

<u>No:</u>	BH2016/02535	<u>Ward:</u>	Wish Ward
<u>App Type:</u>	Outline Application Some Matter Reserved		
<u>Address:</u>	WESTERMAN COMPLEX, School Road, Hove, BN3 5HX		
<u>Proposal:</u>	Outline application for Demolition of existing mixed use buildings and erection of 104 dwellings (C3) and 572 Sqm of office space (B1) and approval of reserved matters for access, layout and scale.		
<u>Officer:</u>	Stewart Glassar, 292153	tel:	<u>Valid Date:</u> 12.08.2016
<u>Con Area:</u>	-	<u>Expiry Date:</u>	11.11.2016
<u>Listed Building Grade:</u>	-	<u>EOT:</u>	
<u>Agent:</u>	Lewis and Co Planning SE Ltd Road Brighton BN1 5PD	Lewis & Co Planning	2 Port Hall
<u>Applicant:</u>	Cross Stone Securities Limited	C/O Lewis and Co Planning	2 Port Hall Road Brighton BN1 5PD

1. RECOMMENDATION

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

S106 Heads of Terms

- 40% affordable housing (56% shared ownership (24 units) and 44% (17 units) affordable rent), comprising 26 one-bed units and 15 two-bed units
- A total contribution of £210,533 towards the cost of providing primary (£79,970.80), secondary (£110,952.00) and sixth form educational provision (£19,611.00)
- A contribution of £20,500 towards the Council's Local Employment Scheme
- A contribution of £45,000 towards an Artistic Component / public realm
- A contribution of £256,954.69 towards public open space and indoor sport
- A contribution of £74,000 towards sustainable transport
- Construction Training and Employment Strategy including a commitment to using 20% local employment during the demolition and construction phases of the development
- Highway works including:
 - 2 new vehicular crossover access points from School Road
 - Reinstatement of redundant vehicle crossovers back to the footway
 - Resurfacing of the eastern footway of School Road along the entire frontage of the site

- The provision of shared and permit holder only parking bays, street trees, pedal cycle parking places in place of the existing double yellow line parking restrictions on the eastern side of School Road; car club vehicle bay
- A Residential Travel Plan, to include a Residential Travel Pack, to be provided for all first occupiers of the development and to include:
 - Local walking routes and maps
 - Local cycle routes and maps
 - Provision of an annual bus season ticket for Brighton & Hove Buses for each residential unit.
 - Public transport timetables and details
 - Provision of a 2 year free membership to Enterprise Car Club
 - Free £250 voucher towards the purchase of a bicycle or equipment (1 per household for each first occupier)

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Floor Plans Proposed	1477-P-105-P5		9 March 2017
Floor Plans Proposed	1477-P-106-P5		9 March 2017
Floor Plans Proposed	1477-P-107-P5		9 March 2017
Floor Plans Proposed	1477-P-108-P5		9 March 2017
Floor Plans Proposed	1477-P-104-P5		9 March 2017
Block Plan	1477-P-103-P2		7 July 2016
Location Plan	WIE11133		7 July 2016
Location Plan	1477-P-101-P2		7 July 2016
Design and Access Statement	1477		7 July 2016
Statement	CAR PARK SURVEY	WIE11133/TR001/A03	7 July 2016
Contaminated Land Report	PHASE 1: RISK ASSESSMENT		7 July 2016
Statement	OVERSHADOWING REPORT	3	7 July 2016
Statement	PLANNING STATEMENT		7 July 2016
Flood Risk Assessment	14892/02/SDR01		7 July 2016
SUDS strategy	14892/02/SDR01		7 July 2016
Statement	TRANSPORT STATEMENT		7 July 2016
Statement	GS-2979573		7 July 2016

2. a) Details of the reserved matters set out below ("the reserved matters") shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:
 - i. Appearance
 - ii. Landscaping
- b) The reserved matters shall be carried out as approved.
- c) Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 (as amended) of the Town and Country Planning Act 1990.

- 3 The development hereby permitted must be begun not later than the expiration of three years from the date of this permission or two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

Scale & Layout of Development:

- 4 The development hereby approved shall not exceed a maximum of 104 residential units of which no more than 21 units shall be dwellings and no more than 83 units shall be flats. The overall composition of the development shall comprise a maximum of 48 one-bed units; 34 two-bed units and 22 three-bed units.

Reason: For the avoidance of doubt and to define the extent of this permission in the interests of proper planning.

- 5 The development hereby approved shall not exceed a maximum of 572 m² of Class B1 floorspace.

Reason: For the avoidance of doubt and to define the extent of this permission in the interests of proper planning.

- 6 The buildings shall not exceed the following heights in each of the following positions within the site:

- a) Development sharing a boundary with the properties in Alpine Close (to the east of the site) shall not exceed 3 storeys in height with a maximum ridge height of 9.75m.

- b) Development sharing a boundary with the properties in Marmion Road (to the east of the site) shall not exceed 4 storeys in height with a maximum height of 11.75m

- c) The development with a frontage onto School Road shall not exceed 4 storeys in height with a maximum height of 12.5m with the exception of (i) development at the corner of School Road and the Rayford House site which

shall not exceed 5 storeys with a maximum height of 14.5m; and (ii) development sharing a boundary with the properties in Marmion Road (to the east of the site) which shall not exceed 4 storeys in height with a maximum height of 11.75m

Reason: To ensure the development integrates effectively with its surroundings and to comply with policy CP12 of the Brighton and Hove City Plan Part One and QD27 of the Brighton and Hove Local Plan.

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

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

Pre-Commencement/not above slab level:

- 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: RCEF14892/02/SDR) 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. No other infiltration of surface water drainage into the ground is permitted other than with the written approval of the Local Planning Authority.

Reason: As this matter is fundamental to ensure that the principles of sustainable drainage are incorporated into this proposal and that measures are in place to prevent an increased risk of flooding and the pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with policy SU3 of the Brighton & Hove Local Plan.

- 9 No development shall commence until full details of existing and proposed ground levels (referenced as Ordnance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.

