery. The retail and café elements of the scheme will assist in improving the commercial offer and vitality of the local shopping parade in this locality.
- 5.57 However, the lack of any affordable housing provision as part of the proposal is of key concern and is contrary to City Plan Part One CP20 Affordable Housing. The viability assessment needs to be independently reviewed by the District Valuer before further comment on this aspect can be made.
- 5.58 Regarding the loss of the Alibi Public House which is considered to be a community facility, the NPPF defines community facilities to include Public Houses. As a consequence, Policy HO20 in the 2005 Local Plan for Brighton and Hove needs to be addressed.
- 5.59 The proposal indicates that the ground floor of the former Alibi Public House will be replaced by a café with apartments above and it is claimed that the community function of the former public house will be retained by the café use. In terms of Policy HO20, a café use does not fall into the defined community facilities and other criteria set out in the policy for exceptions are not met in full. However, it is agreed that a café use would contribute to the vitality of the local parade of shops in this locality and that there are plenty of other drinking establishments in the local area many of which offer function rooms available for a community use. In overall terms, it is considered that the positive benefits of the scheme outweigh any shortcomings in terms of the loss of the pub as a community facility.



- 5.60 The residential element of the scheme provides for 23x 1 bed units, 24x two bed units, 10x 3 bed units and 1x 4 bed unit. In overall terms, this proposed unit size mix can be supported and is considered to be in accordance with City Plan Part One policies SA6 and CP19 which address housing mix.
- 5.61 **Children's and Young Peoples Trust: Comment**  
The calculation of the developer contribution shows that we would be seeking a contribution of £106,685.20 towards the cost of primary, secondary and sixth form provision if this development was to proceed. The primary provision would be likely to be spent at West Hove Infant School, Hove Junior School, St Andrew's Primary School, Brunswick Primary School, Hove Junior School, Holland Road, or West Hove Infant School Connaught Road as they are the closest primaries to the development. These schools currently offer a total of 2,986 places and there are currently 2,793 pupils on roll at these schools. This offers a surplus of just 6% (the majority of which is in the junior year groups) which is required to allow for parental preferences and in year admissions.
- 5.62 With regard to the secondary provision the development is currently in the catchment area for Blatchington Mill and Hove Park Schools. Both of these schools are currently full and therefore it is entirely appropriate to seek a contribution in this respect.
- 5.63 **Sustainable Transport: No objection:**
- 5.64 **Summary:**  
The Highway Authority would not wish to object to the grant of consent of the above application subject to the necessary conditions and a S106 agreement to secure a sustainable transport contribution of £53,100, highway works associated with the development proposals and sustainable travel measures. It is also recommended that restrictions be placed on the ability of future residents to apply for on-street parking permits. This will help to minimise the impacts of the development, particularly in relation to overspill parking, and help to encourage the use of sustainable modes of travel.
- 5.65 **Main comment:**  
**Vehicle Access and Proposed Highway Works:**  
It is recommended that the footway is reinstated to remove the redundant crossover on Kingsway and for the amended access on St Aubyns South via a s278 agreement
- 5.66 The applicant is proposing kerb buildouts on either side which will assist with visibility of and for vehicles exiting the site, the proposed loading bay will also be raised to footway level; this along with the size of the build outs, which will be agreed at the detailed design stage, will reduce the likelihood of indiscriminate use.
- 5.67 **Car Parking**  
**Level of Provision:**  
Within Controlled Parking Zones (CPZ), SPG4 permits one car parking space per residential dwelling plus one per five dwellings. For the total of 59 flats (including four within the former Alibi public house) a maximum of 70 spaces

would therefore be permitted for this element of the development. Nine spaces are proposed.

- 5.68 The level of provision is therefore a reduction on the permitted level; however, the standard represents a maximum and lower levels are desirable where it can be demonstrated that there will not be adverse impacts from overspill parking. A number of objections have cited the relatively low level of provision; however, the site's location within a CPZ would limit the opportunities for overspill parking. The applicant has undertaken a parking survey in accordance with the Lambeth Methodology which the council deems to be appropriate. This was undertaken on two weekdays and a Saturday in January 2016. The area was also surveyed on two weeknights in May 2016. Although it is noted weekday demand may be higher in the summer in this location, the night time survey in May is considered representative for residential demand.
- 5.69 The survey data suggest that there is not capacity on surrounding streets for all households without access to an on-site parking space (50) to be allocated an on-street permit. In any case there is currently a waiting list for permits in CPZ N in which the site is located.
- 5.70 Taking account of the above, it is considered that the site's accessible location on bus and cycle routes would make low car development appropriate. It is recommended that the development be made permit free by way of a condition.
- 5.71 It is considered that this would minimise the impact of the proposals on on-street parking amenity. This will also be supported and sustainable travel encouraged through the applicant's commitment to provide two years car club membership and a £100 cycle voucher per household. It is recommended that this is secure via s106.
- 5.72 The commercial car park layout is acceptable.
- 5.73 The proposed residential car park layout should be amended by condition to ensure the disabled parking spaces meet the required standards.
- 5.74 Cycle Parking:  
SPG4 requires one cycle parking space per residential unit plus one per three units for visitors, equating to 79 spaces for the proposed development. For the commercial uses a minimum of two spaces would be required.
- 5.75 A total to 79 spaces will be provided within the two residential stores in addition to three on-street stands providing capacity for six bikes for the commercial uses and visitors.
- 5.76 It is recommended that further details of the two tier stands be secured by condition. The external on-street stands should form part of the highway works to be secured as part of the S106 agreement.
- 5.77 Deliveries and Servicing:

