

<u>No:</u>	BH2018/01016	<u>Ward:</u>	Hollingdean And Stanmer Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Former Site Of North District Housing Office Selsfield Drive Brighton BN2 4HA		
<u>Proposal:</u>	Demolition of former neighbourhood housing office, housing store and garages (retrospective) and the erection of a 7 Storey over lower ground floor building, comprising of 30no residential dwellings (C3) with associated hard and soft landscaping, works to provide public realm, private and community amenity space, car parking and relocation of existing UK Power Networks electricity sub-station.		
<u>Officer:</u>	Liz Arnold, tel: 291709	<u>Valid Date:</u>	04.05.2018
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	03.08.2018
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	04.01.2019
<u>Agent:</u>	Brighton & Hove City Council Architecture & Design Town Hall Norton Road Hove BN3 3BQ	1st Floor	Hove
<u>Applicant:</u>	Brighton & Hove City Council Estate Regeneration Town Hall Norton Road Hove BN3 3BQ	1st Floor	Hove

1. RECOMMENDATION

1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be **Minded to Grant** planning permission subject to a s106 Planning Obligation and the Conditions and Informatives as set out hereunder SAVE THAT should the s106 Planning Obligation not be completed on or before the 4 January 2019 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 9. of this report:

1.2 S106 Heads of Terms

- A contribution of £9,000 towards the Local Employment Scheme,
- Employment and Training Employment Strategy including a commitment to using 20 percent local labour during the construction phases of the development to be submitted prior to commencement,
- A total education contribution of £19, 406.40 towards the cost of providing secondary education at Brighton Aldridge Community Academy.
- A total contribution of £75, 337.79 towards open space and indoor sport. To be spent at;
 - Play - Saunders Park and/or Goodwood Way/Hodshrove Lane; Farm Green; Ashurst Road/Barcombe Road 'Maggies Corner'
 - Amenity - amenity land adjacent to and in vicinity of Selsfield Drive and/or Wild Park
 - Parks Gardens and natural/semi-natural - Wild Park and/or Saunders Park; Stanmer Park

- Sports facilities –Moulsecomb Community Leisure Centre and/or Withdean Sports Complex and/or Wild Park; Stanmer Park
- Allotments - Moulsecomb Estate and/or Old Water Works
- A transport financial contribution of £22,200 which shall go towards improvements to footways and footpaths within the Bates Estate to address deficiencies.

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	001		3 April 2018
Block Plan Existing	002		3 April 2018
Location Plan	003 (EXISTING)		3 April 2018
Location Plan	004 (PROPOSED)		3 April 2018
Block Plan Proposed	005		3 April 2018
Location Plan	006 (PROPOSED)		3 April 2018
Other	007 (EXISTING SITE SURVEY)		3 April 2018
Lighting scheme	008		3 April 2018
Site Layout Plan	010 (UPPER GF)		3 April 2018
Site Layout Plan	011 (UPPER GF)		3 April 2018
Site Layout Plan	012 (LOWER GF)		3 April 2018
Floor Plans Proposed	020 (LOWER GF)		3 April 2018
Floor Plans Proposed	021 (UPPER GF)		3 April 2018
Floor Plans Proposed	022 (1ST FLOOR)		3 April 2018
Floor Plans Proposed	023 (2ND FLOOR)		3 April 2018
Floor Plans Proposed	024 (3RD FLOOR)		3 April 2018
Floor Plans Proposed	025 (4TH FLOOR)		3 April 2018
Floor Plans Proposed	026 (5TH FLOOR)		3 April 2018
Floor Plans Proposed	027 (6TH FLOOR)		3 April 2018
Floor Plans Proposed	028 (ROOF PLAN)		3 April 2018
Other	029 (ACCOMODATIO N SCHEDULE)	Rev. A	21 May 2018
Elevations Proposed	030		3 April 2018
Other	031 (SE & NW		3 April 2018

	CONTEXT ELEVATIONS)		
Other	032 (NE & SW CONTEXT ELEVATIONS)		3 April 2018
Other	033 (CONTEXTUAL SECTIONS)		3 April 2018
Other	034 (DETAIL ELEVATIONS)		3 April 2018
Elevations Proposed	040 (NE)		6 June 2018
Elevations Proposed	041 (SE)		6 June 2018

2. The wheelchair accessible dwellings hereby permitted as detailed on drawing no. 029 Rev. A (Accommodation Schedule & Proposed Floor Plans) received on the 21st May 2018 shall be completed in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings) prior to first occupation and shall be retained as such thereafter. All other 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.
3. Due to the importance of elm trees to the City of Brighton and Hove and home to the National Elm Collection, and to help elm disease management in the City, elm trees must only be pruned between the dates 1st October to 31st May.
Reason: To avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality, in accordance with policy QD16 of the Brighton & Hove Local Plan and SPD06:Trees and Development Sites.
4. If during construction, contamination, coloured or highly odorous material 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 and assessing the risk and proposing remediation measures, together with a programme for such works, shall be submitted to the Local Planning Authority for approval in writing. 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.
5. Access to the flat roof of the development hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

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

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

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

7. No development shall commence until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:

- a. the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 40% of housing units/bed spaces;
- b. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- c. the arrangements for the transfer of the affordable housing to an affordable housing provider, or the management of the affordable housing (if no RSL involved);
- d. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: To ensure the development meets the housing needs of the city and to comply with policy CP20 of the Brighton & Hove City Plan Part One.

8. No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect badgers from being trapped in open excavations are/or pipe and culverts are submitted to and approved in writing by the local planning authority. The measures may include:

- a) creation of clapping escape ramps for badgers, which may be achieved by edgeprofiling of trenches/excavations or by using plans placed into them at the end of each working day; and
- b) open pipeworks greater than 150 mm outside diameter being blanked off at the end of each working day.

Reason: To ensure badgers are not trapped or harmed on site and to prevent delays to site operation, in accordance with policies QD18 of the Brighton & Hove Local Plan and CP10 of the Brighton & Hove City Plan Part One and SPD11: Nature Conservation and Development.

9. No development shall take place until an ecological design strategy (EDS) addressing enhancement of the site for biodiversity has been submitted to and approved in writing by the Local Planning Authority. The EDS shall include the following:

- a) purpose and conservation objectives for the proposed works;
- b) review of site potential and constraints;
- c) detailed design(s) and/or working method(s) to achieve stated objectives;

- d) extent and location /area of proposed works on appropriate scale maps and plans;
- e) type and source of materials to be used where appropriate, e.g. native species of local provenance;
- f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- g) persons responsible for implementing the works;
- h) details of initial aftercare and long-term maintenance;
- i) details for monitoring and remedial measures;
- j) details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To ensure that the site is enhanced for biodiversity and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

10. No development shall take place until the developer has secured the implementation of a programme of archaeological work, in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority.

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

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

- (i) The phases of the Proposed Development including the forecasted completion date(s)
- (ii) A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to Commence Development until such consent has been obtained
- (iii) A commitment to adopt and implement the Considerate Contractor Scheme (or equivalent at the time of submission)
- (iv) A commitment to ensure that all road hauliers and construction vehicle operators are accredited to Bonze standard (or greater) of the Freight Operator Recognition Scheme;
- (v) A scheme of how the contractors will liaise with local residents, businesses and public transport operators to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
- (vi) A scheme of how the contractors will minimise, record and respond to complaints of noise or disturbance from neighbours regarding issues such as noise and dust management, vibration, site traffic, idle vehicles, parking by staff and contractors and deliveries to and from the site
- (vii) Details of hours of construction including all associated vehicular movements
- (viii) Details of the construction compound, including the proposed location, design and construction of vehicular accesses to this from the highway, associated measures to manage local traffic movements around this,

including those by pedestrians and cyclists, and any associated on-street restrictions and other measures necessary to minimise congestion on the highway and permit safe access by site vehicles.