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

- 10 (i) The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority:
- a) A site investigation report (based on the Phase 1 Preliminary Risk Assessment submitted with the application) documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the Phase 1 Preliminary Risk Assessment in accordance with BS10175:2001+A1:2013 in order to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.; and, unless otherwise agreed in writing by the Local Planning Authority,
 - b) (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 to identify any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Such scheme shall include the nomination of a competent person to oversee the implementation of the works.
- (ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the Local Planning Authority verification by the competent person approved under the provisions of (i) (b) above that any remediation scheme required and approved under the provisions of (i) (b) above has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise:
- a) As built drawings of the implemented scheme;
 - b) Photographs of the remediation works in progress; and
 - c) Certificates demonstrating that imported and/or material left in situ is free from contamination.

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

Reason: The site lies in Source Protection Zone 2 for the Goldstone abstraction, therefore any contamination present has the potential to impact groundwater quality including drinking water supplies and is therefore a matter that 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 policies SU3 and SU11 of the Brighton & Hove Local Plan.

- 11 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 protect local groundwater in accordance with policies SU3 and SU11 of the Brighton & Hove Local Plan.

- 12 Prior to the commencement of development a full asbestos survey of the site and buildings, undertaken by a suitably qualified specialist shall be submitted to and approved in writing by the local planning authority. If any asbestos containing materials are found as a result of the survey, a separate report containing evidence to show that all asbestos containing materials have been removed from the premises and taken to a suitably licensed waste deposit site shall be 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 SU9 and QD27 of the Brighton & Hove Local Plan.

- 13 No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:

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

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

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

- 14 No development above ground floor slab level of any building hereby permitted that has a green roof or green wall shall take place until details of the construction of the green roof and green wall have been submitted to and

approved in writing by the Local Planning Authority. The details shall include 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 City Plan Part One.

15. No development above ground floor slab level of any building hereby permitted shall take place until details for the soundproofing of that building have been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the first occupation of the development and shall thereafter be retained as such.

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

16. No development above ground floor slab level of any building hereby permitted shall take place until details of all materials to be used in the construction of the external surfaces of the building have been submitted to and approved in writing by the Local Planning Authority, including:

- i. Samples of all external wall finishes including brick, render and cladding including details of the colour of render/paintwork to be used);
- ii. Full details of all hard surfacing materials;
- iii. Full details of the proposed window, door and balcony treatments;
- iv. Full details of all other materials to be used externally

The development shall be carried out in accordance with the approved details.

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

17. No development above ground floor slab level of any building hereby permitted that contains a ground floor commercial use shall take place until a scheme for the soundproofing of the floors and walls between the commercial and residential uses hereby approved, has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the first occupation of the development and shall thereafter be retained as such.

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

18. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of electric vehicle charging points for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

Reason: To encourage travel by more sustainable means and to comply with policy CP9 of the Brighton & Hove Local Plan and SPD14.

19. The development hereby permitted shall not commence 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 & QD27 of the Brighton & Hove Local Plan and CP9 of the City Plan Part One.

20. Prior to the commencement of development an Energy Strategy for the development that addresses the requirements of City Plan Policy CP8 paragraph 4.85 and covers matters such as emission savings from energy efficiency and renewable energy measures to be incorporated in the development, including the feasibility of CHP/CCHP and community heating systems shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented and thereafter retained

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

Pre-Occupation:

21. Prior to first occupation of the development hereby permitted, details of external lighting (including design, layout and levels of illuminance) shall have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and thereby retained as such unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority.

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.

22. Prior to first occupation of any building hereby permitted a scheme for the storage of refuse and recycling for that building shall 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 and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton & Hove Local Plan.

23. All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to first occupation of the development unless the development is to be developed/occupied in phases in which case the implementation shall be in accordance with a programme that is submitted to and agreed in writing with the Local Planning Authority prior to each phase of development. All planting, seeding or turfing comprised

in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. The boundary treatments shall be provided in accordance with the approved details prior to first occupation of the development and shall thereafter be retained at all times.

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

24. 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.

25. Prior to first occupation of the development hereby permitted, details of the motorcycle 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 motorcycles are provided in accordance with the Council's Supplementary Planning Document 14: 'Parking Standards'.

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

Reason: To ensure the development provides for the needs of disabled residents, staff and visitors to the site and to comply with policy TR18 of the Brighton & Hove Local Plan with the Council's Supplementary Planning Document 14: 'Parking Standards'.

27. No dwelling shall be occupied until all the internal access roads and car parking areas have been constructed and provided in accordance with the approved plans. 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 Brighton & Hove City Plan Part One.

Site Wide Requirements:

28. A minimum of 10% of the affordable housing units and 5% of the total of all of the residential units hereby approved shall be built to wheelchair accessible standards. The wheelchair accessible dwellings 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.

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

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

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

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

31. None of the 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.

32. Details of any penetrative ground construction methods, such as piling, shall not be permitted other than with the prior written approval of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The works shall be carried out in full accordance with these approved details.

Reason: The development lies within the Source Protection Zone 2 for the Goldstone abstraction this condition is required to ensure that any piling does not harm groundwater resources and is therefore a matter that is fundamental to the acceptable delivery of the permission to safeguard the health of local

residents or occupiers and to comply with policies SU3 and SU11 of the Brighton & Hove Local Plan.

Post Occupation:

33. Unless otherwise agreed in writing by the Local Planning Authority, within 4 months of the date of first occupation of the non-residential development hereby approved, a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM New Construction rating of 'Very Good' has been submitted to, and approved in writing by, the Local Planning Authority. **Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy CP8 of the Brighton and Hove City Plan Part One.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. Scotland Gas Networks advise that there is a pressure gas main near the site. They advise there should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system. You should, where required confirm the position using hand dug trial holes. Safe digging practices, in accordance with HSE publication HSG47 "Avoiding Danger from Underground Services" must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all relevant people (direct labour or contractors) working for you on or near gas plant.
3. All existing water main infrastructure should be protected during the course of construction works. No development or new tree planting should be located within 3m either side of the centreline of the foul sewer. No new soakaways should be located within 5m of a public sewer. Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. For further advice, the applicant is advised to contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.
4. The development should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service the development and seek a formal application for connection to the water supply is required in order to service this development. Please contact Southern Water,

Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

5. To discharge the surface water drainage condition above the Local Lead Flood Authority would expect the developer to provide the detail for the whole site, which should include the details of each soakaway (including location and build details) and details of any other drainage infrastructure, such as permeable paving. The applicant will need to provide;
- An appropriate soakaway test in accordance with Building Research Establishment Digest 365 (BRE365). Details of the results will need to be provided.
 - Appropriate calculations to demonstrate that the final proposed drainage system will be able to cope with both winter and summer storms for a full range of events and storm durations.
 - 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 building or in any utility plant susceptible to water.