Servicing from the Kingsway is considered preferable to St Aubyns South however concern is raised over servicing from the carriageway which has the potential to obstruct visibility for vehicles exiting St Aubyns south. The Highway Authority would therefore request that the development be serviced by non-articulated vehicles from this location (as is indicated will be the case in the Transport Statement) and also request that peak periods be avoided. It is recommended that these concerns be addressed by means of a Delivery and Servicing Management Plan.

5.78 In addition, to address the above concerns with indiscriminate parking, it is recommended that the highway works include provision of a footway-level loading bay as detailed in the highway works comments above.

5.79 Trip Generation/ S106:

As a result in the change in the nature of trip generation from the development created by the residential element which equates to £53,100 and is recommended to be spent on the following measures:

- Pedestrian footway and cycle route improvements to include, but not limited to, dropped kerbs and tactile paving, crossings and junction entry treatments on routes between the development site and local facilities including King Alfred, Seafront and Central Hove shops and services;
- Public transport improvements to include shelters, accessible kerbs and/or real time public transport information at bus stops on Kingsway.

5.80 A Construction Environmental Management Plan is also recommended to be secured.

5.81 It is recommended that the following highway works be secured through the S278 agreement:

- Details of Kingsway vehicle access and associated kerb buildout and footway treatments to the east side of the access;
- Details of footway level loading bay on Kingsway;
- Details of a scheme to prevent right turn entry and exit to the site access on Kingsway;
- Details of the St Aubyns South vehicle access (raised footway/ vehicle crossover);
- Details of reinstatement of redundant vehicle crossovers and resurfacing of footway on Kingsway and St Aubyns South for the full perimeter of the development site;
- Details of proposed on-street cycle parking scheme.

## **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 and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only - site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.

6.3 Due weight has been given to the relevant retained policies in the Brighton 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

- SA1 The Seafront
- SA6 Sustainable Neighbourhoods
- SS1 Presumption in Favour of Sustainable Development
- CP1 Housing delivery
- CP2 Sustainable economic development
- CP4 Retail provision
- CP7 Infrastructure and developer contributions
- CP8 Sustainable buildings
- CP9 Sustainable transport
- CP10 Biodiversity
- CP11 Flood risk
- CP12 Urban design
- CP13 Public streets and spaces
- CP14 Housing density
- CP15 Heritage
- CP16 Open space
- CP17 Sports provision
- CP18 Healthy city
- CP19 Housing mix
- CP20 Affordable housing

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

- TR4 Travel plans
- TR7 Safe Development
- TR14 Cycle access and parking
- SU9 Pollution and nuisance control
- SU10 Noise Nuisance
- QD5 Design - street frontages
- QD15 Landscape design
- QD16 Trees and hedgerows
- QD27 Protection of amenity

HO5 Provision of private amenity space in residential development  
HO13 Accessible housing and lifetime homes  
HE3 Development affecting the setting of a listed building  
HE6 Development within or affecting the setting of conservation areas  
HE10 Buildings of local interest

Supplementary Planning Documents/guidance:

SPD02 Shop Front Design  
SPD03 Construction & Demolition Waste  
SPD11 Nature Conservation & Development  
SPD14 Parking Standards  
SPG15 Tall buildings