- (ix) A plan showing construction traffic routes
- (x) A scheme to minimise congestion, delays and disturbances to traffic and public transport services in the vicinity of the site owing to staff and contractor car parking and site traffic. This will include the identification of areas for staff and contractor parking. The scheme shall be informed by 16 hour parking stress surveys of the streets and public car parks in the vicinity of the site. These shall be carried out in accordance with the Lambeth methodology and shall be conducted on two neutral weekdays and one Saturday. Dates and times shall be agreed in advance with the Council.
- (xi) A scheme to minimise the impact, within Brighton and Hove, of demolition and construction traffic on Air Quality Management Areas and areas that currently experience, or are at risk, noise exceeding World Health Organisation lower limits.

(xii) An audit of all waste generated during construction works
The construction shall be carried out in accordance with the approved CEMP.

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

12. The development hereby permitted shall not be commenced until details of electric vehicle charging points 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 Brighton & Hove City Plan Part One and SPD14: Parking Standards.

13. Prior to the commencement of the development hereby approved (including any further demolition and preparatory work) a scheme for the protection of the retained trees, in accordance with BS5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. Specific issues to be dealt with in the TPP and AMS include:

- a) Location and installation of services/ utilities/ drainage including electricity cables for the new sub-station,
- b) Details of construction within the Root Protection Area (RPA) or that may impact on the retained trees including resurfacing of parking spaces,
- c) a full specification for the installation of boundary treatment works,
- d) a full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them,

- e) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses,
- f) A specification for protective fencing to safeguard trees during construction and a plan indicating the alignment of the protective fencing,
- g) a specification for scaffolding and ground protection if within tree protection zones,
- h) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area, details of site access, temporary parking, on site welfare facilities, loading, unloading and,
- i) materials, fuels and waste as well concrete mixing and use of fires well away from the RPA's of trees,
- j) Boundary treatments within the RPA,
- k) Methodology and detailed assessment of root pruning close to new electricity sub-station,
- l) Arboricultural supervision and inspection by a suitably qualified tree specialist
- m) Reporting of inspection and supervision,
- n) Methods to improve the rooting environment for retained and proposed trees and landscaping, and
- o) Details of all proposed Access Facilitation Pruning.

The development thereafter shall be implemented in strict accordance with the approved details.

Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies QD16 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One and SPD06: Trees and Development Sites.

14. The development hereby permitted shall not be commenced until detailed design and associated management and maintenance plans of the foul and surface water sewerage disposal, surface water run-off and drainage have been submitted to and approved in writing by the Local Planning Authority, to include the following;

- An infiltration survey,
- Drainage calculations, and
- A detailed maintenance plan of the constructed SUDS showing how they will be maintained and who by

The development shall be implemented in accordance with the approved details and thereafter maintained.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policy SU3 of the Brighton & Hove Local Plan.

15. i) Prior to the commencement of the development hereby approved (including any ground clearance, tree works, further demolition or construction), details of all tree protection monitoring and site supervision by a suitably qualified tree specialist (where arboricultural expertise is required to include: installation of temporary access from Lewes Road, installation of electricity substation, in addition to general arboricultural supervision of the site as per the comments in section 6.3 of the Ruskin's Arboriculturist's Report dated May 2018) shall be submitted to and approved in writing by the Local Planning Authority. The

development thereafter shall be implemented in strict accordance with the approved details.

ii) The completed schedule of site supervision and monitoring of the arboricultural protection measures as approved in part i) shall be submitted for approval in writing by the Local Planning Authority within 28 days from completion of the development hereby permitted. This condition may only be fully discharged on completion of the development, subject to satisfactory written evidence of compliance through contemporaneous supervision and monitoring of the tree protection throughout construction by a suitably qualified and pre-appointed tree specialist.

Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies QD16 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One and SPD06: Trees and Development Sites.

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

a) samples of all brick, render and tiling (including details of the colour of render/paintwork to be used)

b) samples of all cladding to be used, including details of their treatment to protect against weathering

c) samples of all hard surfacing materials

d) samples of the proposed window, door and balcony treatments

e) samples of all other materials to be used externally

f) 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 QD14 and HE3 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.

17. Notwithstanding the information provided, no development above lower ground floor slab level of any part of the development hereby permitted shall take place until details of secure cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan and SPD14: Parking Standards.

18. The sub-station shall not be re-located until full details of the proposed enclosure have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out and provided in full in accordance with the approved details.

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

19. The development hereby approved shall not be first occupied until a scheme setting out highway works to implement the alterations to the parking spaces on

the public highway of Selsfield Drive, hereby approved, have been submitted to and approved in writing by the Local Planning Authority. No part of the development hereby approved shall be first occupied until the approved highway works have been carried out in accordance with the approved scheme.

Reason: To ensure that suitable vehicle and pedestrian access 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.

20. The development hereby approved shall not be first occupied until full details of the recycling storage area indicated on the approved plans have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out and provided in full in accordance with the approved details prior to first occupation of the development and the recycling storage facilities shall thereafter be retained for use at all times.

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

21. Prior to occupation of the development hereby permitted, a scheme for the hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:

- a. A scaled plan showing all existing vegetation and landscape features to be retained and trees and plants to be planted;
- b. location, type and materials to be used for hard landscaping including specifications, where applicable for
 - i) permeable paving
 - ii) tree pit design
 - iii) underground modular systems
 - iv) Sustainable urban drainage integration
 - v) use within tree Root Protection Areas (RPAs);
- c. a schedule detailing sizes, numbers and densities of all proposed trees/plants;
- d. specifications for operations associated with plant establishment and maintenance that are compliant with best practise; and
- e. details of all boundary treatments to include type, position, design, dimensions and materials.

There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority. Any soft landscaping, trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD15 and QD16 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One and SPD06: Trees and Development Sites.

22. The development hereby permitted shall not be brought into first 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 condition 10 above 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: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policy HE12 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.
23. Prior to first occupation of the development hereby approved, the sound proofing measures shall be implemented in strict accordance with the design control measures and recommendations set out in the '2018 Planning Application Environmental Noise Assessment' report dated 04/04/2018 and shall thereafter be retained as such.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policy QD27 of the Brighton & Hove Local Plan.
24. Prior to first occupation of the development hereby approved, full details of the proposed photovoltaic array referred to in the Clear Sky Sustainable Homes Ltd Energy Report shall be submitted to and approved in writing by the Local Planning Authority. The photovoltaic array shall then be installed in accordance with the approved details.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and has an acceptable appearance and to comply with policies CP8 and CP12 of the Brighton & Hove City Plan Part One.
25. Within three months of the date of first occupation a Travel Plan for the development has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall thereafter be fully implemented in accordance with the approved details.
Reason: To ensure the promotion of safe, active and sustainable forms of travel and comply with policies TR4 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.
26. None of the residential units hereby approved shall be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).
Reason: To ensure that the development is sustainable and makes efficient use of energy to comply with policy CP8 of the Brighton & Hove City Plan Part One.
27. None of the residential units hereby approved shall be occupied until each residential unit built has achieved as a minimum, a water efficiency standard of not more than 110 litres per person per day maximum indoor water consumption.
Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton & Hove City Plan Part One.

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 also be aware that whilst the requisite planning permission may be granted, this does not preclude the Environmental Protection department from carrying out an investigation in line with the provisions Environmental Protection Act 1990, should any complaints be received with regards to noise and/or vibration and/or dust and/or light nuisance. This applies both during construction and post completion of the development.
 3. With respect of condition 17, the cycle storage details are required to show that cycle parking places are convenient and accessible both in relation to access to stands and the type of stand proposed; and that security is sufficient both for stored cycles and for those using the stores.
 4. The applicant is advised to contact the East Sussex County Archaeologist to establish the scope for the Written Scheme of Archaeological Investigation as required by conditions 10 and 22.
 5. Due to the desirability of cut elm branches and timber to adult elm bark beetles the Council seeks that all pruned elm material is correctly disposed of. In addition, all elm logs/timber is removed from the Brighton and Hove area or are taken to the Water Hall elm disposal site to be disposed of free of charge. Please call the Arboricultural team on 01273 292929 in advance to arrange this. Under any circumstances the applicant should not sell or give away cut elm timber as firewood to residents with the Brighton and Hove area as this situation has been responsible for many outbreaks of Dutch elm disease in the city. A pile of logs such as this will be an ideal breeding site for beetles which are responsible for spreading Elm Disease.
 6. The applicant is advised that a formal applications from Southern Water are required for connection to a water supply and on-site mains, connection to the public sewerage system and for the existing sewer diversion and Southern Water has advised the following;
 - The 150mm diameter sewer requires a clearance of 3m either side of the sewer to protect it from construction works and allow for future access for maintenance,
 - No development or new tree planting should be located within 3m either side of the external edge of the public sewer,
 - No new soakaways should be located within 5m of a public sewer,
 - All other existing infrastructure should be protected during the course of construction works, and
 - Where a SUDS scheme is to be implemented, the drainage details submitted should specify the responsibilities of each party for the implementation of the SUDS scheme, specify a timetable for implementation and provide a management and maintenance plan for the lifetime of the development. This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
 7. Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. For further advice please

- contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel:0330 303 0119) or www.southernwater.co.uk
8. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website (www.communities.gov.uk).
 9. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see [Gov.uk website](http://Gov.uk)); 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.
 10. The applicant is advised that the Travel Plan required by condition 25 should include among other things, the following measures;
 - Two years membership of the local car club in order to encourage a low level of car ownership, and
 - 12 month season ticket for buses in Brighton & Hove, to support sustainable travel.
 11. The water efficiency standard required under condition 27 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.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The site measures approximately 0.26Ha and is sited within the south western corner of the Bates Estate. Until recently the site comprised of a single storey flat roofed Housing Office in the centre of the site, a single storey flat roofed store to the north-east, surfaced car parking to the west and 8 single storey garages to the south-west separated by an existing electrical sub-station. The car parking area and garages were accessed via Selsfield Drive, located to the north of the former Housing Office. The Housing office, store and garages were vacated in March 2014 and have recently been demolished.
- 2.2 The site is surrounded by 3 and 4 storey residential blocks to the north-east and north-west, a community hall and library on its western boundary and Lewes Road to the south. The Grade II Listed Building Moulsecoomb Place (also known as Manor House) sits approximately 170m to the south-west of the site with other buildings also belonging to the University of Brighton beyond, including Preston Barracks. The wider setting of the site includes the South Downs National Park located beyond Home Farm Industrial Estate to the north-west of the Bates Estate and Moulsecoomb rail station, located approximately 5 minute walk from the site.

- 2.3 The site is located within the DA3 Lewes Road Development Area of the City Plan, and is also located within the area of the city identified as the Lewes Road Tall Buildings Corridor.
- 2.4 The site is an Archaeologically sensitive site and is located within a nature improvement area.
- 2.5 Land levels change by approximately 3.5m across the site from Lewes Road to Selsfield Drive and a slight slope also exists west to east across the site.
- 2.6 The application seeks planning permission for the demolition of the former neighbourhood housing office, housing store and garages (retrospective) and the construction of a new 8 storey residential development comprising of 30 flats (14 x 1 bedroom and 16 x 2 bedroom, all for affordable council rent), associated hard and soft landscaping works, communal amenity space, pedestrian access, car parking and the relocation of the existing UK Power Networks electricity sub-station. The rear elevation of the building would face onto Selsfield Drive, which would provide the vehicular access to the site and pedestrian access at first floor level in addition to pedestrian access at ground floor level off Lewes Road.
- 2.7 The proposal has been developed as part of the Brighton & Hove City Council's 'New Homes for Neighbourhoods Programme' and would be delivered through the Council's Strategic Construction Partnership.

3. RELEVANT HISTORY

3.1 Officer Pre-application Advice (August 2014)

This pre-application related to a proposal for a 5 storey building providing 20 flats. The feedback provided at this time was that there was concern regarding the potential impact on flats to the rear of the site and that further information would need to be provided to assess any potential impact and the overall design was broadly supported given the level changes through the site.

- 3.2 The 2014 scheme was presented to the Estate Regeneration Board, which has cross party support, who did not feel that the proposed number of homes delivered in the scheme realised the potential of this important site given its favourable location within a Tall Buildings Corridor and Sustainable Transport Corridor.

3.3 Member Pre-Application Presentation (10th May 2016)

A scheme was presented to Members on the 10th May 2016 comprising of the replacement of the single storey office building with a six storey building (with the 6th floor set back) providing 27 affordable rent flats (1, 2 and 3 bed), including 3 wheelchair units, 9 vehicle parking spaces and landscaping works. The feedback provided was as follows:

- The provision of new housing in place of the existing vacant housing office was welcomed
- Members raised significant concern over the height of the building as a townscape issue and recommend that the proposals are forwarded to Design Review for feedback prior to submission.

- Some concern was raised over the use of zinc as a material, and with the colour of the brickwork. It was felt that the brick should better reflect the immediate context of the building, in particular Moulsecoomb Hall. A materials palette will be required as part of any submission.
- Members considered the degree of balcony overhang to be too dominant in context. It was felt that the Lewes Road entrance was underplayed compared to the Selsfield Drive entrance. A preference was stated for the chamfer to the southwest corner to be squared off.
- The impact of the building on the amenities of adjacent occupiers is likely to be acceptable subject to the findings of the daylight/sunlight assessment and an understanding of the layouts of the flats to the rear.
- The onsite parking provision was considered acceptable, subject to the findings of parking surveys to be submitted within the Transport Assessment.

3.4 Design Review Panel (6th July 2016)

The panel supported the programme of seeking sites and maximising land use for building public housing. The panel considered that there was space on the site for building and the overall bulk and massing was considered acceptable. The Panel however considered that the adjacent library and community hall site would be a more appropriate location for a tall building, allowing this site to contain a lower building. The Panel also considered that a simpler building without set-backs would offer a more comfortable fit on the site and recommended a more rectangular, robust façade design that does not try to disguise its bulk. The Panel also stated that building materials can also be more robust and calmer, with solid fronted recessed balconies with clear detailing.

3.5 The Panel agreed that Lewes Road is a corridor appropriate for taller buildings and that development on the Preston Barracks and University site is likely to substantially change the context to the site, making a taller building here more appropriate.

3.6 (NB - This application does not relate to a master-plan approach for the re-development of the wider site, it relates solely to the redevelopment of the former housing office site).

3.7 Officer Pre-application Advice (November 2017)

Officer pre-application advice was given in November 2017 relating to a scheme that had been amended to take into account Members and the Design Panel responses. A summary of the feedback provided is as follows;

- The general principle of the development was considered acceptable
- The 100% affordable development was welcomed
- Officers suggested that the detailed design and choice of material be given further consideration
- Any proposal would need to justify how the unit mix (1 and 2 bed) has been arrived at and what contribution this makes to meeting the housing needs of the City Area
- Subject to a satisfactory technical appraisal (tall buildings study) and design quality, the height of the building (8 storey) be acceptable.

- Further studies would be required in order to demonstrate there will not be an unacceptable impact on the residential properties to the north, and
- Appropriate landscaping and public realm details should be considered

3.8 It is stated within the submission that the proposal has been subject to public consultation with local tenants, residents and other community groups including a Public Exhibition on the 23rd February 2018.

4. REPRESENTATIONS

4.1 Eleven (11) letters has been received objecting to the proposed development for the following reasons:

- Development is too high, will be imposing on existing homes. Would be 3 storeys higher than the rest of the area. Is out of keeping with other buildings in the area and does not conform with the general characteristics of the estate,
- Poor design,
- Appearance and size not in keeping with adjacent properties,
- Would adversely affect Conservation Area,
- From the top deck of a bus will be able to see people in their homes,
- Lack of parking, especially given parking problems caused in area by university students parking in estate,
- Is dangerously close to an A road and the bus lane,
- General highway concerns including additional traffic generation,
- Loss of quality of life for residents located to the rear of the development,
- No provision for social housing,
- No mention of the site where the power supply will be relocated too,
- Demolition has already commenced when permission has not yet been granted,
- Existing waste disposal facilities on estate are inadequate, this will be exacerbated by development,
- Residential congestion,
- Overdevelopment,
- Harm to residential amenity including overlooking, overshadowing, loss/restriction of views, loss of daylight/sunlight, right to light,
- Noise disturbance,
- Loss of/damage to trees,
- The policy officers comments, regarding the height of the development, fails to take into account that the existing buildings mentioned do not have residential buildings immediately to the rear and are not part of the estate, being separated from it by a road and a large area of green space. The policy comments therefore seem irrelevant and out of place in regard to the application, and
- Detrimental effect on surrounding property values.