A comprehensive maintenance plan for the drainage system will need to be provided. This should describe who will maintain the drainage, how it should be maintained and the frequency needed to monitor and maintain the system for the lifetime of the development. It is not sufficient to state: "the system is therefore designed to cause a nuisance if the silt traps block, prompting the resident to clear the silt trap." Examples of suitable maintenance plans can be found at www.susdrain.org.

6. 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)' or similar guidance recognised by the council.
7. The site is potentially contaminated. The developer should be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer. It is strongly recommended that in submitting details in accordance with the above 'Potentially Contaminated Land' conditions that the applicant has reference to CLR 11, Model Procedures for the management of land contamination. This is available online as a pdf document on both the DEFRA website (www.defra.gov.uk) and the Environment Agency (www.environment-agency.gov.uk) website.
8. Whilst the requisite planning permission may be granted, should any complaints be received at any time with regards to noise, vibrations, dust, odour, smoke or light, this does not preclude the Council from carrying out an investigation under the provisions of the Environmental Protection Act 1990.
9. Advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the

permeable surfacing of front gardens' which can be accessed on the DCLG website (www.communities.gov.uk).

10. 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.
11. The water efficiency standard is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. 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.
12. The Constriction Environment Management Plan should include commitments to implementing appropriate working practices and managing construction vehicle movements to that which avoid peak times and in particular the start and end of the school day for the nearby school and wheel wash facilities are the site and other mitigation measures.
13. Prior to any works commencing on the adopted highway, a Section 278 Agreement with the Highway Authority must be formally agreed.
14. Any roads that are to be adopted must be included within a Section 38 Agreement with the Highway Authority prior to any works commencing. It is advisable to obtain the prior technical approval for all estate road details from the Local Highway Authority.
15. The car-free scheme required to be submitted 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 car-free.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The application site comprises a mix of mainly two storey brick built buildings located on School Road. The units, which were originally constructed as industrial and light industrial units, now accommodate a range of uses, including a children's play centre, car wash, church, tool hire and tyre repair/MOT centre.
- 2.2 The site backs on to houses in Alpine Road which is to the east and houses in Marmion Road to the south. The car park to Rayford House, a four storey office building which has prior approval to change to 32 flats, adjoins the site to the

north. On the opposite side of School Road is a mix of residential, office and school uses.

- 2.3 The application proposes the redevelopment of the site for housing and Class B1 office space. The application has been submitted in outline to establish the principle of the use. The detailed matters of access, layout and scale are also to be considered at this stage. However, appearance and landscaping are not matters which form part of the consideration of this application.
- 2.4 The application proposes a maximum of 104 residential units and 572m² of Class B1 office floorspace. Of the residential units, 21 would be dwellings (all three bedrooms) and 83 would be flats. In total, the mix of residential units is intended to be:
- 48 one-bed units
 - 34 two-bed units
 - 22 three-bed units
- 2.5 The site layout would comprise three main elements:
1. Properties fronting School Road – a single block and terrace of three blocks
 2. Townhouses within the site – backing on to the properties in Alpine Road
 3. Terrace along southern boundary – comprising offices on the ground floor.
- 2.6 Car parking would be provided within the site and along the School Road frontage with cycle storage accommodated within the ground floor areas of the buildings and some external bays for visitors. The submission shows a total of 89 parking spaces (including 4 disabled bays and 1 car club bay), 4 motorcycle spaces plus cycle parking spaces.
- 2.7 The proposed development will be predominantly 3 and 4 storeys in height, although the northernmost block fronting School Road and adjacent to Rayford House will be 5 storeys

3. RELEVANT HISTORY

3.1 There are a number of applications relating to the individual buildings which are currently on the site. However, there are no previous applications which are directly relevant to the current application.

3.2 Pre-application advice

Pre-application advice has been provided by officers over a number of years regarding the redevelopment of this site. This planning application follows on from the advice provided by officers in October 2015.

This scheme was not presented to the Committee at the pre-application stage and has not been to the Design Panel.

4. REPRESENTATIONS

- 4.1 **One Hundred and Eighty Three (183)** letters have been received from residents in the vicinity of the site, objecting to the proposed development for the following reasons:

Design/ Amenities Impacts

- Development doesn't reflect the character/style of area
- Development is too high
- Land contamination
- Loss of privacy/aspect for neighbouring residents
- Loss of light for neighbouring residents
- Increased noise and disturbance, including from construction
- Light pollution
- Overshadowing to existing neighbour residents
- Overlooking and loss of privacy to existing neighbour residents

Transport/Highway/Access Issues

- Increased road/pedestrian/access safety issues/concerns
- Increased parking demand/problems,
- Removal of pedestrian access from School Road to Poets Corner
- Retention of pedestrian access from School Road to Poets Corner

Other Issues

- Loss of community facility
- Impact of social housing
- Adequacy of drainage
- General overdevelopment of the area
- Insufficient consultation from developer
- Not sustainable development and therefore contrary to the NPPF
- Loss of jobs/small businesses
- No demand for offices in the area
- Insufficient local services/infrastructure, particularly schools, doctors

- 4.2 Following re-consultation of the amended plans and documents, **twenty (20)** further representations from residents in the vicinity of the site objecting to the revised proposal on similar grounds to those previously raised and that the revised scheme does not address or overcome the previously raised objections.

5. CONSULTATIONS

5.1 External

- 5.2 **County Archaeologist:** No comments to make.

- 5.3 **County Ecologist:** Comments that the proposed development is unlikely to have any significant impacts on biodiversity; there are no sites designated for their nature conservation interest that are likely to be impacted by the proposed development; and the site is unlikely to support any protected species and therefore no specific mitigation is required. There are opportunities to include the use of species of known wildlife value within the landscape scheme and

green roofs and walls which would help meet Biosphere objectives and local Biodiversity Action Plan targets.

5.4 **Environment Agency** No objection subject to the inclusion of conditions covering contamination, Sustainable Urban Drainage and piling methods.