**8. CONSIDERATIONS and ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the principle of development, design and impacts on heritage assets, along with impacts on amenity, transport and sustainability.
- 8.2 It is noted that the existence of a restrictive covenant on the site has been raised by neighbours, however this is a private legal issue and is not a material planning consideration.
- 8.3 The City Plan Part 1 Inspector's Report was received February 2016. This supports a housing provision target of 13,200 new homes for the city to 2030. It is against this housing requirement that the five year housing land supply position is assessed following the adoption of the Plan on the 24th March 2016. The City Plan Inspector indicates support for the Council's approach to assessing the 5 year housing land supply and has found the Plan sound in this respect. The five year housing land supply position will be updated on an annual basis.
- 8.4 **Principle of development:**  
The views of the Policy Officer are supported and the proposed mixed use development accords with making efficient and effective use of development sites and the residential element will make a welcome contribution towards meeting the city's minimum housing requirement. The retail and café elements of the scheme will assist in improving the commercial offer and vitality of the local shopping parade in this locality.
- 8.5 Regarding the loss of the Alibi public house which is considered to be a community facility, in terms of Policy HO20, a café use does not fall into the defined community facilities and other criteria set out in the policy for exceptions are not met in full. However, it is agreed that a café use would contribute to the vitality of the local parade of shops in this locality and that there are numerous other drinking establishments in the local area, many of which offer function rooms available for a community use. Overall, the positive benefits of the scheme are considered to outweigh any shortcomings in terms of the loss of the pub as a community facility.

- 8.6 The overall proposed unit mix of 24 one beds, 23 two beds, 10 three beds and 1 four bed unit is considered to be acceptable. The application has been considered by the District Valuer and although as submitted the scheme sought only to provide open market housing, an offer of 20% affordable housing, based on 51.6% affordable rent and 48.4% shared ownership (50/50 in relation to actual units) and £220,354 of Section 106 financial contribution has been negotiated. The proposed tenure split is in line with the published Affordable Housing Brief which sets out a broad tenure mix of: 55% affordable rent and 45% intermediate e.g. shared ownership.
- 8.7 The unit mix is made up of 2 x 3 bed, 2 x 2 bed and 2 x 1 bed units for the affordable rent flats and 1 x 3 bed, 3 x 2 bed and 2 x 1 bed for the shared ownership flats. As noted by housing, the two one bed, two person flats are just below the nationally prescribed space standards. However as noted by Housing, although this is disappointing the units fall just below at 48sqm rather than 51.5sqm and as such it is not considered to warrant refusal; housing support this view and raise no objection on these grounds either.
- 8.8 On the basis that the scheme is below a policy compliant level, and as supported by the Developer Contribution Technical Guidance, it is recommended that a clawback/review mechanism is secured through the S106 to review the viability of the scheme close to completion of the development and if there is additional surplus created by the development, the additional financial contribution to a maximum of £347,251 and the equivalent of 40% affordable housing will be secured via a contribution for an off-site provision. The contributions calculated to address the impacts of the development in relation to education, open space, sustainable transport and the local employment scheme have each been reduced proportionately to a maximum of £220,354.
- 8.9 **Heritage:**  
The immediate area around the site contains buildings that range widely in their scale from 2 storey Victoria Terrace to 7 storey Bath Court. The suitability of sites for taller buildings is primarily established through the Tall Buildings SPD which identifies the Western Seafront/Kingsway corridor as suitable for mid-rise buildings (6-8 storeys) to replace poor building stock, and a taller 'landmark development form' as an end-stop to Hove's Western Lawns. As supported by Heritage, it is therefore considered that this site has potential for a substantially increased scale of development. However, as acknowledged within the guidance, the existence of various heritage assets make introducing tall buildings challenging, requiring the submission of further analysis to support any application.
- 8.10 **Form of development:**  
The development would step up from two storeys where it adjoins the rear of the former Alibi public house, to nine storeys on the corner with St Aubyns South and the Kingsway. The nine storey element occupies only the corner of the development which contains a duplex/maisonette 4 bedroom unit. The development then drops down to eight storeys (one storey taller than the neighbouring Bath Court) to either side of the 'tower' element before it steps

down to six storeys to the southern end and four adjacent to the Alibi and courtyard entrance to the scheme.