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

- Concerned that 7 floors is too high in front of existing estate, being only 3 storeys high,
- Questions who is the development for?

- 4.3 **Regency Society** – Objects to plans for a 7 storey residential block. Though the scheme will provide much needed social housing, the current design is out of scale with the surrounding buildings and fails to respect the ‘garden suburb’ grain of the area. Moulsecoomb is an early cottage-style council estate, loosely laid out to the design principles of Ebenezer Howard and with the intention of providing ‘homes fit for heroes’. The pleasing street plan follows the topography of the Downs and comprises generous front and rear gardens and expansive grass verges. While the development under construction on the nearby Preston Barracks site sets a precedent for tall buildings along the Lewes Road, these form a cluster, whereas the proposed building sits awkwardly with the surrounding low rise blocks. Dominates a key piece of the original landscaping and is insensitive to the general character of the area.
- 4.4 **Trust for Developing Communities:** Comment, would like to support the community and residents’ groups affected by this development to feel they have been able to influence and any adverse effects are mitigated as much as possible, including influencing any planning gain.

5. CONSULTATIONS

5.1 External:

- 5.2 **County Archaeologist:** Comment. The information provided is satisfactory and identifies that there is a risk that archaeological remains will be damaged. Nonetheless it is acceptable that the risk of damage to archaeology is mitigated by the application of planning conditions.

- 5.3 **County Ecologist:** No objection in principle subject to the imposition of conditions regarding badger protection measures and biodiversity enhancement.

- 5.4 **Environment Agency:** No comments received.

5.5 UK Power Network

Objection (8/5/2018 and 1/06/2018). The company is the owner/occupier of the electricity substation located within 6m of the proposed works and it is believed that the proposed works are notifiable under the Party Wall etc Act 1996. Objects as the applicant has neither served Notice in accordance with the Party Wall etc Act 1996 nor satisfied the Company that the works are not notifiable. The applicant should provide details of the proposed works and liaise with the Company to ensure that appropriate protective measures and mitigation solutions are agreed in accordance with the Act. The Applicant would need to be responsible for any costs associated with any appropriate measures required.

No objection (24/07/2018). Objection withdrawn following receipt of correspondence from applicant regarding pre-application discussions, advise and site meetings.

- 5.6 **Southern Water:** Comment. The submitted plans shows that the developer is proposing to divert the public sewer which is crossing the site, requests a formal application for sewer diversion. Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.
- 5.7 Initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development but requires a formal application for a connection to the public sewer.
- 5.8 The application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS). Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.
- 5.9 Should the Council be minded to grant, requests that conditions be attached to secure agreement for the means of foul disposal and foul and surface water sewerage disposal.
- 5.10 Following initial investigations Southern Water can provide a water supply to the site but requires a formal application for connection and on-site mains to be made.
- 5.11 The proposed development would lie within a Source Protection Zone around one of Southern Water's public water supply sources as defined under the Environment Agency's Groundwater Protection Policy.
- 5.12 **Sussex Police:** Comment. The building will house some vulnerable residents and so preventing unauthorised access to their private living accommodation is important with good access control and clearly defined separation between public and private areas. It will also help deter unintended egress by some residents, and so help to maintain their safe environment.
- 5.13 Suggested recommendations/comments include;
- Controlled access doors for authorised persons only,
 - restrictions on ground floor,
 - internal lighting to the secure cycle stores,
 - Lighting throughout the development will be an important consideration, 24 hour dusk to dawn switched lighting around the external entrances internal foyer, lobbies and landings,
 - communal parking within view of an active room within the property,

- the sunken patio features in the Selsfield side of the building may suffer debris and litter dropping down on to them and would benefit from protection with low bushes or a screen,
- controlled parking measures to prevent unauthorised parking in Selsfield Road to keep the access clear,
- The refuse and recycling store should be secured within a perimeter wall or fence with controlled access gates to prevent larger bins being moved or accessed. Lockable lids or a covered roof would also deter arson and antisocial behaviour,
- When relocated the electrical sub-station will benefit from a secure fence and controlled gated access to deter climbing, and
- although located nearest the path from the main Lewes Road entrance have concerns regarding the location of the disabled bays, as being located at the end of the parking bay row will make it more difficult for persons with limited movement to negotiate a reverse or forward driving manoeuvre from or into those positions if the access road is of insufficient width for them to manoeuvre easily,

5.14 **Internal:**

- 5.15 **Arboriculturist:** No Objection. Many trees have already been removed to facilitate the development and there are three large mature trees that will be affected by it, in addition to one sycamore tree on the adjacent land protected by a tree preservation order. Believe these four trees can be protected and retained as long as there is a strong arboricultural method statement and a robust arboricultural supervision schedule in place to minimise the potential of root damage from building activities and these can be left to condition. Recommends approval subject to conditions.
- 5.16 **Economic Development:** No Objection. The provision of 30 dwellings (affordable rent) is welcomed and will contribute towards the city's challenging targets for new homes.
- 5.17 Should the application be approved an Employment and Training Strategy will be required to be submitted prior to site commencement. In addition to developer contributions of £9,000 towards the council's Local Employment Scheme, as referenced in the council's Developer Contributions Technical Guidance.
- 5.18 **Education Officer:** Comment. In this instance will not be seeking a contribution in respect of primary education places as there are sufficient primary places in this part of the city and the city overall. The calculation of the developer contribution shows a contribution of £19,406.40 should be sought towards the cost of secondary provision if this development was to proceed.
- 5.19 With regards to the secondary provision, the development is in the current catchment area for Brighton Aldridge Community Academy. At the present time there is some surplus capacity in this catchment area, however secondary pupil numbers in the city are currently rising and it is anticipated that all secondary schools will be full in a few years' time, funding secured for

secondary education in the city will be spent at Brighton Aldridge Community Academy.

- 5.20 **Environmental Health:** No objection. If permission to develop the land is granted, would recommend applying conditions regarding soundproofing, land contamination and a construction environmental management plan.
- 5.21 **Heritage:** (11/05/2018) Comment. The Archaeological desk-based assessment considers that the setting of the listed Manor House is a “heavily built-up and urban environment” and that this setting would not be adversely affected by the proposed development. It is indeed the case that a major, heavily-trafficked road runs in front of the listed building and that there are existing large scale university buildings to the immediate south of the listed building. Nevertheless, the listed building sits back from the road in landscaped grounds and from there the predominant views away from the city centre, to the east, north-east and north, are dominated by trees and 2 storey, low density suburban housing. The proposed 7 storey block would therefore have some impact on the setting of the listed building (which originally sat in open countryside) by making its surroundings more urban.
- 5.22 It is therefore important to have a full understanding of the impact of the proposal in views looking from the listed buildings towards the site and also from Lewes Road north of the site towards the listed building. This would enable the impact of the development on the setting of the listed building to be fully assessed. As submitted no such views have been provided.
- 5.23 The Archaeological desk-based assessment also considers that the setting of the scheduled monument of Hollingbury Hillfort “is unlikely to suffer any negative impact from the proposed development on site due to the distance of at least 1km within which residential and other buildings, open fields and Hollingbury Golf Course are located, and the steepness of the slope which hides the site from the fort”. This assessment is concurred with. The siting of the development on the valley floor means that from the scheduled monument the development would not intrude upon the horizon line or increase the sense of urbanisation.
- 5.24 (5/06/2018) No objection following receipt of a Design and Access Statement and Tall Buildings Statement. The submitted Tall Buildings Statement and the associated ‘Visual Impact Study – Moulsecomb Place’ demonstrate that the proposed development would have some impact on the setting of the listed building, the way in which it is experienced, by making its surroundings more urban, particularly as a result of the way in which the development would intrude well above the prevailing tree line in most cases (e.g. viewpoints 4 and 9 and the view from in front of the building looking north-east towards the site, though this one has not been specifically illustrated).
- 5.25 However, the listed building sits back from the road in landscaped grounds and due to intervening development and extensive mature trees inter-visibility with the site is comparatively limited. Together with the fact of a major, heavily-trafficked road running in front of the listed building and existing large scale

university buildings to the immediate south, this leads to the conclusion that harm to the setting of the listed building is at the very minor end of 'less than substantial' and, in accordance with paragraph 134 of the NPPF, this very minor harm will need to be weighed against the public benefits of the development, including its design quality.