5.5 **Sussex Police:** Comment that the adoption of appropriate measures to create a safe and secure environment using the principles of Secured by Design and the attributes of safe, sustainable places are encouraged.

5.2 **Internal**

5.3 **City Regeneration:** Support the application from the perspective that it will provide additional homes for the city but object to the loss of employment floorspace

5.4 It is also acknowledged that the employment figures quoted for the proposed B1 space exceeds the minimum indicated in the OffPAT Employment Density Guidance.

5.5 However, there are some concerns relating to the loss of 4,250m² of employment space and only 527m² of B1 office space being provided and therefore the development may not be making good use of the site from an Economic Development perspective. City Regeneration would therefore prefer to see a reconfiguration of the mix between residential and employment space on this site.

5.6 Should the application be approved, developer contributions of £35,600 towards the council's Local Employment Scheme are requested through a S106 Agreement. In addition, an Employment and Training Strategy will be required which should be submitted for approval 1 month before commencement. The Employment & Training Strategy should set out how the developer or their main contractor will provide employment and training opportunities for local residents, with the developer committing to using an agreed percentage of local labour. It is proposed for this development that the minimum percentage of 20% local employment is expected for the demolition (where appropriate) and construction phases of the development.

5.7 **Education Officer:** Comment that this development would trigger a contribution towards the cost of providing educational infrastructure for the school age pupils that this development would generate. In this instance a total contribution of £210,533.80 would be sought in respect of primary (£79,970.80), secondary (£110,952.00) and sixth form (£19,611.00) provision.

5.8 The primary provision would be likely to be spent at West Hove Infant School, Hove Junior School, St Andrew's Primary School, Hove Junior School Holland Road, Goldstone Primary School or West Hove Infant School Connaught Road as they are the closest primary's to the development. These schools currently offer a total of 2,730 places and there are currently 2,652 pupils on roll at these schools. This offers a surplus of just 3% (the majority of which is in the junior

year groups) which is required to allow for parental preferences and in year admissions.

- 5.9 With regard to the secondary and sixth form 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.
- 5.10 **Environmental Health:** Recommend Approval subject to conditions regarding the provision of a Construction and Environmental Management Plan (CEMP) to protect residential and commercial uses which may be affected by construction noise; contaminated land and removal of asbestos; external lighting; soundproofing of the buildings to protect future occupants from the electrical substation, vehicle movements (including parking and loading from Raysford House), train horns and station announcements, as well as untimetabled freight train movements.
- 5.11 **Flood Risk Management Officer:** Recommends approval as has no objections to the application subject to the inclusion of a condition regarding surface water drainage.
- 5.12 **Housing Strategy:** Comment that the application is for 104 units including 40% affordable. This equates to 41 units being offered as affordable units and is compliant with policy CP20.
- 5.13 The Affordable Housing Brief (AHB) sets out a broad tenure split of 55% Social Rent or Affordable Rent and 45% Intermediate e.g. Shared Ownership sale as a citywide objective. Within the affordable housing 10% should be wheelchair accessible which would equate to 4 properties. For this scheme this requirement equates to: 23 units for affordable rent and 18 properties for shared ownership sale. Tenure mix is not shown but from correspondence appears to be 17 for rent and 24 for shared ownership sale.
- 5.14 The AHB seeks a unit mix of 30% one-bed units; 45% two-bed units and 25% three or more bed units. This would equate to:
- 13 x one bed units
 - 18 x two bed units
 - 10 x three bed units
- 5.15 The current application proposes 26 one-bed units and 15 two-bed units which does not meet the AHB.
- 5.16 **Planning Policy** Comments that the principle of mixed use redevelopment is supported by the allocation of the site in part 5 of Policy CP3 Employment Land. The purpose of the policy is to seek employment led redevelopment but also for the site to contribute towards housing delivery in the city.
- 5.17 The regeneration of the site which currently comprises an ageing complex of buildings and townscape improvements is welcomed.

- 5.18 It is recognised that the proposed scheme would contribute to meeting the City's housing requirements by providing 104 residential units. The provision of social affordable housing on site, would be a significant benefit but with the caveat that this has further reduced the amount of employment floorspace and that the mix of market and affordable unit types could be improved to meet the dwelling size preferences set out in CP19 and CP20.
- 5.19 The applicant has not fully addressed the exceptions set out in HO20 with respect to the D2 community use and those related to the loss of D1 indoor sports facility as set out in CP17.2. However it is acknowledged that City Plan Part 1 allocation of the site is for a mix of B1a employment and residential uses; it does not specify that the existing non B employment uses should be re-provided.
- 5.20 Adopted City Plan Policy CP5 supports investment in public realm spaces suitable for outdoor events and cultural activities and the enhancement and retention of existing public art works; CP7 seeks development to contribute to necessary social, environmental and physical infrastructure including public art and public realm; and CP13 seeks to improve the quality and legibility of the city's public realm by incorporating an appropriate and integral public art element. It is suggested that the Artistic Component element for this application is to the value of £37,000.
- 5.21 **Sustainable Transport Officer:** No objections to the application in principle subject to the inclusion of a S106 agreement relating to:
- Construction Management Plan
 - Provision of a Travel Plan
 - £74,000 towards public transport and pedestrian improvements
- 5.22 The provision of conditions and some minor amendments and clarifications in relation to:
- Pedestrian access
 - Cycle parking provision
 - Car/motorcycle parking provision
 - Disabled parking
 - Servicing and deliveries
 - Electric charging points
- 5.23 **Sustainability Officer:** No objection subject to conditions covering: BREEAM New Construction 'very good'; minimum performance standards for energy and water efficiency and submission of an Energy Strategy for the development.

6. MATERIAL CONSIDERATIONS

- 6.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan,

and all other material planning considerations identified in the "Considerations and Assessment" section of the report.

6.2 The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016);
- Brighton & Hove Local Plan 2005 (retained policies March 2016);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017).