- 8.11 The proposed development has been influenced by pre-application feedback and consultation with the Design Panel. The Design Panel's advice resulted in the additional emphasis of the corner through a change in material from brick to stone rainscreen cladding and an increase in the height from eight to nine storeys, along with a stronger vertical emphasis with more pronounced bay detail added through the projecting balconies and green colour vertical panels on the tower and adjacent four storey element on the Kingsway. The inclusion of the locally listed Alibi public house is also a welcome addition to the development as a whole, along with securing its sensitive restoration and conversion. In addition, the re-working of the 'courtyard' entrance between the new build and the Alibi which was in earlier designs solely given over to parking in connection with the retail unit and has since been redesigned to provide more of a landscaped entrance and outside space in connection with the Alibi café/retail unit.
- 8.12 As noted by Heritage, the proposed new build development on the main garage site hints at the traditional development form where higher scale is used to punctuate the ends and corners of development block frontages. Heights within the site have been graduated to align with the scale of existing development elsewhere in the block with the east and south extents acknowledging the lower scale of adjacent assets; the Alibi and St Aubyns Mansions respectively. It is further noted by Heritage however that being separated by Kingsway, a gradual transition with the lower heights of the listed buildings opposite (2-6 St Aubyns) is not possible, and the impact of the tall corner building on the listed buildings when viewed from the east is arguably the most dramatic aspect of the development. It is considered however that the separation distance provided by the Kingsway aids to reduce the impact of the change in scale and is not considered to appear abrupt as a result.
- 8.13 It is also acknowledged that until the King Alfred site to the west is developed the view from the west elevation will be highly visible, and the corner tower will be the tallest element in the vicinity; two storeys taller than Bath Court. Further information was sought of the applicant in order to fully understand the likely impact of the development on the listed terrace opposite which demonstrates that the distance between the corner tower and the listed terrace provides balance to the greater scale of the corner block and the impact is considered acceptable.
- 8.14 **Materials:**  
The surrounding context of the development is clearly predominantly painted render. Whilst the use of gault/yellow brick is acknowledged by Heritage as being used widely elsewhere in the wider area and most notably in The Avenues Conservation Area to the east of the site it is only present on modern developments such as Bath Court more locally. The applicant has put forward arguments as to why render would not be the most appropriate choice of material in the marine environment for maintenance reasons which are understood and supported. The use of brick has proven durable qualities for the

whole life of the building with little or no maintenance, benefits that cannot be attributed to render, which is historically more characteristic of this immediate area. As acknowledged by Heritage the maintenance cycles and weathering properties of materials are an important consideration in order to ensure the quality of finish of the development lasting and brick therefore offers an acceptable solution. In addition, although the use of light coloured limestone on the corner is not characteristic in this location, it will not appear obtrusive in long views.

- 8.15 It is noted that from the images submitted with the application, the colour brick is more yellow than buff with dark speckling. The type of brick which is characteristic in the wider locality, as referred to in the applicant's justification is a paler buff or gault brick. A brick more in line with that which exists traditionally in the wider locality rather than a yellow brick as indicated would be more acceptable and as such it is recommended a sample would be sought by condition.
- 8.16 The use of translucent glass balconies is welcomed and responds to discussions over privacy on balconies and the need to avoid individual retro-fitted solutions such as bamboo screening.
- 8.17 Maintaining an active frontage is important on this prominent site and supermarket uses unlike general retail can result in the use of vinyl on the windows in order to maximise the use of the internal space. As such it is recommended that a condition is imposed to ensure the shopfront as proposed remains active on the north and west elevations with a restriction on the use of vinyl on the glass and details of the internal fittings to avoid storage units being placed in front of the windows.
- 8.18 The former Alibi Public House:  
The proposal has been amended following pre-application discussions to include the conversion of the Alibi public house which as previously noted is a locally listed building of notable character. Limited information was originally submitted regarding the specific work to the building. However more recently submitted information along with a recommended condition to secure a schedule of works to control the development in detail has given the Heritage Officer sufficient confidence the works will include important restoration. Works including; the removal of external vents, bulky light fittings and chalk boards, replacement of non-historic windows and removal of the more modern entrance door with traditional painted timber panelled door along with general refurbishment of the building which is also in a somewhat poor state currently with areas of damp requiring treatment; these works are very welcome heritage benefits.
- 8.19 Demolition in Conservation Area:  
The proposal involves extending from the rear of the Alibi into the former PH garden which will involve the demolition of an existing historic structure/outbuilding most recently used for storage and as a smoking shelter in connection with the use as a PH. The analysis submitted in support of its removal indicates this structure does not have an early association with the



former PH and is not of historic significance in its own right; therefore although it does not have a harmful impact on the identified heritage assets there is no objection to its demolition. In most circumstances, where consent is given for demolition in a conservation area, a condition is imposed to ensure the associated full planning permission is implemented within 6 months of demolition of the structure to ensure a harmful gap site does not remain. In this instance however, the location of the outbuilding is largely concealed from public view and although attached to the garages in Bath Court/St Auybns Mansions car park, its removal would not cause harm to the character of the conservation area, even if the development were not to be constructed following demolition. In this regard, matters relating to the Party Wall Act are not a material planning consideration.

8.20 Design:

As noted above, the application was considered by the Design Panel prior to submission which resulted in a number of positive amendments to the scheme. The Panel were asked to consider matters including the height and scale of the scheme (eight storeys at the time), the form and detailing, the main entrance along with the proposed use of materials.

