

<u>No:</u>	BH2016/02459	<u>Ward:</u>	South Portslade Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	MERSEN UK LTD, South Street, Portslade, BN41 2LX (Former Brewery Site South Street Portslade)		
<u>Proposal:</u>	Partial demolition of existing buildings, conversion of remaining buildings from industrial (B2) to a mixed use development comprising 37 self-contained flats (C3), 674 sqm of employment floorspace (B1) (art studios and ancillary galleries, shared community space and café). Erection of 11 new dwellings (C3). Formation of 47 parking spaces, soft and hard landscaping.		
<u>Officer:</u>	Chris Swain, tel: 292178	<u>Valid Date:</u>	26.07.2016
<u>Con Area:</u>	PORTSLADE VILLAGE	OLD	<u>Expiry Date:</u> 25.10.2016
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	06.09.2017
<u>Agent:</u>	Forge Design Studio Salisbury SP5 2RB	The Forge	Cowesfield Whiteparish
<u>Applicant:</u>	PGMI Portslade Limited 100 Canon Street London EC4 6E		

1. RECOMMENDATION

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

1.2 S106 Heads of Terms

The applicant has agreed to provide the following, should the application be approved:

- Open Space and Recreation; £113,130 towards improvements in Easthill Park and/or Victoria Recreation Ground, Mile Oak Recreation Ground, Chalk Pit,
- Indoor Sport: £21,364 towards improvements at Portslade Sports Centre and/or King Alfred Leisure Centre or Withdean Sports Complex
- Local Employment Scheme of £16,200,
- Training and Employment Strategy using minimum 20% local labour during demolition (where appropriate) and construction phase,
- Sustainable Transport Contribution of £48,000 towards;
 - Safer pedestrian crossing point on South Street,
 - Improvements at the westbound bus stop on High Street,
 - Dropped kerb and tactile paving pedestrian improvements to improve the direct route from the development to PACA secondary school.
- Travel plan measures (commercial and residential),
- Construction Environmental Management Plan (CEMP),

- Affordable Housing: On site provision of 2no. 2 bedroom shared ownership new build units, with a payment in lieu of additional Affordable Housing provision of £19,550.
- Review Mechanism to reassess the viability of the scheme close to completion in order to, where possible, secure up to policy compliant level of affordable housing via an off-site financial contribution.

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location Plan	PL001		11 July 2016
Floor Plans Proposed	PL017	A	11 July 2017
Floor Plans Proposed	PL018	A	11 July 2017
Floor Plans Proposed	PL019	A	11 July 2017
Floor Plans Proposed	PL020	A	11 July 2017
Floor Plans Proposed	PL021	A	11 July 2017
Floor Plans Proposed	PL022	A	11 July 2017
Floor Plans Proposed	PL023	A	11 July 2017
Floor Plans Proposed	PL024	A	11 July 2017
Floor Plans Proposed	PL025	A	11 July 2017
Floor Plans Proposed	PL026	A	11 July 2017
Streetscene elevation proposed	PL028	A	18 July 2017
Streetscene elevation proposed	PL029	A	11 July 2017
Streetscene elevation proposed	PL030	A	11 July 2017
Elevations Proposed	PL031	A	18 July 2017
Elevations Proposed	PL032	A	11 July 2017
Elevations Proposed	PL033	A	11 July 2017
Elevations Proposed	PL034	A	11 July 2017
Materials Detail	PL035	A	18 July 2017

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission. **Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

3. No extension, enlargement, alteration or provision within the curtilage of the of the dwellinghouse(s) 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 HE6 and QD27 of the Brighton & Hove Local Plan.

4. No development above ground floor slab level of any part of the development hereby permitted shall take place until samples / details 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;
 - a) Samples of all brick, clay tile, pavers and metal cladding,
 - b) Details of the all proposed window, door, dormer, canopy and balcony treatments, pipework / rainwater goods, gates and railings.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 HE6 and HE11 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.

5. No development above ground floor slab level of any part of the development hereby permitted shall take place until a scheme for landscaping has 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 to include type, position, design, dimensions and materials - including durability and maintenance,
 - b) details of all boundary treatments to include type, position, design, dimensions and materials - including durability and maintenance,
 - c) Details of external lighting, including durability and maintenance - it should be demonstrated that the lighting scheme is compliant 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;
 - d) Details of all proposed planting, including numbers and species of plant, details of size and planting method of any trees, cultivation details and maintenance programme. Species should be included that mitigate pollution in the gas and particulate phases and wherever possible native species of local provenance should be provided.

All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to 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 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One.

6.
 - i) No development shall take place until a programme of archaeological work has been secured in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority.
 - ii) The development hereby permitted shall not be brought into use until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under [i] and that provision for analysis, publication and dissemination of results and archive deposition has been secured, unless an alternative timescale for submission of the report is first agreed in writing with the Local Planning Authority.
Reason: This pre-commencement condition is imposed because it is necessary to ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policy HE12 of the Brighton & Hove Local Plan

7. 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.

8. The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.
Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.

9. 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 Brighton & Hove City Plan Part One.

10. None of the new build residential units hereby approved shall be occupied until each residential unit built has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.

- Reason:** To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton & Hove City Plan Part One.
11. 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 Brighton & Hove City Plan Part One.
12. All rendered surfaces shall be smooth with a painted finish.
Reason: To safeguard the appearance of the development and the visual amenities of the locality and to comply with policies HE10 and HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.
13. The pier to be reconstructed on High Street shall match the brick bond, pointing profile, mortar mix and colour, decorative corbelling detail of the pier to be dismantled on Drove Road and shall be reconstructed to the same height as the retained pier on the High Street entrance.
Reason: To ensure the satisfactory preservation 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.
14. The historic factory chimney, plinth and decorative base shall be retained in their entirety.
Reason: To ensure the satisfactory preservation 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. All redundant, pipes, vents, flues and signage shall be removed prior to occupation. **Reason:** To ensure the satisfactory preservation 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.
16. No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.
Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies HE10 and HE6 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.
17. The existing railings attached to the roof of the tower of the former brewery building shall be removed prior to first occupation. **Reason:** To ensure the satisfactory preservation 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.
18. No development above ground floor slab shall take place until full details of all new or replacement windows and doors and any reveals, cills and canopies

including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections have been submitted to and approved in writing by the Local Planning Authority. The windows to the new build properties and converted cottages shall be painted timber double hung vertical sliding sashes with concealed trickle vents. The windows to the converted brewery buildings shall be metal framed. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to comply with policies HE6 and HE10 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

19. The rooflights hereby approved shall have steel or cast metal frames in black or dark grey and fitted flush with the adjoining roof surface and shall not project above the plane of the roof.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

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

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

21. All new and replacement rainwater goods, soil and other waste pipes shall be in metal and shall be painted black or dark grey or in the case of a rendered elevation to match the colour of the renderwork background walls and retained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to comply with policies HE6 and HE10 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

22. The development hereby permitted shall not be commenced until details of electric vehicle charging points within all the proposed garages 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 seek measures which reduce fuel use and greenhouse gas emissions and to comply with policy CP9 of the Brighton & Hove City Plan Part One and SPD14 Parking Standards.

23. 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.

24. Prior to the first occupation of the development hereby approved a Car Park Management Plan, which includes full details of how the car parking spaces will be managed and allocated to the end users of the development and which favours the provision of allocating the spaces to residential units, shall be submitted to and approved in writing by the Local Planning Authority. All management and allocation of all spaces shall thereafter be carried out in accordance with the approved plan.

Reason: In order to provide an appropriate level of car parking and to limit the potential for overspill car parking and ensure that the development is in accordance with policy CP9 of the Brighton & Hove City Plan Part One and SPD14 Parking Standards.

25. Prior to first occupation of the development hereby permitted, a vehicle access and continuous footway shall be implemented on the northern side of High Street adjacent to the site.

This shall include: the reconstruction and reinstatement of the footway and kerb edge in front of the three new build dwellings; amendment of the footway to an acceptable width where possible; use of red clay pavers to match adjacent existing footways; a raised table at the vehicular entrance to the site using existing entrance materials or red clay pavers. The footway shall be level and continuous and shall ensure priority to pedestrians.

Reason: To ensure that suitable footway provision is provided to and from the development and to comply with policies TR7 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.

26. Prior to the first occupation of the development hereby permitted the applicant shall reinstate the redundant vehicle crossover in front of the existing garages to the eastern side of South Street Portslade back to a footway by raising the existing kerb and footway.

Reason: In the interests of highway safety and to comply with policies TR7 of the Brighton and Hove Local Plan and CP9 of the City Plan Part One.

27. 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 occupants, staff and visitors to the site and to comply with Local Plan policy TR18 and SPD14 Parking Standards.

28. 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.

29. 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 CP9 of the Brighton & Hove City Plan Part One.

30. All ecological measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal report dated June 2016 as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This includes the need for an updated bat scoping assessment as works have not commenced by June 2017.