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

7. **POLICIES**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

SA6 Sustainable Neighbourhoods

CP1 Housing Delivery

CP2 Planning for Sustainable Economic Development

CP3 Employment Land

CP7 Developer Contributions

CP8 Sustainable Buildings

CP9 Sustainable Transport

CP10 Biodiversity

CP12 Urban Design

CP14 Housing Density

CP16 Open Space

CP19 Housing Mix

CP20 Affordable Housing

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

TR4 Travel plans

TR7 Safe Development

TR14 Cycle access and parking

TR15 Cycle network

TR18 Parking for people with a mobility related disability

SU3 Surface Water Drainage

SU5 Surface water and foul sewage disposal infrastructure

SU9 Pollution and nuisance control

SU10 Noise Nuisance

SU11 Polluted land and buildings

QD5 Design - street frontages

QD27 Protection of amenity

HO5 Provision of private amenity space in residential development

HO13 Accessible housing and lifetime homes

8. CONSIDERATIONS & ASSESSMENT

8.1 Pre-Application Advice

The scheme has been subject to pre-application discussions over a number of years. Detailed officer advice was last provided in October 2015 and this application is the result of that advice. The layout and approach has been amended to reflect the officer suggestions and information provided as necessary to address the key issues. The scheme was not considered by the Planning Committee at pre-application stage nor was it considered by the Design Panel.

8.2 Principle of Development

The site is an employment site located within a prominently residential area. Therefore, in land use terms the redevelopment of the site for a mix of employment and residential uses is supported subject to all relevant issues being appropriately addressed.

8.3 With regard to the specific uses:

8.4 Employment Space

The site is allocated (under City Plan policy CP3) for mixed use employment led regeneration.

8.5 The policy position is that there should be no net loss of employment floorspace. In this case the existing floorspace figure has been provided as approximately 4,777m² and the proposed employment floorspace is 572m². The City Plan makes it clear that where there is a net loss of employment floorspace the council will take into consideration the following factors:

- Site constraints (current site coverage and opportunities for more effective and efficient use of the site)
- The need for environmental and townscape improvements
- Access arrangements (improved access/circulation space)
- Safeguarding the amenity of surrounding users and occupiers
- The quality of the employment offer in terms of the type of employment and density of jobs.

8.6 The applicants have calculated that between 44 and 66 jobs could be provided on site based on the level of proposed office floorspace. This calculation uses the OFFPAT (Office of Projects & Programme Advice & Training) employment density figures. At present 45 people are employed on site. Therefore, it appears that the proposed employment space has the potential to maintain or even increase employment levels across the site in comparison to the actual existing employment levels.

- 8.7 The construction phase would also provide some employment opportunities and the Council's City Regeneration Team are seeking a £35,600 contribution towards the council's Local Employment Scheme as well as an Employment and Training Strategy for this specific site.
- 8.8 It is accepted that the buildings are not particularly attractive visually and have a number of limitations for existing users and would be of limited interest to 8.9potential new occupiers. In addition, the applicant's note that the existing uses can and have been a source of complaint by neighbours whereas Class B1 office use is compatible with residential uses.
- 8.9 It is accepted that the scheme would provide a number of environmental and townscape improvements without reducing the overall employment potential of the site. The scheme would therefore accord with the overall objectives of Policy CP3.
- 8.10 Housing provision
The scheme would provide 104 new residential units. The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually. The most recent land supply position was published in the 2016 SHLAA Update (February 2017) which demonstrates a 5.6 year supply position. The Council can therefore demonstrate an up to date housing supply position in accordance with the NPPF.
- 8.11 It is recognised that the proposed scheme, has social and economic benefits including contributing to the City's housing requirements and supply figures as well as providing 40% affordable housing.
- 8.12 The City Plan seeks to make the most efficient use of existing land and policy CP14 in particular acknowledges that higher densities of residential development compared to those typically found in the locality can be acceptable provided the development overall does not harm the area or wider policy objectives.
- 8.13 Accordingly, a scheme of the type proposed by this application, in this location, would in principle be acceptable.
- 8.14 Community Use
The current use of the units includes a children's' play facility and church. The former use in particular has raised a number of representations seeking the retention of some form of community use within the proposed redevelopment.
- 8.15 Whilst policy HO20 does seek the retention of community facilities where a redevelopment is proposed it must be noted that the indoor football facility (the "sports facilities" element of existing uses) is subject to a "personal planning permission" and given such a restriction, the retention of the sports facility would not be possible by other operators. More significantly, both the children's play

facility and the church are occupying the buildings on short terms leases and were not intended to be long term tenants given the nature of the buildings/their state of repair and the longer term redevelopment aspirations. These uses were therefore only intended to be temporary and their long term retention was not envisaged.

- 8.16 In addition, the redevelopment scheme will make a significant contribution towards the provision of open space and indoor sports within the City and that in identifying the site for a mixed use scheme Policy CP3 does not make provision for leisure or community uses.
- 8.17 It is clear that in terms of planning policy, there would not be a requirement to seek provision of community space. However, notwithstanding the above, the applicants are willing to include some within the scheme. One of the office units could have the benefit of a dual Class B1 (Business)/Class D1 (Non-Residential Institutions) and the legal agreement would ensure that the office use did not take effect on this particular unit until January 2020, which would be a reasonable timescale for a community use to come forward. After that time, if there wasn't any community user interested in the unit, it could revert to office use without the need for a further planning permission. Such a provision would have implications for the viability of the scheme and the inclusion of these provisions would require a recalculation of the affordable housing provision.
- 8.18 Having regard to all of the above, it is considered that as the submitted scheme would meet the key policy priorities with regard to employment/affordable housing provision, and that there is no policy basis on which to seek a community use which itself would then impact upon the provision of the affordable housing, it is preferable to retain the affordable housing and employment provision.
- 8.19 **Layout & Scale**
Notwithstanding the fact that this application is only considering the layout and scale of development and not the external appearance of the buildings, consideration has to be given to the likely impact of the scheme on the character and appearance of the area, as well as the amenity of neighbouring properties. Whilst, this assessment has some regard to the submitted internal layout plans for the buildings in assessing the likely impact of overlooking and loss of privacy, it is recognised that the application does not seek approval for external appearance and accordingly factors such as exact building heights, external appearance and window positions could be different at the reserved matters stage.
- 8.20 Following pre-application discussions with officers the site layout was amended so that the flatted development was to the School Road frontage, multi storey development to the southern end of the site and the houses to the east. This arrangement was considered to better reflect the overall pattern and grain of development in the area. It was considered more reflective of the residential character of the area to present a residential frontage on to School Road, with the commercial floorspace located at the southern end of the site.