- 5.26 **Housing:** No objection. The provision of 30 affordable rent dwellings is welcomed and will contribute towards meeting the City's need for affordable homes.
- 5.27 The provision of 2 wheelchair accessible homes as affordable rent tenure meet identified housing need.
- 5.28 All homes meet the required space standards.
- 5.29 **Flood Risk Management Officer:** No objection subject to the inclusion of conditions regarding infiltration surveys, drainage calculations for the final detailed design and detailed maintenance plan.
- 5.30 **Planning Policy:** No objection. This is a City Council proposal on Housing Revenue Account (HRA) land and forms part of the New Homes for Neighbourhoods (NHFN) programme. The site is identified in the Strategic Housing Land Availability Assessment (SHLAA) Update 2017 as suitable for delivery of 30 dwellings and is included as an allocation in Policy H1 of the draft City Plan Part 2. The proposed development has been subject to pre-application Design Panel review and consultation with local residents.
- 5.31 The site is now vacant but was in previous use as one of the Council's housing offices accommodating staff and providing front desk reception for enquiries from the general public and the payment of rent or council tax bills. As such, the previous use is considered to fall under Use Class A2 and would not be subject to the requirements set out in Policy CP3 (Employment Land) for the safeguarding of existing employment land (Use Classes B1-B8).
- 5.32 The development would provide 100% affordable rented housing comprising 1 and 2-bed apartments, 2 of which would be wheelchair accessible. The suitability of the proposed housing mix should be checked with BHCC Housing officers.
- 5.33 The application is accompanied by a Design & Access Statement and Tall Buildings Statement. In design terms, the main issue is the height of the proposed 8-storey building. Although the surrounding residential development is generally only 3-4 storeys, Policy CP12 identifies the Lewes Road corridor as an area with potential for taller developments. In addition the site is relatively close to the existing tall buildings along Lewes Road at Brighton University (up to 10 storeys) and the Preston Barracks development (which will include buildings up to 18 storeys). Within this context, the principle of a taller building can be supported, subject to any detailed design considerations.

- 5.34 The housing density of c147 dwellings per hectare (dph) would be well above the surrounding residential development. However the site is well located to deliver high density housing development due to its location on a sustainable transport corridor with good access to local facilities.
- 5.35 The proposed development would be in conformity with the strategy for the Lewes Road Area set out in Policy DA3. The proposed 30 affordable rented units would help towards meeting the city housing target and would contribute towards the council's NHFN programme to deliver affordable housing to address housing needs in the city.
- 5.36 **Public Art Officer:** No objection. For a number of years working practice has been that the Council has secured artistic component sums for new build schemes based on scale and location where a sufficient sum could be sought for an artistic component to include processes such as commissioning and installation. It is not considered that a sufficient sum would be secured for this particular development therefore an artistic component sum is not being requested for this application.
- 5.37 **Sustainable Transport:** No objection (19/06/2018) The development is largely acceptable in transport terms subject to conditions and obligations required to ensure compliance with policies and to mitigate the impact of the development.

6. MATERIAL CONSIDERATIONS

- 6.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report
- 6.2 The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
 - Brighton & Hove Local Plan 2005 (retained policies March 2016);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- 6.3 Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

- SS1 Presumption in Favour of Sustainable Development
- CP1 Housing delivery
- CP5 Culture and tourism
- CP7 Infrastructure and developer contributions

CP8 Sustainable buildings
CP9 Sustainable transport
CP10 Biodiversity
CP11 Flood risk
CP12 Urban design
CP13 Public streets and spaces
CP14 Housing density
CP15 Heritage
CP16 Open space
CP17 Sports provision
CP18 Healthy city
CP19 Housing mix
CP20 Affordable housing
DA3 Lewes Road Area
SA5 The Setting of the South Downs National Park

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
QD15 Landscape design
QD16 Trees and hedgerows
QD18 Species protection
QD25 External lighting
QD27 Protection of amenity
HO5 Provision of private amenity space in residential development
HO13 Accessible housing and lifetime homes
HE3 Development affecting the setting of a listed building
HE12 Scheduled ancient monuments and other important archaeological sites

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste
SPD06 Trees & Development Sites
SPD09 Architectural Features
SPD11 Nature Conservation & Development
SPD12 Design Guide for Extensions and Alterations
SPD14 Parking Standards

Supplementary Planning Guidance

SPGBH9 A Guide for Residential Developers on the Provision of
Recreational Space
SPGBH15 Tall Building

Strategic Housing Land Availability Assessment Update 2017

East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan -
Policy WMP3d and WMP3e

8. CONSIDERATIONS & ASSESSMENT

8.1 The scheme subject of this application has not been significantly altered since the Officer pre-application advice was provided in November 2017. However the proposal set out in this application is different to the scheme reviewed by Committee Members/Design Panel in 2016 in the following ways;

- A reduction in the overall footprint,
- Change to the building form including the chamfering of the building edges,
- The addition of 2 floors,
- The omission of the 3 bedroom units alongside a change to the mix of 1 and 2 bedroom units provided
- An increase in the number of overall units provided,
- Increase in public realm provision,
- The re-organization of unit layout to prevent the provision of single aspect north facing units, and
- The omission of zinc cladding.

8.2 The main considerations in the determination of this application relate to the principle of the proposed development including the loss of the former housing office (Use Class A2) and the impacts of the proposed development on the visual amenities of the site and surrounding area, including the setting of the South Downs National Park and Moulsecoomb Place, which is a Grade II Listed Building. The proposed access arrangements and related traffic implications, impacts upon amenity of neighbouring properties, future occupiers' amenity, ecology, and sustainability impacts must also be assessed.

8.3 Principle of Development:

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

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

8.5 The site, which forms Housing Revenue Account Land, until recently contained a former Housing Office (Use Class A2) and associated car park, an unused resident store and 8 garages, all which became vacant in March 2014.

- 8.6 The site is identified in the Strategic Housing Land Availability Assessment (SHLAA) update 2017 as suitable for delivery of 30 dwellings and is included as an allocation in Policy H1 of the draft CPP2.
- 8.7 Whilst the site is now vacant and the former office/garage buildings have been demolished, the site was formerly used as one of the Council's housing offices accommodating staff and providing front desk reception for enquiries from the general public and the payment of rent or council tax bills.
- 8.8 In November 2013 the Council's Housing Committee approved the closure of the Selsfield Drive office and the redevelopment of the site, subject to planning consent, for housing under the New Homes for Neighbourhoods programme. The previous office use was principally focused on providing housing services to visiting members of the public and is therefore considered to fall under Use Class A2 (Financial and professional services) rather than B1(a) (Business office use). As such, the site would not be subject to the requirements for the safeguarding of existing employment land (Use Classes B1-B8) as set out in Policy CP3 (Employment Land).
- 8.9 As noted above, the site has been identified as suitable for housing in the SHLAA and is a proposed allocation for housing in the draft CPP2.
- 8.10 The site, which is located with the middle section of the Lewes Road corridor, is subject to policy DA3, which extends the length of Lewes Road from the Level to the University of Sussex at Falmer. Lewes Road is one of the main routes into the city and is identified as a sustainable transport corridor. Policy DA3 includes the provision of a minimum of 880 new residential units, along with development for employment, education and student accommodation. The strategy for Lewes Road also includes improvements to sustainable transport infrastructure, townscape, public realm, green infrastructure and improvements to air quality.
- 8.11 Policy CP12 identifies the Lewes Road corridor as an area with potential for taller developments (approximately 6 or more storeys). The supporting text of this policy states that;
- 8.12 "Given the city's physical constraints there is a need to increase density on existing brownfield land in a sustainable manner. Taller buildings (in the context of the city's prevailing built form) offer one potential way of achieving this in appropriate locations. This policy seeks to ensure that such proposals are directed towards those broad areas where such potential has been identified".
- 8.13 As a result of the proposed height of the residential block the proposal is also subject to the Council's SPGBH15 'Tall Buildings'. The SPG was informed by a Tall Building Study, which was commissioned to set out clear design guidance for considering proposals for tall buildings (defined as being over 18m in height (approximately six storeys) above existing ground level) and to identify strategic areas where there may be opportunities for tall buildings.