Reason: To safeguard these protected species from the impact of the development and ensure appropriate integration of new nature conservation and enhancement features in accordance with policies QD18 of the Brighton & Hove Local Plan and CP10 of the Brighton & Hove City Plan Part One.

31. Prior to first occupation of the development hereby permitted details showing the type, number, location and timescale for implementation of the compensatory bird / bat boxes shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be carried out in strict accordance with the approved details.

Reason: To safeguard these protected species from the impact of the development and ensure appropriate integration of new nature conservation and enhancement features in accordance with policies QD18 of the Brighton & Hove Local Plan and CP10 of the City Plan Part One.

32. Prior to occupation all habitable rooms shall have glazing installed with a minimum performance of 29dB Rw+Ctr and a ventilation scheme with a minimum performance of 32dB Dn,e,w as set out in the acoustic report by Entran Limited, dated the 2nd March 2017.

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

33. All Party Ceilings, Floors and Walls separating the residential and non-residential uses shall be designed to achieve airborne sound insulation values of at least 5dB higher than that required by Approved Document E performance standards.

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

34. No vehicular deliveries to or from the commercial premises shall occur except between the hours of 07.00 and 21.00 Monday to Saturday, and 09.00 to 19.00 on Sundays, Bank or Public Holidays.

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

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

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

36. 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.
37. Prior to occupation, a report shall be submitted to the local planning authority containing evidence to demonstrate that all asbestos containing materials have been removed from areas that have been converted to residential use, and taken to a suitably licensed waste deposit site.
Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.
38. The development hereby permitted shall be carried out in accordance with the Surface Water and Foul Drainage Strategy dated July 2016 (ref RMA-C1544) and Groundwater Flood Risk Assessment dated December 2016 (RMA-C1544_1 – Portslade GW FRA) and shall ensure that;
- a) Surface water run-off generated by the 1 in 100 year plus climate change critical storm is limited so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
 - b) Finished floor levels are set no lower than 420mm above the highest recorded groundwater level, as described in the submitted Groundwater Flood Risk Assessment.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent the increased risk of flooding to properties within the development and to third parties in accordance with CP8 and CP11 of the Brighton & Hove City Plan Part One.

39. No development shall take place until a detailed final design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods as per the recommendations of the Surface Water and Foul Drainage Strategy dated July 2016 (ref RMA-C1544) 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 policies SU5 of the Brighton & Hove Local Plan and CP8 and CP11 of the Brighton & Hove City Plan Part One.

40. The development hereby permitted shall not be occupied until an Emergency Flood and Evacuation Plan has been submitted to and agreed in writing by the Local Planning Authority. The Emergency Flood Plan shall include details of safe access and egress of emergency vehicles, staff and residents in the event of a flood and shall be prepared in consultation with the emergency services and the Lead Local Flood Authority. In addition, details should be provided relating to the access and maintenance of the existing well/borehole for data collection during events.
Reason: To protect the health and safety of future occupiers and to comply with policies CP8 and CP11 of the Brighton & Hove City Plan Part One and policy TR7 of the Brighton & Hove Local Plan.
41. No development other than demolition works shall commence until details of appropriate flood resistance and resilience measures appropriate for the groundwater and surface water flooding are submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented accordingly and retained and maintained thereafter.
Reason: As this matter is fundamental to reduce the impact of flooding to the property when it occurs and increase the level of sustainability of the development and to comply with policies CP8 & CP11 of the Brighton & Hove City Plan Part One.
42. 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:
- 1) 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: As this matter is fundamental to the acceptable delivery of the permission and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with policy SU3 of the Brighton & Hove Local Plan.

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

44. 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: To prevent the pollution of controlled waters and to comply with policy SU3 of the Brighton & Hove Local Plan.

45. 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 prevent the pollution of controlled waters and to comply with policy SU3 of the Brighton & Hove Local Plan.

46. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To prevent pollution of controlled waters and to comply with policy SU3 of the Brighton & Hove Local Plan.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant should be aware that whilst the requisite planning permission may be granted, should any complaints be received with regards to noise, dust, odour or smoke, this does not preclude this department from carrying out an investigation under the provisions of the Environmental Protection Act 1990.
4. The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. The applicant/developer should contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (tel: 0330 303 0119) or www.southernwater.co.uk in order to progress the required infrastructure.
5. The Highway Authority would look for the number of fully accessible disabled bays designed in full accordance with the Department for Transport Traffic Advisory Leaflet 5/95, Parking for Disabled People, which requires a 1.2m clear zone either side of a bay, to be maximised.
6. The applicant is advised that details of the BREEAM assessment tools and a list of approved assessors can be obtained from the BREEAM websites (www.breeam.org).
7. The water efficiency standard required 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.
8. 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.
9. The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting birds, their nests and eggs is a criminal offence. The nesting season is normally taken as being from 1st March - 30th September. The developer should take appropriate steps to ensure nesting birds, their nests and eggs are not disturbed and are protected until such time as they have left the nest.

- 10 The applicant is advised that there is the potential for bats on the development site. All species of bat are protected by law. It is a criminal offence to kill bats, to intentionally or recklessly disturb bats, damage or destroy a bat roosting place and intentionally or recklessly obstruct access to a bat roost. If bats are seen during construction, work should stop immediately and Natural England should be contacted on 0300 060 0300.
11. The applicant is advised that the above condition on land contamination has been imposed because the site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer. To satisfy the condition a desktop study shall be the very minimum standard accepted. Pending the results of the desk top study, the applicant may have to satisfy the requirements of (i) (b) and (i) (c) of the condition. It is strongly recommended that in submitting details in accordance with this condition the applicant has reference to Contaminated Land Report 11, Model Procedures for the Management of Land Contamination. This is available on both the DEFRA website (www.defra.gov.uk) and the Environment Agency website (www.environment-agency.gov.uk).
12. The applicant is advised to contact the Council's Streetworks team (permit.admin@brighton-hove.gov.uk 01273 293366) and obtain all necessary highway approval from the Highway Authority prior to any works commencing on the adopted highway.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The site relates to the former Portslade Brewery Site, to the east of South Street which comprises of a mix of industrial buildings of different scales, design and age. The site is currently vacant. The last occupier was Mersen UK Ltd (formally Le Carbone Ltd), a manufacturer of various composites for electrical uses.
- 2.2 The buildings known as the cottages are two storey, to the north west of the site. The Drying Hall is a number of storeys to the western edge of the site. The Tower is set over 6 storeys to the south west corner of the site. The building described as the workshop is set over two storeys and fronts High Street. There are a number of other more modern industrial buildings, of different form, scale and heights to the centre and eastern side of the site with a car park to the north accessed off Drove Road. The site is accessed from the south in High Street.
- 2.3 A number of buildings on the site are locally listed whilst there are also listed buildings in close proximity outside the site. The site is located within the Portslade Old Village Conservation Area.
- 2.4 Description of the proposal
Planning permission is sought for the partial demolition of existing buildings, conversion of remaining buildings from industrial to a mixed use development comprising 37 self-contained flats and employment floorspace and the erection of 11 new build dwelling houses.

- 2.5 The residential element comprises;
- 11 New Build houses (9 three bed and 2 two bed units),
 - 37 flats within the converted buildings (4 studios, 14 one bed and 19 two bed units),
 - 674sqm of B1 employment floorspace (this comprises of artist's studios with ancillary galleries, community space and café).
- 2.6 The new build houses would front the road on the northern and southern boundaries of the site with car and cycle parking provided within the centre of the site.
- 2.7 Proposed materials for the new builds are as follows;
- Brick / flint panels or rendered elevations,
 - Clay or slate tiles,
 - Timber windows.
- 2.8 Proposed materials for the conversion are as follows;
- Metal panelling with glazing for the link buildings,
 - Zinc roofing to the former workshop building housing the commercial element,
 - Rendered elevations to the studio infill,
 - Metal windows (former brewery buildings),
 - Timber windows / doors (former converted cottages).

3. RELEVANT HISTORY

3.1 **BH2015/04288** - Prior approval for change of use of workshop building from storage (B8) to residential (C3) to form 9no residential dwellings. Refused 20 January 2016.

BH2015/04291 - Prior approval for change of use of cottages, drying hall and first and second floor of tower building from offices (B1) to residential (C3) to create 45no self-contained flats. Refused 20 January 2016.

BH2015/04293 - Prior approval for change of use of the third, fourth and fifth storeys of the tower building from storage (B8) to residential (C3) to form 8no residential dwellings. Refused 20 January 2016.

3.2 Pre-Application Advice

Officer pre-application advice was given on a proposed mixed use scheme involving conversion of the locally listed elements, demolition of a number of buildings and new build dwellings to Drove Road and High Street. The general principle of a mixed use scheme was considered acceptable subject to;

- Justification for the loss of employment floor space,

- Acceptable design / appearance / detailing to ensure preservation of the heritage assets and the Portslade Old Village Conservation Area,
- Acceptable standard of accommodation for future occupiers,
- Acceptable amenity impact for adjoining and future occupiers (it was considered that building within the centre of the site could result in amenity issues).
- Demonstration that there would not be detrimental parking / highway safety issues,
- Compliant affordable housing provision.