- 8.21 Whilst the appearance of the buildings is reserved for future consideration, the layout will to some extent inform how the buildings are designed. The drawings submitted with the application illustrate one possible interpretation. These drawings have tried to incorporate comments at the pre-application advice stage particularly to the School Road frontage, where a vertical emphasis is in keeping with the strong vertical divisions of the surrounding terraced houses which characterise the area. The drawings also demonstrate that with appropriate detailing and proportions the buildings would not appear overly bulky or visually bland. The townhouses to the rear of the site would be an appropriate design approach.
- 8.22 Similarly, although the external appearance and materials of the buildings is a matter which is reserved for future consideration, the drawings have illustrated a brick and render finish. Given the difficulties of maintaining the appearance of render, particularly rendered panels, there would be concern if this were to be retained in the subsequent reserved matters application. Whilst render is not an alien feature within the area, brick is the predominant material. The latest illustrative drawings of the external appearance have brick as the predominant material.
- 8.23 The dwellings to the south, east and west of the site will all, to some extent, be impacted given the scale of development proposed. The neighbours who share a boundary with the site to the south and east would be most affected.
- 8.24 Alpine Road:
The proposed townhouses would be to the east of the site, backing on to the dwellings in Alpine Road. Currently the rear of the existing houses in Alpine Road face onto the backs of the existing industrial units. The proposed layout shows that the new houses would be positioned a similar distance from the shared boundary as the existing houses to maintain a similar pattern and grain of development to that of the surrounding roads. It is acknowledged that in some instances some of the existing houses in Alpine Road have been extended, mainly at ground floor level and with appropriate boundary treatments these extensions should not be unduly affected. Due to the shape of the site and angle of the boundary the back-to-back distances between rear elevations do vary slightly from approximately 13.5 metres at the northern end to 14.5 metres at the southern end of the site. However, currently the industrial units at the northern end of the site cover the full depth of the site and back directly on to the boundary with the houses in Alpine Road.
- 8.25 The submitted plans show a design for the houses which indicates large windows on the upper floors and what in some instances appear to be Juliette balconies. As the external appearance is a reserved matter this is not something which can be fully assessed at this stage. However, in acknowledging that the general position of the proposed houses may be acceptable in terms of the layout of the site, it is also acknowledged that the external appearance of the rear elevations in particular will need to have regard to the impact of windows on existing residents and that large windows and Juliette balconies may not necessarily be acceptable.

- 8.26 The scale of the development indicates that the form of development would be three storey townhouses, which would be higher than the existing units of the site. However, there is a slight difference in levels between School Road and Alpine Road, with Alpine Road sitting higher than School Road. It is also noted that the new houses would be set slightly further from the boundary than the existing units. These two factors would help ensure that the new houses were not likely to impact in terms of being overbearing or create undue overshadowing. A sunlight/overshadowing report has been submitted which has analysed the development as proposed and concluded that the development would not have a negative impact on the adjacent gardens and that British Research Establishment guidance will be met.
- 8.27 The redevelopment of the site will undoubtedly create a new relationship and outlook for the existing properties in Alpine Road and backing on to dwellings will undoubtedly change the level of privacy they currently enjoy. However, having regard to all the above factors and the general positioning of dwellings and their relationships with one another across the area, what is proposed is generally in keeping with the overall character and levels of privacy/amenity for the area.
- 8.28 **Marmion Road:**
The southern boundary of the site is with the existing dwellings in Marmion Road. The existing single and two storey buildings on the site would be replaced with three and four storey buildings. The layout indicates that these new buildings would be closer to the boundary than the existing two storey buildings. The ground floor would accommodate the offices and is shown as being tight to this boundary with the upper floors set back so that they are between 3m to 5m off the boundary. The properties in Marmion Road (Nos 37-51) have rear gardens which are on average 16m in length. The rear elevation-to-elevation distances are therefore comparable with the surrounding area albeit the bulk of the distance is made up by the gardens of the existing residents and thus the rear elevation of the new buildings will be comparatively closer to the boundary and the existing neighbours' gardens.
- 8.29 The scale of the development will have an impact on the outlook of the existing residents although the relative distances and height of the proposed new building is such that there is unlikely to be an adverse impact in terms of overshadowing.
- 8.30 **School Road:**
The tallest part of the scheme will be the blocks which will front onto School Road. The submitted drawings indicate that these will be predominantly four storey buildings and are shown with a design that has the top floor set back from the main building frontages. The most northern building would be five storeys in height, with the top floor similarly set back from the frontage. For the purposes of local planning policy and guidance (SPGBH15, published 2004), 'tall buildings' are above 18 metres in height. From the submitted drawings and proposed scale and layout of development proposed, none of the buildings would exceed this height. The tallest building is likely to be approximately 14 metres in height.

- 8.31 Whilst the proposed development will result in a greater overall built form across the site frontage, the height of the new buildings on School Road will be for the most part approximately 3m higher, with the main differences being at the northern and southern ends where the buildings are some 4.5m - 6m higher than the existing buildings in these areas.
- 8.32 The removal of industrial uses from a predominantly residential area will represent a benefit but it is acknowledged that the dwellings towards the end of Kingsthorpe Road and Dallington Road will notice the change to the streetscape and character in this part of School Road given the scale of new buildings. Whilst these existing dwellings have side elevations facing on to School Road and therefore their outlook will not particularly change, their rear gardens will be approximately 14m from the front of the new apartments so will potentially experience some overlooking from the upper floors of the new buildings. Numbers 1 and 2 School Road face towards the site and conversely their outlook will be altered but privacy at the rear is unlikely to be affected. The other buildings on the opposite side of School Road (Express House and West Hove School) will similarly have their outlook altered.
- 8.33 The change to the streetscape and outlook of existing properties along School Road will be noticeable but it is considered that these changes are acceptable. There are a number of existing buildings in the wider School Road, Stoneham Road, Portland Road area that are 3, 4 or 5 storeys in height and whilst the properties on the opposite side of School Road will notice a change in outlook, the impact of the new buildings would not unduly exacerbate the extent of the mutual overlooking of gardens which occupiers in this area already experience.
- 8.34 City Plan policy CP12 seeks to raise development densities where appropriate as well as setting out design principles for all new development. Local Plan Policy QD27 seeks to ensure that new development protects the amenity of existing and future residents. It is considered that a scheme of the scale and layout proposed in this application would accord with these overall policies.
- 8.35 **The Proposed Mix of Units/Standard of Accommodation**
Policy CP20 seeks a 40% provision of on-site affordable housing units. The proposal provides 41 units of affordable housing which equates to 39.4% of the total number of units proposed for the site.
- 8.36 The proposed affordable housing offer would be split between 1 and 2 bedroom units (26 one-bed units and 15 two-bed units). Policy CP20 seeks a citywide affordable housing mix of 30% 1 bedroom, 45% two bedroom and 25% 3 bedroom units.
- 8.37 The proposed mix of units in itself is therefore not reflective of the needs of the city as a whole. However as a flatted development in an accessible location it would be expected that the scheme would deliver a greater proportion of smaller units. A greater proportion of larger units would be expected in a more outlying development of a lesser density, such schemes considered