- 8.14 The proposal would provide a 'mid-rise' tall building (defined as 6 to 8 storeys) in height and therefore, in accordance with the guidance, a Tall Buildings Statement has been submitted as part of the application to indicate how the proposal has responded to the planning and design guidelines.
- 8.15 Whilst the principle of a tall building on the site is therefore in accordance with City Plan policy CP12 and SPGBH15 Tall Buildings Guidance, the impacts of the proposed building height are discussed in more detail below.
- 8.16 **Layout/Design/Visual Amenities**
- 8.17 Layout of the Site
Land levels change by approximately 3.5m across the site between by Lewes Road and Selsfield Drive.
- 8.18 The proposed development would be located to the southern side of Selsfield Drive and to the south and west of the proposed parking areas for the development. Landscaped areas would be located to the west of the site and along the eastern boundary with pedestrian pathways providing connections from Lewes Road, through the site and associated parking areas and to Selsfield Drive.
- 8.19 The existing substation, which is located on the south-western side of the site between the two existing block of garages, would be re-located further to the north-east as part of the proposal, in order to improve parking and vehicle movement opportunities for the proposal. The details and design of the new sub-station compound should be sought via a condition.
- 8.20 The current sub-station area would be altered to provide additional parking provision.
- 8.21 Design/Visual Amenity Impacts:
As set out above, the proposed development is defined as a mid-rise development, comprising of 8 storeys when viewed from Lewes Road but 7 storeys over a lower ground floor level when viewed from Selsfield Drive, as a result of the topography of the site and surrounding area. As set out above, the suitability of sites for taller buildings within the Lewes Road corridor is primarily established through the Tall Buildings SPD and policy CP12. In accordance with policy CP12 and SPG15 a Tall Buildings Statement (TBS) has been submitted as part of the application.
- 8.22 The proposed building has chamfered elevations on the south-western and north-eastern side of the building resulting in a narrower and splayed footprint at these parts of the building.
- 8.23 The proposed south-eastern building line of the development (excluding the proposed projecting balconies) would align with the south-east most front building line of the adjacent residential block (1 to 24 Selsfield Drive) and Moulsecoomb Hall, located to the west of the site.

- 8.24 The site is surrounded by 3 and 4 storey residential blocks to the north-east and north-west, a 2 storey community hall and a single storey library on its western boundary, as such the proposal would be taller than other buildings within the vicinity of the site. However, due to the fact that the proposal would be located at the foot of the slope which rises from Lewes Road to Home Farm Road, the upper parts of the proposal would be viewed in context with neighbouring buildings located to the north-west of the site, which are sited at a higher land levels.
- 8.25 Furthermore, located approximately 220m along the Lewes Road corridor to the south-west of the site are existing buildings associated with the University of Sussex, comprising of between of 4 (Watts Building) and 10 storeys (Cockcroft Building). In addition following recent planning permission for Preston Barracks construction is underway of a number of new buildings comprising of between 4 and 18 storeys.
- 8.26 Strategic views have been provided from approach views along Lewes Road, views from The Avenue and views of the Grade II listed Moulsecoomb Place as part of the application.
- 8.27 The proposal would not be located within the peripheral view from any of the strategic viewpoints that are identified in the Tall Building Study (2003). Lewes Road is however a main route into and out of the city and as a result is identified as a key approach within the study.
- 8.28 Whilst a condition is recommended for samples of the finish materials to be submitted the information provided indicates that the proposal would comprise of the following materials;
- Buff multi facing brickwork
 - Aluminium bronze coloured cladding,
 - Metal flat plate balustrades,
 - Aluminium bronze coloured glazing unit,
 - Aluminium bronze coloured curtain walling system,
 - Aluminium balcony fascia panel and soffit, and
 - Aluminium capping
- 8.29 The proposed materials have been chosen to reflect the existing collection of materials in the surrounding area and to give a sense of depth and interest to the elevations where appropriate. It is stated that the proposed lighter brick choice takes reference from the taller buildings in the area including Highbrook Close flats located to the north-west of the site, Moulsecoomb Place and Moulsecoomb Hall.
- 8.30 Whilst there are no designated heritage assets within or adjacent to the site Moulsecoomb Place/Manor House, which is a Grade II Listed building owned by the University of Sussex, is located approximately 170m to the south-west of the site. Moulsecoomb Place, which incorporates part of a late-medieval building

- altered in 1913, is set back from Lewes Road with a green open space in front and is screened by mature trees and open green space.
- 8.31 The site does not lie within an Archaeological Notification Area however approximately 1km to the north-west is the Scheduled Monument of Hollingbury Hill Fort.
- 8.32 As part of the application an Archaeological desk-based assessment has been submitted which considers as part of the assessment the setting of the listed Manor House and the setting of the scheduled monument of Hollingbury Hillfort.
- 8.33 The submitted Tall Buildings Study and associated Visual Impact Study demonstrates that the proposed development would not have an adverse impact upon the setting of the Fort however there would be some impact on the setting of the nearby Listed Building, with regards to the way in which it is experienced, by making its surroundings more urban, particularly as a result of the way in which the development would intrude well above the prevailing tree line in most cases.
- 8.34 However the Council's Heritage Officer acknowledges that the Listed Building sits back from the road in landscaped grounds and due to intervening development and extensive mature trees inter-visibility with the site is comparatively limited.
- 8.35 Furthermore it is acknowledge that a major, heavily-trafficked Lewes Road runs in front of the listed building and existing large scale university buildings to the immediate south.
- 8.36 The Council's Heritage Officer considers that the harm to the setting of the listed building is considered to be at the very minor end of 'less than substantial' and, in accordance with paragraph the NPPF, this very minor harm is weighed against the public benefits of the development discussed elsewhere in this report.
- 8.37 When harm to a heritage asset is identified as a result of a development there is a statutory presumption (inherent in sections 66 and 72 of the Listed Buildings and Conservation Areas Act) against granting planning permission. In accordance however with paragraph 134 of the NPPF where the harm is less than substantial, this harm should be weighed against the public benefits of the proposal.
- 8.38 In this case, whilst the Heritage comments are noted, the public benefits of the redevelopment of a Strategic Allocation within a Development Area identified in the City Plan and the improvements to the public realm are considered to outweigh the harm to heritage assets.
- 8.39 The development seeks to maximise the use of the site but it is acknowledged that it represents a scale which challenges the traditional scale and form of the surrounding locality. In the context of the tall buildings at the nearby University site (existing and currently under construction) and the fact that the principle of a tall building in this part of the City is in accordance with City Plan policy CP12

and SPGBH15 Tall Buildings Guidance overall it is considered that the scale, height and design of the proposed scheme is acceptable and as such is supported.

8.40 Housing Mix/Affordable Housing/Density

The proposal would provide 30 (100%) affordable flats, which exceeds the 40% requirement set out in policy CP20 for a development of this scale and nature. As such the proposal would make an important contribution towards both the City's housing and affordable housing shortages. The Council's Affordable Housing Brief sets out a broad tenure split of 55% Social Rent/Affordable Rent and 45% Intermediate (Shared Ownership Sale) as a citywide objective. This scheme is being provided as 100% Affordable Rent which is welcomed. When the development is completed the City Council will be able to nominate people from the housing register to all of the properties.

8.41 The proposal would comprise fourteen x 1 bedroom (2 person) flats and sixteen x 2 bedroom (4 person) flats. The two 2 bedroom flats proposed in the lower ground floor level would be wheelchair accessible units, a provision level which accords with policy HO13 (based on 40% policy compliant affordable housing provision and not the 100% proposed).