4. REPRESENTATIONS

4.1 Twenty three (23) letters have been received objecting to the proposed development for the following reasons:

- The proposal has insufficient parking spaces and would result in increased parking pressure,
- There is no control on the number of cars per dwelling,
- Lack of disabled parking,
- The proposal would be detrimental to highway safety,
- Access to 58 and 60 High Street would be compromised,
- The access point should be via Drove Road and not High Street,
- Junctions close to the site are already unsafe,
- Drove Road is already used as a short cut to the A27,
- No provision for deliveries to the site,
- Transport statement has overestimated the previous traffic to the site and underestimated future traffic,
- Insufficient capacity at nearby schools to accommodate the new development,
- Waste and water systems will be over stretched,
- The proposed additional storey on the roof of the main brewery building is inappropriate and could give rise to a loss of privacy and noise disturbance to neighbouring properties,
- Overdevelopment of the site,
- Would harm the character of the Conservation Area,
- There is a history of flooding on this site and the development is a risk to potential occupiers,
- Lack of small industrial units,
- Lack of small independent retail spaces,
- Limited local facilities for future residents,
- Public transport only is only good if travelling to Brighton,
- There are too many one bedroom flats and not in-keeping with the requirements of the area,
- The proposal only serves the interests of the developer who have disregarded the reality of the parking situation in the Old Village in favour of profit.

4.2 Three (3) letters have been received (including one from the potential commercial tenants, Phoenix Brighton) supporting the proposed development for the following reasons:

- The art studios and café development will provide a lively cultural and arts education centre in the area,
- Workspaces would be affordable,
- The commercial element would help forge strong links with the local community,
- The opportunity to create studio work spaces in the proposed development would give artists in Brighton and Hove a permanent place to produce work and to develop their practice, safeguarding the vibrant artist community in Brighton and Hove.

4.3 Two representations have been received with general comments that are outlined below,

- The development is supported in principle but there are concerns that there is insufficient parking for the number of residents,
- Vehicular access should be from High Street and then exiting via Drove Road,
- The ground floor of the development should be used as additional parking,
- Will the current waste water infrastructure cope with the additional dwellings?
- Rush hour traffic will be exacerbated.

5. CONSULTATIONS

5.1 **Environmental Health:** No objection

5.2 Noise from Existing businesses

Environmental Health initially raised concerns about the potential for new residents to complain to the Environmental Health department about the noise from nearby industrial operations on the opposite side of South Street.

5.3 As such an acoustic report by Entran Limited, dated the 2nd March 2017 has been submitted in order to address these concerns. The report has been assessed, and there are some concerns given that the readings on South Street were only taken over a 1-hour period from 10:07am on Friday 10th February 2017.

5.4 An EH Officer visited the site on the 31st March 2017 and having spoken to the business currently occupying 37 South Street is satisfied that the main external audible noise from the units, is the constant noise from the dust extract unit as described in Entran's report.

5.5 However there are some exceptions to this with the current two operating units estimating that they receive roughly 6 deliveries a day in total, between 8am and 6pm. There is also a third unit at 37 South Street that is currently unoccupied.

- 5.6 While It is agreed that there should be an expectation of a certain level of noise when moving next door to workshops, that does not prevent the noise impacting on future residents quality of lives, or complaining to the workshops or Environmental Health about the noise levels.
- 5.7 In order to protect future residents and existing business Environmental Health is of the opinion that glazing levels (recommended in the report) and an alternative means of ventilation should be conditioned for habitable rooms that look onto South Street.
- 5.8 Proposed residential
The acoustic report by Entran Limited, dated the 2nd March 2017 states that some static plant may be incorporated into the development. Consequently, the report has derived noise limits in accordance with standard best practice, which could be used to derive a noise limiting condition for static plant and a design target for any plant selection. These limits look to achieve a rating level not exceeding the L90 a 1 metre from the nearest noise sensitive premise
- 5.9 While these limits do not meet the council's standard condition, which asks for rating level of 5dB below the L90 a 1 metre from the nearest noise sensitive premise, the noise measurements taken allow for the council standard condition to be applied in terms of noise levels from plant and machinery.
- 5.10 Proposed café
It appears that resident's properties are proposed above the café and adjacent and above a commercial space which is assumed to be a gallery or community space. In order to ensure that new residents are protected against noise transmission into their properties from the proposed A3 use, it is recommended that sound insulation between commercial premises and residential is in excessive of Part E requirements by at least 5dB.
- 5.11 Additionally the acoustic report by Entran Limited, dated the 2nd March 2017 seems to imply that no extraction units or ventilation will be installed for the café.
- 5.12 The applicant should be aware that should mechanical ventilation be put in in the future, that is not included in this application, that this will likely require submission of a new planning application. An application looking to install plant machinery would not only need to submit an acoustic report, but would also need to show where such plant was going to be located.
- 5.13 Contaminated Land
This site has been prioritised under Part IIA of the Environmental Protection Act 1990, as it has been flagged as potentially contaminated land due being a battery makers. There are also nearby sites that have been prioritised under Part IIA of the Environmental Protection Act 1990.
- 5.14 Due to this, a desktop study by Earth & Marine Environmental Consultants Limited (ref: 015-1407), dated June 2016, has been submitted as part of the application. There are a number of questions and comments that need to be addressed.

- In table 4.4. It is stated that “No gardens or unsurfaced areas are currently planned.” Having viewed the plans, and read the design & access statement, this does not appear to be the case. I would therefore suggest that the conceptual site model and the risk levels need to be reconsidered, or clear explanation given as to how these soft landscaped areas will be protected.
 - Consideration should also be given to the water supply to the site, and whether any barrier protection will be necessary. It may be appropriate to make contact with Southern Water, even if it is believed there no is significant risk to human health from the water supply, as Southern Water may have enhanced guidelines for ensuring the quality of water, as well as it safety.
 - The report correctly identifies concerns around asbestos in the building structure, and comments that an asbestos survey has already been undertaken Amstech Contracts Ltd in February 2010 (Ref. CS5768), that has found asbestos in the property. This should be submitted for review, and providing it is found to be a robust assessment a condition will likely be attached for a verification report to be submitted before occupation of the premises, to show all asbestos has been removed safety from areas that are to be converted to residential.
- 5.15 Notwithstanding the above concerns it is considered that contaminated land could be agreed with a condition. A phase 1 report would still be required as part of the condition, as the current desktop study is not agreed to be sufficient.
- 5.16 **Sustainability – No objection**
Conditions are required to ensure the scheme satisfies policy CP8. The new build residential units would be required to meet minimum energy and water efficiency standards and the non-residential development shall meet BREEAM ‘very good’.
- 5.17 **Education – No objection**
In this instance we would not be looking for a contribution towards the cost of education provision as this part of the city is well served with both primary and secondary places and we foresee this being the case in the future.
- 5.18 **Artistic Component – No objection**
An artistic component sum is not being requested for the above planning application. For a number of years working practice has been that the council has secured artistic component sums for new build schemes of a significant scale. In this case many of the existing buildings are being retained and the new build element of 11 houses is not considered of a sufficiently large scale to request an artistic component sum within a s106 agreement.
- 5.19 **City Clean - No Objection**
The bin store is considered to be in a good location.
- 5.20 **Economic Development - Object**

- 5.21 City Regeneration cannot support this planning application in its current form as it would result in a significant loss of employment space. OffPAT Employer Densities Guidance suggests that B2 employment space should provide 1 full-time equivalent (FTE) job per 36 square metres of floorspace. The current site, at 4880 square metres, should provide approximately 135 FTE jobs in total. The applicant proposes 674 square metres of 'other commercial' space providing employment for 40 new employees. This is an unsatisfactory number of jobs given the site's current capacity for providing jobs, while the economic output of the site will also be significantly reduced due to change of use.
- 5.22 The proposed employment floorspace includes art studios, and art gallery and a café. While provision for the creative industries meets demand and is very much welcome, it is the view of City Regeneration that this provision should be in addition to rather than in place of 'B' use employment floorspace. We accept that enabling development (housing for example) may be required to bring sites forward, but we cannot accept the full loss of 'B' use commercial space without evidence of marketing the property and demonstrating redundancy in accordance with the correct planning policies.
- 5.23 Office space is very much in demand in the city, with central rents expected to exceed £30 per square foot this year. The Economic Development Team has fielded a number of enquiries for the former Oast House property (currently on the market to let as office space), and is also aware of acute demand for historical red brick buildings by a number of businesses and workspace providers in the city. We would therefore encourage the applicant to consider marketing the former brewery buildings for B/D commercial uses that would generate much higher rents than those listed in the employment land review submitted as part of this application.
- 5.24 If approved, City Regeneration requests a contribution through a Section 106 agreement for the payment of £16,200 towards the council's Local Employment Scheme in accordance with the Developer Contributions Technical Guidance.
- 5.25 **Sussex Police – Comment**
It is noted that the Design and Access Statement does not set out that crime prevention measures have been taken into consideration in the design of the proposals.
- 5.26 **Environment Agency – No objection**
No objection to the proposal subject to conditions to prevent contaminants or pollutants entering controlled waters.
- 5.27 **Ecology - No objection**
Surveys were carried out in accordance with best practice and are sufficient to inform appropriate mitigation, compensation and enhancement.
- 5.28 Given the location, nature and scale of the proposed development, there are unlikely to be any significant effects on the LWS or any other sites designated for their nature conservation value.