8.21 The Panel acknowledged that the existing garage is a scar on the main road and offers considerable scope for enhancing the townscape. The scale and general massing of the proposal were considered appropriate, however they felt the design needed to be underpinned by a stronger rationale influenced by the local architectural vocabulary. The Panel encouraged taking a bold approach to the design and noted that the future redevelopment of the King Alfred should not prevent the creation of a strong, positive corner to St Aubyns South, going on to note that the tower element may even be a little taller. The applicant was also encouraged to consider removing the surface level parking to create a more attractive higher quality outdoor space.

8.22 In response to the Panel's comments and as noted above, the scheme evolved to introduce a stronger corner through the introduction of different material treatment to the corner along with introducing additional verticality and the introduction of an additional storey on the tower element. The additional verticality has been introduced to the western elevation through the formation of an interpretation of traditional bays. In addition, the proposed customer parking has been reduced by two spaces (to the minimum the Co-op store were willing to reduce it) and the main entrance relocated from St Aubyns South to between the new build and the Alibi and a more formal entrance way and landscape area has been introduced. The alterations made are considered to represent an improvement to the scheme.

8.23 Additional information has been submitted regarding the treatment of the ground floor on the western elevation which contains a number of functional openings to the electrical sub-station, car park and fire exit. This section of the building offers very limited interaction with the street apart from at the northwest corner where the shopfront opening exists as such it is very important that this element maintains a positive relationship with the street. Additional examples of the use of perforated metal screens have been provided which include introducing a

design to the perforation and back lighting it at night. As an important design element it is considered necessary to condition submission of further details of this element including the proposed lighting scheme. The applicant has also identified this element as having potential to make the public art contribution, the inclusion of which is recommended to be secured by s106 agreement. It is considered from the information provided that this element could make a positive contribution to the streetscene whilst deterring antisocial behaviour such as graffiti.

- 8.24 The applicant has submitted a series of 1:50 scale bay studies which provide a useful indication of how the differing materials and window profiles will appear. However the design incorporates varying window styles and materials which differ across the elevations, the treatment and transition of which is not fully understood from the detail provided. As such, additional sample elevations/bay studies at 1:20 scale are recommended to be sought via condition, to include the materials junctions and window reveals to ensure a good quality finish to the design, this should include the areas of decorative brickwork have been introduced in areas across the building, the details of which are currently limited.
- 8.25 Overall the development has sought to maximise the use of the site and represents a scale which challenges the traditional scale and form of the surrounding locality and in order to address the scale of adjacent development results in the building stepping up considerably from east to west. The scheme is considered to be of an acceptable form, scale and design and with conditions to control the detailed elements of the design would have positive impact on the character of the area particularly given the inclusion of improvements to the former Alibi.
- 8.26 Landscaping:  
As noted by the Council's Arboricultural officer nothing of any public amenity value from an Arboricultural perspective will be lost to facilitate the development and no objection is raised in this regard. Some concern was however expressed over the viability of the soft landscaping due to the exposed location, as such it has been recommended that soft landscaping should be kept low to the ground and should not include tree planting as indicated within the courtyard entrance space. In addition, Arboricultural Services have advised that little of any size other than Tamarisk should be planted in order to improve the chances of the planting surviving in this location. As such a condition is recommended to secure details of any landscaping is imposed which should, given the climate in this location, include a longer timescale for replacement of any planting that does not survive; 8 years is considered reasonable.
- 8.27 The County Ecologist has assessed the scheme and raises no objection to the proposal, however a recommendation has been made that rather than a sedum roof which is of relatively low biodiversity value, the green roofs should be chalk grassland to support Biosphere objectives, or vegetated shingle given the proximity to the coast. Given the climate in this location, it is recommended that the exact covering out of the three options is agreed by condition with sufficient justification to demonstrate which would add the most value in biodiversity terms whilst demonstrating it can survive in the climate.

**8.28 Impact on Amenity:**

Existing amenity:

Daylight/sunlight

Impacts on sunlight/daylighting to neighbouring development has been considered in line with best practice, contained within the (BRE) guide 'Site Layout Planning for Daylight and Sunlight: a guide to good practice' (2011).

8.29 An extract from the guide states; "The advice given here is not mandatory and the guide should not be seen as an instrument of planning policy; its aim is to help rather than constrain the designer. Although it gives numerical guidelines, these should be interpreted flexibly, since natural lighting is only one of many factors in site layout design."

**8.30 Daylighting:**

The guidance notes in relation to daylighting that diffused daylight may be adversely affected if after a development is completed, the Vertical Sky Component (VSC) is both less than 27% and less than 0.8 times its former value.