8.42 Up to date assessments of housing needs shows that although greatest need (numerically) is for smaller 1 and 2 bed properties, there is significant pressure on larger family sized homes and the Affordable Housing Brief is based on this requiring a balance of unit sizes, generally requiring a scheme with a mix of 1, 2 and 3 bed properties.

8.43 It is acknowledged that a number of design options were considered before the formal application was submitted, including schemes with 3 bedrooms flats. However as a result of neighbouring amenity impacts and design considerations it was overall considered that a scheme with only 1 and 2 bedroom units provided the more effective use of the site. Smaller rented units can be used for those downsizing from family homes in more suitable locations.

8.44 Policy CP14 relates to development density. The proposal would comprise a density of approximately 147(dph), which is acknowledged as being high when compared to the density of the surrounding existing residential development. However policy CP14 allows for new development at higher densities than those typically found in the locality subject to specified criteria such as design, character of the area, access to facilities and sustainable transport. This policy also states that new residential development on major sites within Development Ares, such as this, should seek to achieve minimum densities of 100 dph where the criteria can be met.

8.45 It is considered that the site is well located to deliver a development of high density housing in view of its location on a sustainable transport corridor with good access to local facilities. Issues regarding design and impact on the character of the area have been addressed above.

8.46 Accommodation Provision/Standard of Accommodation

Other than at Lower Ground Floor Level, each floor level would comprise of four flats, 2 x 1 bedroom and 2 x 2 bedroom flats. The proposed layout of the flats at Upper Ground Floor to 7th floor level would be organised around a central staircase and lift core. The proposed 2 bedroom flats would wrap around the 1 bedroom flats, ensuring a dual aspect outlook. The proposed Lower Ground Floor which would comprise 2 x 2 bedroom flats, plant rooms, a sprinkler tank room and cycle stores.

- 8.47 Whilst the Local Planning Authority does not have adopted space standards for comparative purposes the Government's recent Technical Housing Standards – National Described Space Standards March 2015 document sets out recommended space standards for new dwellings. This documents states that a minimum gross floorspace of 50sqm should be provided for a 1 bedroom, 2 person flat and a minimum of 70sqm for a 2 bedroom 4 person flat.
- 8.48 The proposal would provide 1 bedroom flats (up to 2 person occupancy) with a floorspace of 50.0sqm or 50.5sqm, whilst the proposed 2 bedroom (up to 4 person occupancy) flats would provide a floor space of 83.7sqm or 92.5sqm (wheelchair accessible units). The gross floorspace of the proposed flats in addition to the floorspace of each individual bedroom proposed exceeds the minimum floorspace standards set out in the Government document.
- 8.49 It is considered that the design/layout of the proposed flats would provide adequate levels of circulation, storage, light/sunlight, ventilation and outlook.
- 8.50 **Amenity and Open Space and Recreation Provision**
Policy HO5 requires new residential development to provide adequate private and usable amenity space for occupiers, appropriate to the scale and character of the development.
- 8.51 At Lower Ground Floor level both of the proposed 2 bedroom flats would have access to a patio facing Selsfield Drive and Lewes Road whilst the rest of the flats would have access to a private balcony, with a depth of approximately 1.5m. All of the proposed balconies would be positioned on the south/east facing elevations fronting Lewes Road. It is noted that the size of the proposed balconies compared to the scale of the flats is not proportionate as the proposed 1 bedroom flats would have a slightly larger balcony area than the proposed 2 bedroom flats (9.5sqm compared to 9.4sqm) however the proposed 2 bedroom properties would have larger living room areas and as such refusal on this basis is not considered warrant. Furthermore the site is located opposite public open space areas along the Highway in addition to being located near to Wild Park.
- 8.52 **Impact on Neighbouring 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.

- 8.53 Issues regarding the loss of value to existing neighbouring properties raised in the objections received are not material planning considerations in the determination of the application.
- 8.54 It is stated within the application that the provision of the more active street frontages, the stair core and living rooms being located on the busier Lewes Road side would;
- 8.55 “re-inforce the sense of this elevation as the building’s primary, outward facing, public frontage with increased capacity to take activity and movement and less risk of detrimental impact on the privacy of neighbouring residential blocks”.
- 8.56 The south-western elevation of the block of nos. 19-24 Selsfield Drive, which faces towards the development site from the north-east, comprises 1 window at each floor level which provides light to bedrooms.
- 8.57 The residential block known as 25-36 Selsfield Drive, which is located to the north-west of the site, is located at an elevated position above Selsfield Road street level. A minimum distance of approximately 18.3m would be located between the main rear/north-west elevation of the proposed development (excluding the tank room and porch projection at lower ground and ground floor level) and the main front elevation of nos. 25 to 36 Selsfield Drive (which is set further to the north-west than the projecting staircase section of this neighbouring properties).
- 8.58 The windows facing the development site within nos. 25 to 36 Selsfield Drive relate to the kitchen, bathroom and the living rooms. The living rooms are dual aspect with a window provided on the north-western side facing onto an external/enclosed balcony area for each flat in addition to a window on the front or side elevations depending upon the positioning of the flat within the block.
- 8.59 It is not considered that the inclusion of windows in the elevation that would face towards Selsfield Drive would have a significant adverse impact upon the amenities of the residents of nos. 25 to 36 Selsfield Drive due to the distance to these neighbouring properties (being a minimum distance of approximately 18.3 m).
- 8.60 The proposed balconies located on the north-eastern side of the Lewes Road façade would provide some views towards the side elevation of 19 to 24 Selsfield Drive. However as a result of the positioning of these proposed balconies in relation to the windows in the side of the north-eastern neighbouring property and the distance between the two built forms, overall it is not considered that the provision of the balconies, without side screening, would result in the loss of privacy or overlooking to the residents of nos.19 to 24 Selsfield Drive.
- 8.61 The loss of a view is not a material planning consideration however it is noted that the outlook from a number of existing neighbouring properties, especially those located directly behind the site (nos. 25 to 30 Selsfield Drive) would be adversely impacted by the proposal. All these flats, according to the original

floor layouts, have a dual aspect that faces away from the site, with a view into a green amenity space to the rear of the building.

8.62 Daylighting/Sunlight/Overshadowing

As part of the application a Daylight and Sunlight Study has been submitted which assesses the impact of the proposal on numbers 323 to 346 Highbrook Close, 37 to 42 Ryelands Drive, 19 to 24 and 25 to 36 Selsfield Drive, 69A and 70 The Highway, Moulsecocomb Hall and Moulsecocomb library.

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

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

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

8.66 The submitted assessments are based on the recommended levels outlined within the BRE Guide with regards to habitable rooms of various surrounding residential properties. The Vertical Sky Component (VSC) has been assessed.

8.67 A total of 286 windows have been analysed. The report identifies that 18 windows, relating to habitable rooms (kitchens/living rooms and bedrooms) located with the surrounding neighbouring residential properties, would not meet the minimum BRE guide levels as a result of the proposal. The level of percentage reduction for these 18 rooms ranges between 10% and 17.2% and would have a ratio below the BRE guide ratio of 0.8 (these windows would have ratios of between 0.51 and 0.76).

8.68 It is acknowledged that the VSC test undertaken in the report is applied on a window by window basis and does not take into account that the living rooms relating to windows 224 to 229 (which face southeast) are also served by windows on the north-western elevation of the property (which do not face the application site) and as such are dual aspect. In addition windows 203 to 205, 221 to 223 and 230 to 232 serve small kitchen areas, which do not appear to be of a size to accommodate a seating area.

8.69 Windows 174, 175 and 176 are located towards the northern side of the south-west facing elevation of no. 19 to 24 Selsfield Drive and relate to one of the bedrooms in these two bedroom properties. Whilst the proposal would result in the percentage reduction of between 12.4% and 14% and resulting ratios of

between 0.6 and 0.63 it is noted that within the BRE guidance bedrooms are considered less important than living rooms/dining rooms or kitchens.