- 5.29 The site is predominantly buildings and hard standing and is of relatively low ecological value.
- 5.30 Buildings on site were assessed as having negligible bat roost potential. However, if works have not commenced by June 2017, an updated bat scoping assessment is recommended.
- 5.31 The site supports breeding birds. Under Section 1 of the Wildlife and Countryside Act 1981 (as amended), wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken. To avoid disturbance to nesting birds, any demolition of buildings that could provide nesting habitat should be carried out outside the breeding season (generally March to August). If this is not reasonably practicable within the timescales, a nesting bird check should be carried out prior to any demolition/clearance works by an appropriately trained, qualified and experienced ecologist, and if any nesting birds are found, advice should be sought on appropriate mitigation. Alternative nesting opportunities should be provided to mitigate for any loss of habitat.
- 5.32 It is considered unlikely that the site supports any other protected species and therefore no other specific mitigation is required. If protected species are encountered during demolition/construction, work should stop and advice should be sought from an ecologist on how to proceed.
- 5.33 In addition to the recommended mitigation measures, the site offers opportunities for enhancement that will help the Council address its duties and responsibilities under the NPPF and the NERC Act. Opportunities include the provision of an invertebrate habitat wall, bat and bird boxes (targeting sparrows, swifts and starlings), and the use of species of known value within the wildlife scheme. Advice on plant species of value to wildlife can be found in the Council's SPD 11, Annex 7 *Notes on Habitat Creation and Enhancement*. Where possible, native species of local provenance should be used.
- 5.34 In summary, 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.
- 5.35 **Planning Policy: Objection**
Loss of Employment Floorspace
The applicant does not propose to replace any B1, B2 or B8 floorspace on this site and proposes 674sqm of uses in the form of an art studio, galleries, café and community space, where an end user for some of the space has been identified. The application proposes 39 flats and 11 houses on the site along with 51 residential car parking spaces.
- 5.36 In accordance with CP3.5 loss of employment floorspace will only be permitted where the site or premise can be demonstrated to be redundant and incapable of meeting the needs of alternative employment uses (B1-B8). The supporting text at paragraphs 4.39 sets out the criteria that will be considered with respect to loss of employment floorspace.

- 5.37 To establish redundancy of employment sites the Local Planning Authority would expect as a minimum, evidence of 12 months of marketing to establish whether a premise was redundant/ there was no reasonable prospect of a site being used for its allocated employment use.
- 5.38 It is noted that the applicant has submitted an Employment Land Report but this does not detail the marketing strategy undertaken and concludes that because the site has been vacant for 12 months, the location of the site and physical constraints associated with the building there is no prospect of a viable redevelopment for traditional B uses.
- 5.39 No details of any marketing of the site have been submitted with the application which addresses criteria a-k) of paragraph 4.39 in the supporting text. More information is therefore required in order to fully assess this application and to determine whether this site is genuinely redundant. It is understood that the City Regeneration team support this view.
- 5.40 A general viability assessment has been undertaken as part of the Employment Land Report which concludes that the redevelopment of this site for employment uses is unviable as the existing buildings are not fit for purpose and the cost of the necessary refurbishment would exceed the value of the refurbishment of the property. The Employment Land Report also states that funding for redevelopment is not achievable as it is not a recognised office or industrial location with conflicting neighbourhood uses, poor access. It is considered that a more detailed viability report should be submitted if this is the case.
- 5.41 Comments submitted by the council's City Regeneration Team suggest that The Economic Development Team have fielded a number of enquiries for this site for office use and recognise that there is an acute demand for historical red brick buildings by a number of businesses and workspace providers in the city. No details of the level of interest in the site
- 5.42 CP1 Housing Delivery
The provision of 39 self-contained flats and 11 houses would make a welcome contribution to meeting the city's planned housing requirements as set out in City Plan Policy CP1, in accordance with the National Planning Framework. The application site is identified in the Strategic Housing Land Availability Assessment Update 2015 as having potential for 18 units as part of a mixed use scheme, to be delivered in the first 5 years (2015-2020).
- 5.43 Policy CP19 seeks a mix of dwelling sizes that reflect the city's housing needs. The mix proposed is 44% 1 bed, 44% 2 beds and 12% 3 beds. This is considered acceptable due to the conversion of the listed part of the building to residential use.
- 5.44 CP20 Affordable Housing
As this is a windfall housing site, Policy CP20 of the City Plan Part One applies. This seeks to secure 40% affordable housing on sites proposing 15 or more

(net) dwellings. This equates to a need to provide 20 affordable units. It is unclear how many units will be affordable in this proposed scheme and should be determined. The council's Affordable Housing Brief (October 2015) indicates the following broad tenure split as a citywide objective subject to negotiation;

- 55% rented (social rent or affordable rent)
- 45% intermediate (for example shared ownership)

5.45 HO5 Private Amenity Space

Residential amenity space for each unit has been provided through a combination of rear gardens, first floor terraces and balconies. The size and availability should be verified by the case officer to ensure they are usable.

5.46 **Sustainable Transport: No objection**

Pedestrian & Mobility Impaired Access

Much of the footways around the edge of the site (South Street, High Street and Drove Road) are inadequate in width. It is acknowledged that this is a historic arrangement in many cases with pavements close to existing buildings and as such there is little scope for improvements. Where there is the possibility though footways should be widened and it is recommended that suitable pedestrian crossing points are provided.

5.47 Cycle Parking

The proposed amount of cycle parking is less than required in SPD14. There is sufficient space on site and further details are to be secured by condition.

5.48 Disabled Parking

There does not appear to be any provision proposed for disabled parking in the applicant's supporting evidence. Parking standards requires a minimum of 1 space per wheelchair accessible unit plus an additional 50% of these available for ambulant disabled people & Visitors. There is space on site for such parking and the condition below is recommended to be attached.

5.49 Electric Vehicle Parking

The applicant states that 10% of the car parking spaces will have active electric vehicle charging points and a further 10% will have passive provision. This is in line with the City Councils SPD014 and an appropriate condition is recommended to be attached.

5.50 Servicing & Deliveries (including goods & people pick up / drop off)

The applicant has provided a swept path analysis of the internal parking area that provides details of how the parking area can accommodate small deliveries and this is acceptable for users of the area such as residents and artists. This is sufficient for the dwellings and resident artists in the commercial space and is satisfactory. It is noted that there is a delivery bay on South Street that could be used by the café/ artists' studios.

5.51 Due to the nature of the development and the likely increase in deliveries and servicing associated with the new development the Highway Authority would look for the applicant to produce a Delivery & Servicing Management Plan.

5.52 Vehicular Access

- The minimum width is 3.8/3.9 and footway 1.5m. of a vehicle access to allow for vehicles passing each other is 4.1m. The width appears to be less than this. The width can be widened and therefore the layout needs to be amended to allow for this, further details should be secured via condition.
- Details of how the gates will operate for both the residential and commercial use are required and this should include the manufacturer's details and can be conditioned
- The Highway Authority welcomes the segregated footpath and the inset gate with enough private hardstand for stationary vehicles whilst the gate opens.

5.53 Car Parking

The applicant states that the likely number of cars/ vehicles owned will be 37. The proposed development provides 51 parking spaces and this will allow for 13 on-site communal spaces suitable for residents' visitors and 1 on-site space for a new Car Club. As required, 10% will have active electric vehicle charging points and a further 10% will have passive provision.

The Highway Authority has assessed 2011 Census car and van data and the likely number of cars at:

- Ward level is 0.39 per bedroom;
- Lower Super Output Area is 0.39 cars per bedroom; and
- Medium Super Output Area 0.40 per bedroom.

5.54 This would suggest that for this development that provides 86 bedrooms overall it's on average 34 cars associated with this development and therefore car parking proposed including disabled spaces (see Disabled Parking comment) should be adequate for the residential element of this development.

5.55 It is noted that the site is on a main bus route and residents may be dissuaded from owning a vehicle due to the proposed free car club membership for residents.

5.56 If overspill parking did occur it is also acknowledged that the applicant has provided a survey of the parking stress and this suggests that there is significant availability of parking space on the surrounding network and this analysis appears to be robust.