cumulatively will work towards delivering an appropriate mix of units across the city. The tenure mix proposed similarly reflects the likely demand in this location.

- 8.38 The applicant has stated that no 3-bedroom units have been proposed as affordable due to viability concerns, a detailed viability case has not however been submitted.
- 8.39 Whilst a policy compliant mix of unit sizes has not been agreed as affordable provision, which is regrettable, it is again noted that a scheme of this nature is to be expected to deliver a greater number of smaller size units. Overall it is considered that the mix of unit sizes and the proposed affordable housing provision are acceptable in this case.
- 8.40 An accommodation schedule submitted with the application identifies certain blocks/flats would be likely to form the affordable housing element. However, the affordable housing, based on the illustrative drawings, would not be visually distinguishable from any of the market housing on the site. Aspects such as finished materials and design can be addressed at the reserved matters stage to ensure this approach is maintained.
- 8.41 Whilst the Local Planning Authority does not have adopted space standards, for comparative purposes, reference is made to the Government's Technical Housing Standards - National Described Space Standards (March 2015) document. Based on the submitted drawings, the proposed town houses would be of a size likely to accord with the Technical Standards
- 8.42 The accommodation schedule submitted with the application indicates the potential sizes of the various units although without definitive detailed drawings it is not possible to be entirely clear whether some bedrooms will be designed for one or two person occupancy and hence what the overall size of unit should be in order to meet the Technical Housing Standards, given that the floor space requirements are based on potential number of occupants. Some of the units would potentially be below the suggested Standards but a different external appearance and design of the buildings could increase the size of the units by 1 or 2 square metres, which would be sufficient for many of them to meet the Standards.
- 8.43 All of the upper floor apartments would be likely to benefit from the use of a balcony area and the houses would have use of a private rear garden. The ground floor apartments, which are along the School Road frontage, would have a small terrace/garden area along their frontage.
- 8.44 In order to accord with policy HO13, a minimum of 10% of the proposed affordable housing residential units and 5% of the overall housing units are required to be fully wheelchair accessible. Such provision can be ensured via a condition if overall the proposal was considered acceptable.
- 8.45 Policy HO13 also requires all other residential dwellings in a development, that are not wheelchair accessible, to be built to Lifetime Homes standards whereby they can be adapted to meet people with disabilities without major structural

alterations. The requirement to meet Lifetime Homes has now been superseded by Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) standards, which can be ensured via the attachment of a condition.

8.46 Amenity/Open Space/Recreation Provision

Policy HO5 requires new residential development to provide adequate private and usable amenity space for occupiers, appropriate to the scale and character of the development. Whilst the detailed internal layouts are indicative the plans submitted indicate that given the proposed scale of development and layout of the site, proposed houses would be have rear gardens commensurate with other dwellings in the area. The apartments would all potentially each have a balcony which is generally considered to be acceptable for this form of development particularly where it is in a relatively central location and in close proximity to public open space e.g. Stoneham Park.

8.47 The development would also be making a £256,954.69 contribution towards open space/recreation provision within the City.

8.48 Landscaping / biodiversity

Local Planning policies and guidance and the NPPF require high quality landscaping and that development delivers a net gain in biodiversity terms. Whilst the specific landscaping proposals are reserved for subsequent consideration, the proposed layout will have implications for what landscaping can be achieved. From the layout plans it can be see that some planting is likely to be achieved through the development and the proposed houses will have private rear gardens. These elements provide the opportunity to deliver some biodiversity gains by for example utilising native species of local provenance and attracting wildlife. Green roofs and a green wall are also shown on the indicative elevations.

8.49 Environmental Sustainability/Biodiversity

In accordance with Policy CP8 the proposed residential units are recommended to be secured as compliant with Optional Building Regulation standards for energy and water usage by planning condition. The ground floor office use would be secured as a BREEAM rating of 'Very Good'. The agents have suggested that given the size of the commercial units a lower standard should be imposed to reduce service charges to potential tenants but there has not been any detailed justification for this approach being adopted.

8.50 The green roofs and green wall would provide the potential for some biodiversity potential and can to be secured by a condition that requires the submission of a Sustainability Strategy that addresses the requirements of City Plan policy CP8 and covers emission saving from energy efficiency and renewable energy measures

8.51 Sustainable Transport:

8.52 Pedestrian Access

The layout has been amended to provide better and more convenient pedestrian routes to the main entrances of the buildings by widening the footpaths and providing delineated routes especially to blocks I, H and G. This

is welcomed by the Highway Authority and addresses the previous concerns raised by them.

8.53 There is currently an existing private pedestrian route which allows access from the site through to Stoneham Road. This will not be retained and there will not be any pedestrian access through the site to Stoneham Road.

8.54 Vehicular Access

Vehicular access/egress to the site is to be provided via the southern and northern end of the site via vehicle crossovers. Given the proximity of on-site parking it is likely that the southern access will predominantly be used by the residents and occupants of the commercial use, whilst the northern access is most likely to be solely used by residents only.

8.55 The implementation of the vehicle crossovers and associated works (reinstatement of redundant vehicle crossovers, on-street parking, cycle parking and street trees) will need to be delivered through a Section 278 agreement with the Highway Authority.

8.56 Highway Works

The applicant is proposing highway works to School Road associated with the revised access arrangements. The need to enter into a S278 agreement with the Highway Authority to deliver these works will be secured via a S106 agreement.