8.31 The amendment to remove a storey from the new build, to the rear of the Alibi rear projection has led to improve impacts on daylighting to the worse effected property no. 21 Victoria Terrace (referred to as 21 Kingsway). Previously 4 windows failed to meet the BRE guidance, these windows were reassessed following the amendment and this has been reduced to one window at basement level. From the planning history the window appears to serve a kitchen at the property and currently fails to meet the minimum BRE standard, this is most likely due to its basement location and the impact of existing surrounding development. The percentage reduction to the window is only 2.3% and given the site constraints and urban location, the resultant ratio is considered to be within reasonable limits (0.67 vs 0.8 BRE guide compliant) and would not be significant enough to warrant refusal on these grounds. In addition to the above views, the BRE guide acknowledges that where existing buildings sit close to the common boundary a higher degree of obstruction may be unavoidable.

8.32 In addition, the amended scheme results in the additional benefit of maintaining a more open aspect between the rear of no. 21 Victoria Terrace and the proposed development. The proposal results in a continuation of the existing rear projection at the former Alibi PH; it maintains the same separation distance as the existing rear projection (3.5m from the shared boundary and 6.5m to the side elevation of the rear of no.21) which is close to the same length as the rear of no. 21 and extends at a similar height. It is noted that a terrace is proposed over the existing roof area of the former Alibi and a privacy screen is indicated along the length of the eastern edge to prevent overlooking; in order to ensure that this does not adversely affect daylight a condition to secure the detail is recommended with a preference for a material such as obscure glazing rather than timber; this has in principle been supported by the applicant.

- 8.33 A similar view is taken of the impact on window 45 at 1 St Aubyns opposite the site which is a basement level window which does not currently meet the minimum BRE guide level, the level of reduction is 2% and the window marginally misses the BRE guide ratio at 0.78 (BRE guide 0.8). The impact would not therefore be significant enough to warrant refusal on these grounds.
- 8.34 In relation to St Aubyns Mansions, six windows across the building have been identified as failing to meet the BRE guidance on daylighting. Five of the potentially affected windows only marginally fail with a ratio of 0.7 and above (BRE guide 0.8). Potentially the worst affected window with a resultant ratio of 0.69 is also considered to be within reasonable limits of the guide and as confirmed on site the window is also a central window within a bay window of three windows. The test for VSC only assesses the impact on the window individually and does not therefore take into consideration the fact the window is one of three serving the same room which would further reduce the impact on daylighting to the room. In addition, from the site inspection, it is understood that the rear windows to the building in the main serve bedrooms which in accordance with the guidance require the lowest levels of daylight along with bathrooms which are classed as non-habitable rooms and which are not covered by the guidance.
- 8.35 Sunlight:  
The BRE sunlight tests should be applied to all main living rooms and conservatories which have a window which faces within 90 degrees of due south.
- 8.36 All windows which face within 90 degrees of due south have been tested for direct sunlight. All windows pass both the total annual sunlight hours test and the winter sunlight hours test (annual probable sunlight hours between 21 September and 21 March) and therefore meet BRE guidance.
- 8.37 Overshadowing:  
The proposed development passes the BRE guidance regarding overshadowing to gardens and open spaces test, with 78% of the garden areas tested receiving min 2 hours sunlight on 12 March (vs BRE minimum of vs 50% of the garden area).
- 8.38 The impact of the scheme in relation to sunlight/daylight on neighbouring development is therefore considered acceptable. Although it is regrettable that not all windows tested meet the minimum standard recommended by BRE, they are within acceptable limits given the site characteristics and would not therefore warrant refusal of planning permission on these grounds.
- 8.39 Overlooking/loss of privacy:  
The proposed development introduces several windows and balconies and therefore increases the opportunity for overlooking to neighbouring development when compared to the existing open site. Where overlooking is likely to cause demonstrable harm, conditions are recommended to secure obscure glazing to windows such as within the eastern elevation of the residential accommodation within the former Alibi and as noted above along the eastern edge of the roof

terrace in connection with flat 3 within the Alibi. It is also considered appropriate to condition that the spiral staircase and associated platform accesses are conditioned to be for emergency purposes only to ensure adequate protection from overlooking. The window openings along the eastern elevation of the new build to the rear of the Alibi (flat 1) are also recommended to be obscure glazed.