5.57 It is proposed that during the day the on-site communal spaces would be available for the commercial units. There is likely to be space due to residents being more likely to drive to work on weekdays. This arrangement would be acceptable on a weekday. However it is likely that the artist studios will attract use in the evening and at weekends and it is also unclear how the applicant will prevent vehicles associated with the commercial use from using the shared space on evenings when resident parking is likely to be high.

5.58 In order to assist in mitigating the likely transport impact of the commercial element of the development, the Highway Authority would look for the applicant to produce a Travel Plan which could be secured via a legal agreement.

5.59 Design and layout of car parking areas

The proposed internal central car park is satisfactory in design. The dimensions of the majority of the car parking spaces and turning areas within the inner access road are deemed acceptable in design and layout, however there are some substandard areas that will need to be rearrange and amended and disabled bays added. The proposed parking to Drove Road could endanger pedestrians and other road users and should be removed.

5.60 Trip Generation/Highway Impact

The applicant suggests that there will be fewer trips to the site from the existing use to the proposed use by analysing sites on the TRICS Database and making assumptions of similar trips to the proposed uses. It is however noted that the site is used predominantly for storage which generally generates a low trip rate and the proposed commercial use is fairly unique and difficult to make an assumption on the amount of trips it may attract.

5.61 The large residential element of this development will generate regular trips both day and evening and will vary considerably using a wide variety of modes and people with different needs. It is deemed that the applicant is proposing sufficient car parking on the site however if the commercial were to generate overspill parking the impact would not be reason enough for a refusal due to the survey results however would need to be discouraged by means of a travel Plan and prevent overspill parking.

5.62 Comments on Revised Plans – 20 July 2017

Pedestrian Access

- The applicant has removed 4 of the parking spaces on Drove Road that were adjacent to pedestrian entrances and this is welcomed. The applicant still proposes a vehicle parking space adjacent to pedestrian entrance points 14 and 17 and whilst this is not ideal it is acceptable in this specific location.
- It is noted that the segregated pathway alongside the vehicle entrance to the car park has been omitted but it is understood that the new pillars are preferred on conservation grounds either side of the vehicle entrance and that there are alternative pedestrian access points from the proposed development to the car park. This is noted however residents may still wish to use the vehicle entrance as a means of access. If the pillars are required ideally the gates should be removed to ensure safety and permeability to the site for pedestrians.

5.63 In light of the above the Highway Authority would not wish to object to pedestrian access matter further.

5.64 Car Parking Management Plan

In principle the Highway Authority has no objection to standard car parking and its overall arrangement. There does appear to be some matters, such as several spaces proposed in front of garage entrances that need to be clarified/ explained by the applicant however these can be managed within a car parking management plan at the condition stage.

5.65 Cycle parking

There does not appear to be the minimum amount as required by Parking Standards SPD14 (as detailed previously) and some of the proposed spaces are still non-policy compliant (the Highway Authority does not deem vertical storage as acceptable) .

5.66 There is space for policy compliant provision e.g. Sheffield or Josta stands (spaced adequately with step free access) to be included in the proposal and further details are requested at condition stage.

5.67 Electric Vehicle Charging points

The applicant has not indicated this provision (both passive and actual) as required by SPD14. Further details of this provision are required at condition stage.

5.68 Disabled Parking

The applicant does not appear to indicate disabled parking provision in line with DfT guidance TAL 05/95 (that states spaces must have a 1.2m hatched clear zone on both sides the bay) and therefore the minimum amount required by SPD14 has not been met. There is space for such provision to be included in the proposed design and this provision can be provided at condition stage.

5.69 The Highway Authority would not wish to restrict grant of consent as the above matters can be resolved via condition / Section 106 Agreement.

5.70 **Heritage - No objection**

5.71 Initial Comments

The site is located within the Portslade Old Village Conservation Area. The site is a former brewery, which is identified by the council as a locally listed heritage asset. An updated local list was adopted in 2015; the updated assessment for the brewery gives further detail of the history and significance of the site. It was built in 1880 for brewery owner John Dudney, replacing the former c.1850 brewery in the village.

5.72 The main classical revival building was extended by an additional storey in the early 20th century. This tower building, its attached elements and the chimney form the most prominent and significant building on the site. They are considered to be of significance for architectural/design and townscape reasons, and for the contribution they make to the historic development of Portslade.

5.73 The proposal is for conversion of the main locally listed brewery buildings, demolition of some industrial buildings and new construction on the site. It follows applications for similar, which did not consider the site as a whole. Pre-application advice had been obtained provided for the site as a whole, and the

proposal is acceptable in principle. However, no pre-application advice has been provided since the previous applications. The site is located in a particularly sensitive location at the heart of the conservation area and in a landmark building prominent in long views. As such, the detail of the proposal must be high quality.

- 5.74 A heritage statement has been submitted in support of the application. The statement is limited in its scope, and appears to focus almost entirely on the summary of the site provided within the Portslade Conservation Area Character Statement.
- 5.75 Conversion of existing buildings
Conversion of the existing buildings is in principle accepted and would allow a viable future for these locally listed buildings. It is important, however, that the conversion of the building does not harm the significance of the buildings or the conservation area and therefore the design and detailing of the proposals will be critical.
- 5.76 The proposed additional floor level and railings are however inappropriate additions. The building is highly prominent in strategic views in and of the conservation area in which this addition would be clearly visible and would form an incongruous feature detracting from the architectural design, character and significance of the locally listed building and the character and appearance of the conservation area. It should be removed from the proposal.
- 5.77 Two sections along South Street are proposed to be rebuilt, primarily in grey metal cladding. Neither of these elements appear to be historic and do not contribute to the significance of the locally listed buildings. In principle, their demolition is not resisted subject to appropriate replacement buildings. In both cases, the replacement buildings should be set substantially further back from the street front, such that the modern sections remain subservient to the historic buildings and within the streetscene.
- 5.78 The proposed rebuilt lift/stair well (above the historic well) is lower than existing. It would be appropriate for this to be reduced slightly further in height in order to relieve the tight relationship with the eaves of the tower building. Further clarification is also required of its exact appearance and the proportion of glazing to solid cladding. Given the highly visible nature of this element, it is critical that it sits comfortably within its setting and remains subservient to the main tower building; this further information is required in order to determine the acceptability of the design.
- 5.79 Excessive glazing would be an incongruous addition, although a small amount of glazing in the section directly abutting the tower building would allow the historic and modern elements to be clearly read. It would be appropriate also to further understand the treatment of the historic well beneath this section of building.
- 5.80 The design of the other proposed rebuilt section (to replace the current garages etc.) requires further consideration in order to achieve an appropriate verticality

to the design, appropriate solid to void ratio and sympathetic window proportions. Again, the height of the building adjacent to the historic rendered corner building should be lowered such that it does not impact on the historic building's eaves. The proposal includes the addition of a number of new windows, particularly at ground floor level within the workshop building. There are currently few ground floor windows, which is likely due to a number of reasons including original use of the space and security. It would be appropriate for further research to be undertaken to understand the original use of the space and how this is reflected in the architecture.

- 5.81 It appears that there is some evidence for blocked openings; again research is required to understand what evidence survives, when the openings were made and when they were blocked. This will help determine the acceptability of new openings in these locations, including whether it is most appropriate to reinstate former openings or to line-up openings with those above in order to retain and enhance the sense of proportion and rhythm of the façade.
- 5.82 It appears that replacement sash windows are proposed throughout the converted buildings. Many of the existing windows appear to be upvc replacements which detract from the buildings. Replacement of these windows with a more sympathetic design would enhance the character of the building. However, sash windows are a domestic style of window which is inappropriate for the main industrial buildings. It is understood that some metal framed windows survive on site and it would be appropriate to match their design, style and opening method wherever possible.
- 5.83 The design of sash windows to the more domestic style (stucco and brown brick) buildings on the site should be based on historic evidence.
- 5.84 The door to the ground floor, side elevation of the workshop should retain its existing width, in order to line-through with the opening above, unless evidence is provided that this is not an historic arrangement. It is unlikely the external stair to the first floor opening on this elevation is original and it currently detracts from the historic buildings. It would be appropriate for this to be wholly removed; retention of a balcony in this location is out of keeping with the character of the buildings and the conservation area. A Juliet balcony in this one location may be considered acceptable, dependent on appearance and on the scheme as a whole. It is most appropriate for the roof of this building to be returned to slate, unless evidence is provided that the original roof covering was not slate.
- 5.85 Further detail of any plant or ventilation is required. If it is proposed to utilize the chimney, information should be submitted regarding any structural impacts on this proposal. It should be noted that a condition to restrict vents, downpipes and other paraphernalia other than those shown on the drawings would likely be attached to any planning approval. A condition for historic building recording will also likely be attached to any planning approval.
- 5.86 Demolition of buildings and new construction on site

In general, the proposed demolition of later buildings on the site is accepted. The loss of the wall and particular gate piers to Drove Road however is unacceptable, as indicated below.