8.57 The following works are to be delivered via the S278 agreement:

- 2 new vehicular crossover access points from School Road
- Reinstatement of redundant vehicle crossovers back to footway
- Resurfacing of the eastern footway of School Road along the entire frontage of the site
- The provision of shared and permit holder only parking bays, street trees, pedal cycle parking places and subject to the agreement of an operator a car club bay in place of the existing double yellow line parking restrictions on the eastern side of School Road.

8.58 Car Parking

For this development of 104 residential units (82 1-2 bed units & 22 3 bed units) the maximum car parking standard is a total of 115 spaces (63 spaces for residents & 52 visitor spaces). The maximum car parking standard for a B1 office land use in this location is 1 space per 100m². The proposed car parking levels are therefore within the maximum car parking standards in SPD14.

8.59 The applicant has undertaken an on-street parking surveys which demonstrates that on-street parking stress ranged from 64% to 68% in the immediate vicinity of the site. However, at this stage there is no allocation of the parking spaces to specific units/uses and therefore the Highway Authority recommends a condition to restrict future occupiers from obtaining CPZ permits.

8.60 Disabled Parking

The drawings indicate four disabled car parking spaces, one of which would be within the site and three would be on-street. The rationale for the scheme's approach to disabled car parking has not been provided and therefore the Highway Authority recommends a condition to secure the appropriate level of provision.

8.61 Electric Vehicle Parking

SPD14 requires that a minimum 10% of the car parking provision to have electric vehicle charging provision and a minimum of 10% of the car parking provision to have a passive provision to allow conversion at a later date.

8.62 The applicant has not provided any information as to the level of electric vehicle charging provision. Further details will be secured via condition.

8.63 Cycle Parking

Cycle parking is proposed in various locations across the site and includes a combination of lockers just inside the main entrance to each property, external cycle parking located to the side of the house and external cycle parking located in the parking forecourt. Full details will be secured via a condition.

8.64 Motorcycle Parking

The applicant has provided a location for 4 motorcycle parking spaces which accords with the parking standards in SPD14. Further details of their exact nature should be secured via condition.

8.65 Car Club

The applicants have indicated a willingness to accommodate car club provision within the development and the scheme has been amended to incorporate a car club bay in this location. The Highway Authority would welcome the provision of a car club bay/and vehicle in this location and have contacted Enterprise Car Club who have confirmed that are agreeable to there being a car in this location.

8.66 Deliveries and Servicing

There is adequate space within the site for servicing and deliveries associated with the development to take place within the site. The applicant is proposing that refuse collection is taken from School Road and communal refuse and recycling stores are located with access points onto School Road. A condition requiring the submission of appropriate details is recommended.

8.67 Trip Generation and Highway Impact

In order to forecast the trip generation of the existing development and the proposed development the applicant has interrogated the industry standard TRICS database. The existing uses amount to 4,777m² and consist of various land uses. The TRICS data used by the applicant forecasts that the existing use could generate 955 total vehicle trips a day; if used at full capacity.

8.68 Using the TRICS database it is that the proposed land use could have a total of 843 total person trips (all modes). Using the local travel to work census data the applicant forecast that there could be 326 two way total daily person car trips associated with this development.

8.69 Travel Plan

The applicant has committed to producing a Residential Travel Information Pack. In accordance with the submitted Transport Statement, this pack should include as a minimum:

- Local walking routes and maps
- Local cycle routes and maps
- Provision of an annual bus season ticket for Brighton & Hove Buses for each residential unit.
- Public transport timetables and details
- Provision of a 2 year free membership to a Car Club
- Free £250 voucher towards the purchase of a bicycle or equipment (1 per household for each first occupier)

8.70 The need to provide a Residential Travel Information Pack and provide the items above should be secured via a S106 agreement.

8.71 **Other Considerations**

8.72 Land Contamination

A Phase 1: Preliminary Risk Assessment has been submitted as part of the application. It confirms that given the current and past use of the site as commercial buildings (including garages and an electrical substation) it is considered that there is a Moderate/High risk of the land representing a potential contamination source. The risk is considered to be mainly from possible localised spillages of hydrocarbons, and asbestos in the existing building material. Accordingly, the site will need a full investigation to determine the full extent of contamination, the best methods of removal and any necessary mitigation strategies. Appropriate conditions are recommended

8.73 Construction Environmental Plan (CEMP)

A condition is proposed requiring a CEMP in order to protect the amenities of local residents during the construction phase and details of proposed construction routes and necessary mitigation.

8.74 **Other Developer Contributions**

8.75 Education

A total contribution of £210,533.80 towards the cost of providing primary, secondary and sixth form educational infrastructure for school age pupils this development would generate has been requested by the Council's Education Officer. The primary school provision would be likely to be spent at West Hove Infant School, Hove Junior School, St Andrew's Primary School, Hove Junior School Holland Road, Goldstone Primary School or West Hove Infant School Connaught Road as they are the closest primary's to the development. With regard to the secondary and sixth form provision the development is currently in the catchment area for Blatchington Mill and Hove Park Schools.

8.76 Local Employment Scheme

The Developer Contributions Technical Guidance provides the supporting information to request a contribution, of £35,600 through a S106 agreement, to

the Local Employment Scheme in addition to the provision of 20 percent local employment for the demolition and construction phases.

8.77 Public Art

City Plan Policy CP5 supports investment in public realm spaces suitable for outdoor events and cultural activities and the enhancement and retention of existing public art works, policy CP7 seeks development to contribute to necessary social, environmental and physical infrastructure including public art and public realm whilst policy CP13 seeks to improve the quality and legibility of the City's public realm by incorporating an appropriate and integral public art element. An 'artistic component schedule' could be included as part of a S106 agreement, to the value of £37,000 (based on the internal gross area of development), in order to ensure that the proposal complies with the stated policies.

8.78 Open Space

The Developer Contributions Technical Guidance provides the supporting information to request a contribution, of £256,954.69 through a S106 agreement. This includes a £13,818.00 component towards indoor sports.

9. EQUALITIES

- 9.1 The scheme would provide for 40% affordable housing. Conditions can be attached to ensure that all dwellings are built to Lifetime Homes standards and that a minimum of 10% of the proposed affordable housing residential units and 5% of the overall housing units are required to be fully wheelchair accessible.