- 8.40 The southern elevation is proposed to rise to five storeys with a sixth attic storey set back from the main elevation. This elevation contains extensive glazing and balcony areas servicing the proposed flats which will result in increased overlooking when compared with the existing scenario. It is noted that the rear of St Aubyns Mansions is currently widely overlooked from a public vantage due to the open nature of the existing site and the use of the private car parking area to the rear of the development. However it is acknowledged that the nature of overlooking would be very different if the development were approved. The proposed development would be located 19m north of the rear of the closest neighbouring development St Aubyns Mansions and the development represents a comparable scale and within an urban context is considered to be within reasonable and acceptable parameters. In addition, it is noted that the properties within St Aubyns Mansions are dual aspect with their main aspect towards the south and east where the main living accommodation is located and secondary accommodation such as bedrooms and bathrooms to the rear. Taking the above matters into consideration, the impact in relation to overlooking is considered acceptable and would not cause demonstrable harm to neighbouring amenity or warrant refusal on these grounds.
- 8.41 Some concern has been raised by neighbours in relation to the impact of the development in relation to wind and wind tunnelling. Of particular concern is the impact of the development once the neighbouring King Alfred site is developed. The prevailing wind is south westerly and the scale of the development coupled with the layout of existing surrounding development it is not anticipated it would notably impact on local wind speeds.
- 8.42 `Proposed amenity:  
Size:  
The proposed development has been amended to remove the two originally proposed studio flats within the Alibi. Each were considered cramped and were below the minimum size set out in the nationally prescribed space standards (37sqm) which although not adopted policy, sets out a useful and clear guide for a good standard of accommodation. The overall number of units within the Alibi have been reduced from four units, made up of two studios and two one beds, to 1no. two bed and 2no. one bedroom units providing a better layout and standard of accommodation for each and meeting the minimum standard for single occupancy which given the constraints of the building is considered acceptable and a notable improvement on the originally submitted layout.
- 8.43 Amenity space:  
The majority of the units have access to a private balcony, excluding flats 1 and 2, the one bedroom units within the Alibi. The lack of amenity space for these units although disappointing is not considered to be sufficient to recommend refusal on these grounds particularly given the location of the site adjacent to

the seafront and given the character of the area where numerous converted properties do not have access to private amenity space.

8.44 Noise:

As noted by Environmental Health, the mixed nature of the development along with the location of the busy Kingsway and associated traffic noise has the potential for noise impacts for the residents. In order to address the impact of the traffic noise a condition to secure appropriate glazing is recommended to meet the recommendations within the applicant's noise report. Details of secondary ventilation will also be sought by condition to ensure adequate ventilation when the windows are closed.

8.45 Conditions are also recommended to control the details of plant in connection with the commercial unit in the new build along with restriction on hours of operation and hours for delivery to ensure adequate protection of amenity for existing and future occupiers.

8.46 As noted above, the prevailing winds are south westerly, coming therefore across the existing King Alfred site and as such the existing building would offer some deflection and as no main entrances are proposed to the new development it is not considered that any mitigation would be necessary in the design along the western or southern elevation. As a substantial development, which may represent EIA development, the redevelopment of the King Alfred scheme may well need to consider the impacts on the local environment in relation to wind, particularly as it will result in development being brought closer to St Aubyns South.

8.47 Contaminated land:

The contaminated land report submitted with the application is considered robust and with recommended conditions, this matter is considered to be adequately and safely addressed.

8.48 It is noted that the existing Alibi building may contain asbestos and an appropriately worded condition is therefore recommended to ensure any asbestos found is adequately and safely managed.

8.49 **Sustainable Transport:**

Highway works:

In order to ensure safe access onto and off the site, the Highway Authority have recommended a number of measures to be secured via a Section 278 agreement including; details of the footway level loading bay on Kingsway, details of the reinstated and reinstated footway/vehicle crossover around the perimeter of the site. In addition, details of the vehicle access and associated kerb buildouts and footway at the access points onto St Aubyns South and onto Kingsway are being sought.

8.50 Parking:

Only 9 spaces are proposed in connection with the residential development, which is well below the maximum level set out in SPD14 (maximum of 64 spaces). The site is within a Controlled Parking Zone (CPZ) 'N' for which there is

already a waiting list. The possibility of overspill parking from the development adding to parking stress levels and having a harmful impact on amenity is therefore likely and provides sufficient justification to restrict the provision of residents parking permits to those living in the development in accordance with SPD14.