- 5.87 High quality detailing will be critical to the success of any scheme on this site. This applies equally to the buildings and also the streetscape; this should be designed to reflect/be sympathetic to the historic character of the area and appropriate materials and details used for hard surfaces and landscaping. Where historic surfaces survive, these should be incorporated/re-used within the scheme.
- 5.88 In principle, restoration of domestic scale street frontages to High Street and Drove Road is appropriate. There is evidence for former small terraced properties along the High Street. It would be appropriate for further historic research to be undertaken to establish the form and appearance of these buildings, including analysis of historic photos such as that below.
- 5.89 This research could then inform the design of the proposed housing. The scale of properties in the area is generally two rather than three storey; the properties to the High Street also characteristically step down the hill toward the brewery site. As such, the three storey house would more appropriately be reduced to two storey and stepped slightly down from its neighbours. Otherwise, a section showing the relative scale of housing to either side of the street would be required in order to assess the acceptability of the three storey dwelling as well as further visualisations of the proposal from the top of High Street.
- 5.90 It is critical that the detailing to new houses along High Street exactly replicates historic detailing in the street. In this regard, chimneys should be added to the roofscape. The Juliet balconies should be removed. The dormer windows are untraditional in their location and detailing, and should be removed / amended. The canopy above the door to the brick building is inappropriately detailed and should be removed / amended. The windows should line up and reflect the proportions and regularity of openings in the area. Historic dwellings along this section of the High Street are either of flint or render; there are no brick dwellings. As such, use of brick should be reconsidered. A condition of any approval would require the render to be traditional smooth wet render. 'Grey' clay roof tiles are not appropriate; this should either be traditionally coloured clay roof tiles or slate.
- 5.91 A section of one of the demolished cottages remains attached to the listed cottage at no. 57 High Street. This is important evidence of the historic development of the street. The proposed cottages currently abut this section of wall. It would be appropriate for a gap to be provided which allows the historic section of wall to remain separate to the modern development and a clear element of the streetscene.
- 5.92 To Drove Road, elements of an historic boundary wall to the brewery site survive, including a number of tall decorative brick piers. This is an important part of the site, contributing to our understanding of its historic development and forming a clear sense of boundary to the original site. The wall should be

considered within the heritage statement. The surviving elements – particularly the gate piers - should be retained within the proposals. It would be appropriate for a strong boundary to be reinstated to the Drove Road frontage; although the proposed building line and scale of development appears generally appropriate, the definition of private space is poor and part of the frontage is dominated by car parking. This is inappropriate for the conservation area and would be mitigated through reinstatement of a boundary. The car parking should be removed from the front of the properties.

- 5.93 It is unclear what the design of the Drove Road dwellings is based on; their design appears early 20th century in detail. Given there is no historic justification for dwellings in this location, the introduction of traditionally detailed dwellings in this location risks obscuring the historic record. It would be appropriate for the designs to be reconsidered to reflect the scale and materials of buildings in the area, but with a simplified modern design which remains subservient to surrounding historic buildings. In terms of materials, there is justification to match the material palette used for brewery buildings. In particular, brown brick with red brick details was used for the housing associated with the brewery (seen further along Drove Road, as well as on Southdown Road and North Road) and may be considered an appropriate palette. This applies for those buildings set along the pedestrian link beyond the Drove Road frontage as well; the entrances to these buildings currently are excessive in size and should be reduced in future designs.
- 5.95 Large scale surface car parks are not in keeping with the conservation area. It is however acknowledged that car parking is required for the site, and thus it is likely necessary to provide such a large area of surface car parking within the site. It is appropriate that this is located away from the streetscene. Care should nevertheless be taken over the hard and soft landscaping for the site. Views into the site should be considered, to ensure these do not detract from the character of the conservation area by giving unrelieved views of car parking or inappropriate landscaping.
- 5.96 It is noted that access to the site is gated. Such a gated community is out of keeping with the character of the area which includes twittens and pedestrian routes. There is no existing access across the site, which creates very poor permeability. The present proposal should mitigate for this poor urban design element. It is important that the pedestrian link is legible and provides clear access between High Street and Drove Road.
- 5.97 Comments on Revised Plans
It is disappointing that the further research and analysis originally requested in order to inform the proposal has not been carried out, however the revised proposal includes a number of welcome revisions reflecting the concerns raised in the original comments.
- 5.98 The removal of the additional floor on the converted brewery building is welcome, however it is considered that the retention of the existing roof-top railings continues to harm this prominent building, and they should be replaced with a collapsible safety system in order to improve the roofline.

- 5.99 Timber sliding sashes are still proposed for the converted building and as previously mentioned, it is considered that metal casements are considered more appropriate for this industrial building.
- 5.100 The retention of the balcony on the north elevation remains an issue. The loss of the wall and piers from the Drove Road elevation is most regrettable. It is noted that a matching second pier will be constructed for the gateway on the High Street access. It is considered that there will be harm from the loss of these boundary features visually and due to the loss of this link to the previous use of the site, however achieving a suitable use and development of this site will balance this harm.
- 5.101 The design of some of the new-build has been altered in response to comments and this is welcome, however it is noted that there are still no chimneys and over-elaborate hood canopies remain, both amendments are required to better reflect the character of this conservation area. For this reason the proposed dormers should be reduced in width; the dormer structures should be no wider than the windows on the floor below.
- 5.102 Regarding materials; the use of red brick and grey tile has no historic reference in this area and this should be amended. It should be noted that render should be smooth, wet system as is traditional in this area.
- 5.103 *Final Comments*
The final revised scheme (18 July 2017) provides further revisions to the detailing of the new build, the removal of the roof top railings and further details and clarification on materials. Overall the scheme is now considered to be acceptable.
- 5.104 **County Archaeology - No objection**
The proposed development is situated within an Archaeological Notification Area defining the historic core of the medieval settlement at Portslade. The site occupies land between the High Street to the south and Drove Road to the north; streets that are part of a regular pattern of medieval development west of the site of the manor house and the church of St Nicolas. It is likely that the site has potential archaeological interest for the early medieval settlement of Portslade (named in Domesday Book as *Porteslage*) as well as its subsequent development through to the use of the site in the 19th and 20th centuries as a brewery.
- 5.105 In the light of the potential for impacts to heritage assets (both standing structures and below ground archaeological remains) at this site that would result from the proposed development, it is my opinion that, in the event that planning permission is granted, the area affected by the proposals should be the subject of a *programme of archaeological works*. This will enable any heritage assets with archaeological, architectural and/or historic interest that would be impacted by the proposed works to be identified and either preserved *in situ* or where this is demonstrably not achievable, to be adequately recorded in

advance of their loss. These recommendations are in line with the requirements given in the NPPF (the Government's planning policies for England):

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 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 & 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
- CP1 Housing delivery
- CP2 Sustainable economic development
- CP3 Employment land
- CP7 Infrastructure and developer contributions
- CP8 Sustainable buildings
- CP9 Sustainable transport
- CP10 Biodiversity
- CP11 Flood risk
- CP12 Urban design
- CP14 Housing density
- CP15 Heritage
- CP16 Open space
- CP17 Sports provision
- CP18 Healthy city
- 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
 SU9 Pollution and nuisance control
 SU10 Noise Nuisance
 QD5 Design - street frontages
 QD14 Extensions and alterations
 QD15 Landscape design
 QD27 Protection of amenity
 HO5 Provision of private amenity space in residential development
 HO13 Accessible housing and lifetime homes
 SR8 Individual shops
 HE3 Development affecting the setting of a listed building
 HE6 Development within or affecting the setting of conservation areas
 HE10 Buildings of local interest
 HE12 Scheduled ancient monuments and other important archaeological sites

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste
 SPD09 Architectural Features
 SPD11 Nature Conservation & Development
 SPD12 Design Guide for Extensions and Alterations
 SPD14 Parking Standards

Developer Contributions Technical Guidance (March 2017)
 Affordable Housing Brief (December 2016)

8. CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to the principle of development, including the loss of employment floorspace and affordable housing provision; design and appearance including impact upon the locally listed buildings, adjoining listed buildings and the Portslade Village Conservation Area; standard of accommodation including housing mix and amenity space; amenity impacts to adjoining and future occupiers; landscaping and ecology; sustainable transport, flood risk, land contamination and sustainability.

8.2 Background

The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually. The most recent land supply position was published in the 2016 SHLAA Update (February 2017) which demonstrates a supply of 4386 units over five years which equates to a 5.6 year supply position. The Council can therefore demonstrate an up to date housing supply position in accordance with the NPPF.

8.3 Planning Policy / Principle of development:

The existing site was formerly operated by Le Carbone Ltd, a manufacturer of various composites for electrical uses. As well as workshops / manufacturing

space there were also ancillary offices and storage associated with this use. Whilst the site is currently vacant the lawful use is industrial (B2).

- 8.4 The existing employment floorspace is 4880 sqm which would be significantly reduced to 674sqm in the proposed scheme. The projected number of employees is 40, which is significantly below the average of 135 employees that the Economic Development Team state that a B2 industrial site of this size could support.
- 8.5 Policy CP3 of the City Plan states that the loss of unallocated sites or premises in, or whose last use was, employment use (Use Classes B1-B8) will only be permitted where the site or premises can be demonstrated to be redundant and incapable of meeting the needs of alternative employment uses (Use Classes B1-B8).
- 8.6 Where loss is permitted the priority for re-use will be for alternative employment generating uses or housing (in accordance with CP20 Affordable Housing).
- 8.7 Paragraph 4.39 of CP3 states that redundancy and unsuitability for modern employment uses of unallocated sites or premises in employment use (Use Classes B1-B8) will be determined by considering the following criteria:
 - a) Location of the site;
 - b) Quality of the buildings;
 - c) Site or floor layout;
 - d) Accessibility;
 - e) Proximity to public transport/ trunk routes;
 - f) Other uses in the neighbourhood
 - g) Cost of demolition/ refurbishment sets against its future value for employment uses;
 - h) The length of time the site has been vacant
 - i) Documented evidence of the marketing strategy adopted, particularly whether it has been marketed at a price that reflects local market prices and attempts to make the building attractive to different business or employment uses (the length of marketing will need to reflect the size and nature of the site or premise and therefore whilst a year is considered a reasonable marketing period for small sites/ premises a longer period may be required for larger sites/ premises).
 - j) For office uses the prevailing vacancy rate for the size and type of office in Brighton & Hove should also be considered;
 - k) For an office building whether change of use is the only practicable way of preserving a building of architectural or historic interest.
- 8.8 To establish redundancy of employment sites the Local Planning Authority would expect as a minimum, evidence of 12 months of marketing to establish whether a premise (or part of a premise) was redundant or there was no reasonable prospect of a site being used for its allocated employment use.
- 8.9 The applicant has provided no evidence of marketing. The submitted Employment Land Report concludes that because the site has been vacant for

12 months and the location of the site and the physical constraints associated with the building render it unattractive and there is no prospect of a viable redevelopment for traditional B Class uses.

- 8.10 A limited viability assessment is also included in the Employment Land Report which states the buildings are not fit for purpose and poorly located and as such financing for refurbishing for industrial / offices uses would not be achievable.
- 8.11 The Planning Policy Team considers that the insufficient viability information and the lack of marketing is such that it cannot be determined that the site is generally redundant and object to the amount of employment space that would be lost.
- 8.12 During the course of the application the applicant submitted a detailed Viability Assessment for the proposed scheme in its entirety which was independently assessed by the District Valuer Service (DVS). The conclusion was that the scheme could only viably support a minimal amount of affordable housing. Given the significant heritage, amenity and transport constraints on the site, it is not envisaged that a significantly greater quantum of development could be accommodated on the site. If further employment space were to be provided, this would likely be at the expense of residential floorspace further reducing the viability of the scheme and on balance whilst the significant loss of employment is disappointing it is considered acceptable in this instance to ensure the redevelopment of the site which would bring about significant heritage and public realm benefits as well as a welcome number of housing units.
- 8.13 It is further noted that whilst the scheme proposes that the commercial space will be used as artist's studios the B1 use class would also provide opportunity for more traditional light industrial / office uses under the B1 class ensuring flexibility in the future use of the commercial space.
- 8.14 Notwithstanding the loss of employment floorspace the principle of a mixed use scheme on the site is accepted. The proposed housing units are welcomed and would make a useful contribution to the City's housing numbers. Whilst a greater number of three bed units would have been preferably in this area, given the complexities of the conversion and the need to provide a viable scheme the proposed housing mix of 9 three bed and 21 two bed units and 18 one bed / studios is considered acceptable.
- 8.15 **Design and Heritage issues:**
The general principle of the scheme, involving the conversion of the main locally listed brewery buildings, the demolition of the more recent industrial buildings and the construction of new build properties on High Street and Drove Road with car parking to the centre of the site is considered acceptable and is broadly in line with pre-application discussions.
- 8.16 Conversion of the existing buildings is in principle accepted and would allow a viable future for these locally listed buildings. It is important, however, that the conversion of the buildings does not harm their significance and would also

preserve the conservation area and therefore the design and detailing of the proposals are critical.

- 8.17 The Heritage Team outlined a numbers of concerns with the original submission which included the inappropriate addition to the top of the tower, the loss of the original piers and wall to Drove Road and also concerns relating to the dominance of the metal clad link buildings. Further issues related to the detailing and materials throughout the scheme and the car parking / boundary treatments proposed to Drove Road.
- 8.18 There have been significant revisions to the scheme during the life of the application. These include removal of the additional storey to the roof of the tower which is the most important element of the locally listed building. A condition is recommended to remove the unsightly railings which would further improve the appearance of the tower.
- 8.19 Metal clad elements housing the lift and stairwells are proposed, replacing the non-original link buildings either end of the main drying room on the South Street frontage. The taller element is set down below the eaves of the tower and revisions have been sought to add glazing to the northern façade which will be visible in longer views to the north. Whilst this element has a somewhat stark relationship to the original building, it is reduced in height comparison to the existing structure and on balance this approach is considered to be acceptable.
- 8.20 The existing fenestration to the main former brewery building and the former cottages is mixed with a significant amount of harmful uPVC and non-original metal and timber windows. Furthermore there are a significant number of blocked up doorways and windows. The proposed scheme includes metal windows to the brewery buildings and timber sashes to the cottages throughout whilst reinstating some of the blocked up openings with new windows and doors. The result would bring uniformity to the fenestration and a significant improvement to the appearance of the locally listed buildings. The scheme also secures the retention of the chimney and decorative plinth which is a landmark feature of the site.
- 8.21 Revisions have been made to the detailing and materials of the proposed dwellings to High Street to ensure they closely replicate the existing properties to the east and the scheme is acceptable in this regard and would respect the listed buildings to the south.
- 8.22 The detailing of the new build dwellings to Drove Road has been simplified to ensure they have a simple and more contemporary appearance. The frontages have been redesigned removing the car parking spaces to provide a more appropriate boundary treatment and the proposal is considered to make a valuable improvement to the public realm and would preserve the appearance and character of the conservation area.
- 8.23 The Heritage Team stated initially that the loss of the historic wall and piers which marked the northern entrance is unacceptable in conservation terms. The applicant investigated integrating these elements into the frontages of the new build properties but the resulting appearance was considered unsatisfactory. In

the final revised scheme one of the piers will be dismantled and rebuilt to the southern entrance. Whilst the loss of these elements is regrettable the Heritage Team acknowledged the constraints of the site and set out that achieving a suitable use and development of this site will balance this harm.

8.24 Heritage Team is satisfied with the overall scheme and do not object to the application.

8.25 To conclude, whilst the metal clad elements will detract from the buildings to a degree and the loss of the historic piers and wall is regrettable, this is weighed against the restoration and safeguarding of the vacant locally listed buildings which will be converted to a suitable viable use. The demolition of the unsightly modern industrial buildings and the replacement with appropriately designed terraced houses would enhance the appearance and character of the streetscene and conservation area and overall the proposal is considered acceptable.

8.26 Landscaping:

Whilst the large expanse of car-parking in the centre of the site is uncharacteristic of the area and detracts from the visual amenity of the scheme, it is acknowledged that a certain level of car-parking is necessary and also that infilling this space would likely result in amenity issues. Revisions have been secured through the application process removing the proposed car-parking spaces from the Drove Road frontage and this is a significant improvement. Further landscaping details are recommended and it is considered that the applicant should reconsider greening the car-parking areas as much as possible in the interests of amenity and ecology.

8.27 **Impact on Amenity:**

Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

8.28 For future occupiers

The new build properties are all designed in accordance with the nationally described space standards and have acceptable internal layouts with good light and outlook and access to outside space.

8.29 In regards to the converted buildings revisions were secured throughout the application process to improve the internal sizes and layouts of the flats and to amalgamate the two smallest studios into larger units. Whilst some of the units within the conversion fall below the government standards they are generally well proportioned with high ceilings with additional space for storage, some at a mezzanine level or within the loft space. Outdoor space is also provided to a small number of flats and overall it is considered they would result in acceptable living conditions for future occupiers. Two of the ground floor residential units are single aspect straight onto South Street which could result in somewhat

restricted light levels if any level of privacy were to be maintained. Whilst this is not ideal it is not considered so significant as to warrant refusal.