- 8.51 The parking layouts for the commercial and residential parking areas are generally supported. However the finer detail of the design is recommended to be secured by condition to ensure they function safely along with providing an appropriate disabled parking provision which is likely to result in a reduction in the number of general parking spaces.
- 8.52 **Cycle parking:**  
The proposal includes the provision of 76 cycle parking spaces plus three additional Sheffield stands on the pavement for visitors and the commercial unit, taking the total to 79. The provisions is considered acceptable along with the proposed two-tier system which have been used elsewhere in the City however further detail is sought by condition to secure details of the final layout.
- 8.53 **Servicing and deliveries:**  
Servicing is proposed via Kingsway which is considered preferable to St Aubyns South. However, the applicant has indicated that vehicles will need to service from the carriageway which has the potential to obstruct visibility for vehicles exiting St Aubyns south. The Highway Authority would therefore request that the development be serviced by non-articulated vehicles from this location (as is indicated will be the case in the Transport Statement) and also request that peak periods be avoided. It is recommended that these concerns be addressed by means of a Delivery and Servicing Management Plan.
- 8.54 In addition, to address the above concerns with indiscriminate parking, it is recommended that the highway works include provision of a footway-level loading bay as detailed in the highway works comments above.
- 8.55 **Trip generation and Section 106 contribution:**  
It is noted that there will be an overall net reduction in trips at the site following redevelopment however the nature of trips associated with the residential element of the scheme differs to the former use, where the vehicles were more likely to already be on the network. As such the contribution towards improving sustainable modes of transport to address this impact has been based on the residential element and equates to £52,200 and is proposed to be spent on matters including; footway and cycle improvements such as dropped kerbs and tactile paving, and public transport improvements to include shelters and real time information at stops along Kingsway.
- 8.56 In addition to the above, it is recommended that a Construction Environmental Management Plan (CEMP) is also secured.
- 8.57 **Sustainability:**  
The proposal meets the overarching minimum performance standards for the housing and the non-residential elements as specified under City Plan Policy

CP8. It is recommended that appropriately worded conditions are imposed to ensure each element achieves the policy compliant level of sustainability.

8.58 In addition, the site is located within SA1 Development Area - The Seafront, within City Plan Part One This area has been identified as having potential for heat networks and therefore a policy has been adopted in DA1 setting a priority that: Development will be encouraged to consider low and zero carbon decentralised energy and in particular heat networks and to either connect where a suitable system is in place (or would be at the time of construction) or design systems so that they are compatible with future connection to a network.

8.59 The scheme proposes onsite communal heating, and is next to the site allocation King Alfred Centre, on which a heat network is expected to come forward. As a result the energy centre proposed on the former Texaco site should provide capacity for future connection to a heat network and it is recommended that future connection is secured by condition.

8.60 **Section 106 Heads of term:  
20% affordable housing:**

- Tenure split: 51.6% affordable rent and 48.4% shared ownership
- The unit mix is made up of 2 x 3 bed, 2 x 2 bed and 2 x 1 bed units for the affordable rent flats and 1 x 3 bed, 3 x 2 bed and 2 x 1 bed for the shared ownership flats

8.61 **Financial contributions:**

- Sustainable transport - £33,700
- Open space contribution - £106,600
- Local Employment - £12,354
- Education - £67,700

8.62 **Clawback/review mechanism:**

- Review mechanism to reassess the viability of the scheme close to completion in order to, where possible, secure policy compliant level of affordable housing via an off-site financial contribution along with securing the additional financial contributions totally a maximum of £347,251 for sustainable transport, open space, local employment and education.

8.63 **Local employment scheme:**

- Minimum percentage of 20% local employment for the demolition (where appropriate) and construction phases of the development.

8.64 **Public Art:**

- Component integrated into the scheme to the sum of £42,000.

8.65 **S278 highway works:**



No development shall be occupied until a scheme setting out highway works has been submitted to and approved in writing by the local planning authority. These shall include:

- Details of Kingsway vehicle access and associated kerb buildout and footway treatments to the east side of the access;
- Details of footway level loading bay on Kingsway;
- Details of a scheme to prevent right turn entry and exit to the site access on Kingsway;
- Details of the St Aubyns South vehicle access (raised footway/ vehicle crossover);
- Details of reinstatement of redundant vehicle crossovers and resurfacing of footway on Kingsway and St Aubyns South for the full perimeter of the development site;
- Details of proposed on-street cycle parking scheme.

8.66 **Travel Plan:** No development shall commence on site until a scheme of Travel Plan measures to promote sustainable transport to and from the site has been submitted to and been approved in writing by the Local Planning Authority.

8.67 The Scheme should include but not be limited to, the following measures:

- Welcome packs to include public transport routes, timetables and ticketing information, cycle route maps, walking route map and times and car club information.
- Two years car club membership per household;
- £100 cycle voucher to be spent on bicycles and/or bicycle equipment' per household (first households only).

The above measures must be implemented prior to the occupation of the building

8.68 **Construction Environmental Management Plan:**

No demolition or construction shall take place until a Construction and Environmental Management Plan has been submitted and approved in writing by the Local Planning Authority.

## 9. EQUALITIES

9.1 The development has been designed with level access and internal lift access to meet Part M3 of the Building Regulations and Lifetime Homes compliant and is recommended to be conditioned accordingly along with Flat 4 (3 bedroom unit) which will be secured as wheelchair accessible in accordance with the Optional Requirement M4(2).