- 8.30 There would be a certain level of mutual overlooking between the residential properties themselves and also between the residential and the commercial units to the south, though this is to be expected within a mixed use scheme of this nature and the levels of privacy for future occupiers is considered to be acceptable.
- 8.31 The Environmental Health Team initially had concerns regarding potential noise from the commercial units to the western side of South Street and requested a noise survey was undertaken. The submitted noise report established that whilst there were a number of noise sources from outside the site that this could be mitigated with upgraded glazing and ventilation and as such relevant conditions are recommended.
- 8.32 A further condition is recommended to provide uprated soundproofing between the party walls, ceilings or floors of any residential and non-residential uses.
- 8.33 Overall, subject to relevant conditions the proposal would provide adequate living conditions for future occupiers in accordance with policy QD27 of the Brighton & Hove Local Plan.
- 8.34 For adjoining occupiers
There are residential properties to the north and north/east on Drove Road, to the east, and south/east on South Street and to the south on High Street. These properties are on the opposite sides of the road from the proposed new dwellings and the converted buildings and there is not considered to be any significant loss of light or privacy or any overbearing impact to these properties.
- 8.35 The main amenity impact would be to 59-65 High Street and their respective gardens to the south and the properties on Drove Road immediately east of the site. Whilst there is currently some mutual overlooking between these properties due to the tight urban grain there would be further views afforded from the rear of the proposed new builds to these properties.
- 8.36 These views would predominantly be from the upper floors of the three proposed townhouses located to the north east corner of the site. There is considered to be sufficient separation from these properties and this in conjunction with the existing and proposed boundary treatments is such that any loss of privacy would not be so significant as to warrant refusal.
- 8.37 The siting of the proposed new build properties is considered to be such that there would not be any significant harm to adjoining occupiers by way of loss of light or outlook or an overbearing or enclosing impact.
- 8.38 Whilst the site is currently vacant it is noted that the lawful use is industrial (B2) and as such has the potential to result in activities that would be incompatible in a residential area. The proposed mixed use scheme is a more appropriate use

of the site in amenity terms and it is considered this would not give rise to any significant noise and disturbance to adjoining occupiers.

- 8.39 Overall, it is not considered that the proposal would result in any significant harm to the amenity of the neighbouring properties in accordance with policy QD27 of the Brighton and Hove Local Plan.
- 8.40 **Sustainable Transport:**
City Plan Part One policy CP9 sets out the Council's approach to sustainable transport and seeks, generally to further the use of sustainable forms of transport to reduce the impact of traffic and congestion and in the interests of health to increase physical activity.
- 8.42 The amended scheme submitted proposed 47 parking spaces and cycle parking in the centre of the site. The 11 new build properties have allocated parking spaces. The other parking spaces are to split between the residential and commercial uses. A condition for a Car Parking Management Plan is recommended to ensure an appropriate number of spaces are retained for the residential element of the scheme. A Transport Assessment has been submitted with the application which sets out the projected car ownership numbers within the development and the available parking capacity on the roads within the immediate locality and concludes that any overspill parking can be adequately accommodated within the surrounding streets.
- 8.43 The Transport Officer has assessed the proposal and does not object to the level of car parking proposed and is satisfied that there is sufficient capacity on neighbouring streets for any overspill parking. The applicant will be required through the legal agreement to provide a travel plan for the both the residential and commercial uses which will include measures such as car club ownership and annual bus passes for residents and this will provide further mitigation for the development.
- 8.44 Revised plans have been submitted during the application process removing the proposed car parking on Drove Road which was considered a highway safety issue and showing improved pedestrian access and footway links / crossing points on this stretch of road and this is welcomed.
- 8.45 A number of representations have been received commenting that it would be appropriate for there to be a vehicular access which exits onto the Drove Road. This was explored by the developer but was not considered feasible due to the significant level changes that would have required a ramped access which would have significantly reduce parking provision within the site.
- 8.46 The Transport Officer is satisfied that the scheme overall will not result in a detrimental highway safety impact for pedestrians or other users of the road network in the vicinity of the site.
- 8.47 A financial contribution will be sought which will go towards pedestrian and bus route improvements. Travels plans and a Construction Environmental Management Plan (CEMP) will also be sought via the legal agreement.

- 8.48 A number of other conditions are recommended relating to electric vehicle charging, disabled parking, cycle parking, footway improvements and the reinstatement of dropped kerbs.
- 8.49 **Affordable Housing**
City Plan Policy CP20 Affordable Housing sets out an expectation for developments over 15 units in size to achieve a provision of 40% affordable housing which equates to 19 units for this scheme. Where flexibility is applied to achieving this target, the policy sets out a set of 5 criteria to be considered in relation to whether a lower provision can be justified; criterion iii is relevant in this case and a viability assessment has been submitted with the application and has been independently assessed by the District Valuer Service (DVS).
- 8.50 The applicant's viability assessment sets out that it would not be viable to provide any affordable housing provision on the site.
- 8.51 The DVS have also assessed the viability of the revised 48 unit mixed use scheme and whilst the proposal would not be able to provide a policy compliant level of affordable housing, a limited provision would be viable.
- 8.52 The two options that the scheme could viably provide would be;
- A payment in lieu of on-site Affordable Housing of £126,279;
 - The provision of 2x 2 bed new-build houses as Shared Ownership units (plots 2 and 3), with a payment in lieu of additional Affordable Housing of £19,550.
- 8.53 The council's preference is always to secure on-site provision where possible as set out within policy CP20 and the Affordable Housing Brief (December 2016). As such provision of the two residential units (and a residual payment in lieu of additional Affordable Housing of £19,550) will be secured via the Section 106 Legal Agreement and subject to compliance the proposal will accord with policy CP20.
- 8.53 **Flood Risk**
The application site is within a known area of groundwater flooding. The Environment Agency has provided anecdotal information stating that the groundwater has previously overtopped the existing well twice in recent times. The existing well would be located within the linked building housing the lift / stairwell in the proposed scheme.
- 8.54 The area is also affected by surface water flooding. The flood risk from the surface water is indicated to be high risk and means that each year this area has a chance of flooding of greater than 3.3%. Flooding from surface water is difficult to predict as rainfall location and volume are difficult to forecast.
- 8.55 It is noted that properties in the area have also been affected by rising groundwater and surface water flooding. This includes those on the southern side of High Street.

- 8.56 It is also noted that the significant reduction in the built form on the site and the proposed use of permeable paving would help to mitigate surface water flooding.
- 8.57 A Surface Water and Foul Drainage Strategy has been submitted, though the strategy proposed is conceptual. The Lead Local Flood Authority, whilst concerned about potential flood risk does not object to the scheme subject to specific condition. These would require the scheme to be built out in accordance with the submitted Surface Water and Foul Drainage Strategy, a Management and Maintenance Plan, an Emergency Flood Evacuation Plan and details of other flood resistance and resilience measures.
- 8.58 Subject to compliance with the recommended conditions the proposal is considered to be acceptable in accordance with CP8 and CP11 of the City Plan.
- 8.59 **Ecology**
Surveys were carried out in accordance with best practice and are sufficient to inform appropriate mitigation, compensation and enhancement. The site is predominantly buildings and hard standing and is of relatively low ecological value.
- 8.60 Buildings on site were assessed as having negligible bat roost potential. Due to the length of time since the submission of the report an updated bat scoping assessment is required and this is recommended to be secured by condition.
- 8.61 The site currently supports breeding birds. Alternative nesting opportunities should be provided to mitigate for any loss of habitat and this is recommended to be secured by condition.
- 8.62 **Sustainability:**
In accordance with Policy CP8 the proposed new build residential units are recommended to be secured as compliant with Optional Building Regulation standards for energy and water usage by planning condition. The commercial space is recommended to achieve BREEAM 'very good'.
- 8.63 **Land Contamination**
A Land Contamination Report and an Asbestos Study have been submitted.
- 8.64 The Environmental Health Team has a number of queries with the submitted Land Contamination Report. Notwithstanding these queries, there is no objection to the development subject conditions requiring a full land contamination study and a report verifying that all asbestos in residential areas has been removed.
- 8.65 **Other Considerations:**
It is noted that the site could contain archaeological remains and as such a condition is recommended to ensure that any such remains are preserved in situ or documented if this is not achievable.
- 8.66 **Conclusion**

The proposed development would deliver 48 residential units and 674sqm of employment (B1) floorspace and secure the restoration and the retention of important locally listed buildings whilst preserving the appearance and character of the Portslade Conservation Area. Whilst the loss of a significant amount of employment floorspace and the limited affordable housing to be provided is disappointing it is acknowledged that there are significant constraints in regards to heritage, transport, flood risk and amenity which would most likely preclude a viable scheme that could satisfy all policy requirements.

- 8.67 Overall, the deficiencies in the policy requirements and the heritage harm in some aspects of the proposal must be weighed against the substantial benefits of providing a viable mixed use scheme that will regenerate the site and safeguard significant and prominent locally listed buildings whilst preserving the Portslade Old village Conservation Area. Approval of planning permission is therefore recommended subject to the completion of a s106 planning legal agreement and to the conditions recommended above.

9. EQUALITIES

- 9.1 The new build properties will be conditioned to be constructed to the optional Building Regulations access standards.