- 8.70 Whilst the data within the submitted the report shows other windows which would not meet the BRE guidance, these windows relate to non-habitable rooms of the surrounding residential properties, ie communal stairwells, bathrooms, toilets, porches or entrance halls and normally are not required to be analysed.
- 8.71 The impacts of the proposal on the Vertical Sky Component for the adjacent community hall (Moulsecoomb Hall) and library have also been assessed. All of the windows in these neighbouring, non-residential properties would continue to meet the BRE guidance.
- 8.72 The BRE sunlight tests should be applied to all main living rooms and conservatories which have a window which faces within 90 degrees of due south.
- 8.73 All windows which face within 90 degrees of due south have been tested for direct sunlight. All habitable room windows pass both the total annual sunlight hours test and the winter sunlight hours test (annual probable sunlight hours between 21 September and 21 March) and therefore meet the direct sunlight to windows BRE guidance.
- 8.74 With regards to overshadowing to gardens and open spaces the proposed development passes the BRE guidance as the development would not create any new areas which would receive less than 2 hours of sunlight on 21st March as the before/after ratios are 1 (no loss).
- 8.75 Although it is regrettable that not all windows tested would meet the minimum standards recommended by BRE as a result of the proposal, it is not considered that refusal on this basis is warranted as only 3 windows of all the windows tested fail (when considering the dual aspect of the living rooms discussed above and the small kitchen sizes) and given the public benefit of the proposal, in that it would provide 30 affordable units, is considered to outweigh the harm to the neighbouring properties that has been identified above.
- 8.76 **Trees and Landscaping:**
As set out above, demolition of the former housing office and associated buildings has already been undertaken. Many trees have already been removed in order to facilitate the demolition and the proposed development. A large mature Beech Tree (T44) and two mature elm trees (T12 and T15) have been retained. Significant trees that remain off-site include a lime tree (T1) and a line of mature trees (T22 to T28) which include an elm G26) and a sycamore (T36).
- 8.77 Some pruning and the removal of lower branches of the Beech Tree (T44) has already been undertaken to allow large vehicles relating to the demolition to enter the site.

- 8.78 The proposed development would have a smaller footprint than the former buildings on the site and as such would result in the development being located further away from the Beech Tree (T44).
- 8.79 The Council's Arboriculturist carried out a site visit at the time that the former housing office was being demolished to ensure that the retained trees and associated root areas were protected correctly.
- 8.80 Subject to the compliance with a number of conditions overall it is not considered that the proposal would have an adverse impact upon the retained trees located within the site or within the vicinity of the site.
- 8.81 Soft and hard landscaping is proposed between the new building and the public footpath between Lewes Road and Selsfield Drive and around the retained Beech Tree. Full landscape details, including replacement trees, can be obtained via a condition if overall the proposal is considered acceptable.
- 8.82 **Sustainable Transport:**
Policies require development proposals to provide for the demand for travel which they create and maximise the use of public transport, walking and cycling.
- 8.83 The site fronts onto Lewes Road and is located within a defined sustainable urban transport corridor, well served by local public transport links, namely buses and close to train station.
- 8.84 Pedestrians
An accessible ramp and separate steps would be provided from the footway on Lewes Road to the ground floor level of the building, with a proposed access path to the proposed Selsfield Drive spur and parking area. These proposed access points/routes are considered acceptable.
- 8.85 Regarding the Selsfield Drive frontage steps and a separate accessible ramp are proposed. However, Selsfield Drive itself does not have a footway. However with low flows of vehicles it is considered by the Council's Highway Officer that the area can effectively operate as a "shared space" and as such, whilst not ideal, it is accepted in this case.
- 8.86 Cycle Parking
For a development of the nature and scale proposed 30 long-stay and 10 visitor cycle spaces are required. The proposal includes 40 long-stay cycle parking spaces, which whilst welcomed, would comprise solely of two-tier racks which are not universally accessible and are not considered suitable for a number of non-standard forms of cycling. The over-provision of spaces appears to give enough space to achieve the minimum quantum required but allowing changes to ensure improved accessibility to meet the quality standards set out in policy TR14. Revised details can be sought by condition if overall the proposal is considered acceptable.
- 8.87 Separate visitor cycle parking is proposed at the front and rear of the building of a provision which exceeds the minimum standards, which is welcomed.

- 8.88 Parking
The application site is located in parking zone D, the control of which only applies on match or event days.
- 8.89 The proposal would result in the removal of 13 existing end-on parking spaces (that appear to have been nominally allocated to the housing office but may have been used informally by residents, especially since the closure of the office) and 8 garages.
- 8.90 15 dedicated parking spaces for future occupiers of the proposal would be provided as part of the development. Such provision is below the Council's maximum standards as set out in SPD14
- 8.91 The proposal also includes improvements to the existing on-street parking on Selsfield Drive by improving the width of the remaining carriageway while still accommodating parked cars. While this is welcomed in principle, it is noted that this would reduce the parking capacity by four spaces.
- 8.92 The submitted Transport Assessment (TA) sets out a parking survey, undertaken using the industry-standard "Lambeth Methodology". The survey, undertaken in early 2016 and covering an area 200m (or 2.5 minutes' walk) from the development site, included a large number of locations which the surveyor considered too narrow for parking. However, it appears that parking in such places is common practice and so it is correct to include these areas in the analysis.
- 8.93 The conclusion from the survey analysis is that parking occupancy was no more than 50%, and that in the order of 90 spaces remained vacant. Therefore, in the worst case that assumes the garages are used for parking, the loss of 25 spaces (13 housing office spaces, 8 garages and 4 on-street spaces) would increase parking occupancy to 64%.
- 8.94 The Council's Highway Officer has concluded that there is little risk of overspill parking from the 15 spaces proposed as part of the development.
- 8.95 Details of vehicle electric charging points can be obtained by condition.
- 8.96 Changes to parking places on the public highway of Selsfield Drive must be covered by an agreement with the Highway Authority under Section 278 of the Highways Act 1980.
- 8.97 Waste Storage/Collection
As part of the proposal an additional communal bin container, for residual waste, would be provided adjacent to Selsfield Drive, for use by the occupiers of the new building, as well as existing residents in addition to an allocated area for recycling being created a part of the proposal. Full details of the proposed recycling storage area can be obtained via a condition.

- 8.98 It is noted that the Transport Officer refers to the opportunity to provide a turning circle however this has been reviewed by the applicant and is not considered to be a viable option. The applicant has stated that there is restricted space in part due to competing demands requiring the retention of the Grade A Beech Tree which would not allow significant changes to the road layout that would be required to facilitate refuse vehicle turning. As such the access arrangements for refuse/recycling vehicles would remain as current, namely vehicles driving into the arm of Selsfield Drive but reserving out.
- 8.99 The existing pattern of refuse collection on Selsfield Drive, which was accepted in pre-application consultation with City Clean to serve the proposed development, would remain. Furthermore the applicant considers that the proposal to remove on-street parking from Selsfield Drive, through the provision of off-street parallel parking bays, would significantly improve the safety of this manoeuvre by effectively doubling the available width of carriageway on Selsfield Drive, improving both access and egress. A vehicle racking analysis drawing has been submitted regarding this element.
- 8.100 Impact on Transport Networks
Trip generation for the currently permitted use (A2 office) is based on a very small selection of comparator sites, while for the proposed development relies on a slightly larger sample of sites but all with considerably higher car ownership than is anticipated here based on census data discussed above. However, the resulting outputs are broadly in line with expectations and so can reasonably be relied upon.
- 8.101 The submitted TA concludes that the net trip generation would have negligible impacts on transport networks, which is considered a reasonable conclusion by the Council's Transport Officer.
- 8.102 Other Highways Issues
The submitted TA does not contain an assessment of demand for delivery and servicing, but demand is not likely to be high and adequate space appears to be available for this in Selsfield Drive. Neither a Travel Plan nor a Construction Environmental Management Plan are provided as part of the submission and should be secured by condition.
- 8.103 The required travel plan should follow best practice guidance and include, among other things, the following measures:
- Two years' membership of the local car club in order to encourage a low level of car ownership
 - A 12-month season ticket for buses in Brighton & Hove, to support sustainable travel
- 8.104 **Sustainability:**
City Plan Policy CP8 requires that all new development achieves minimum standards for energy and water performance as well as demonstrating how the proposal satisfies an exhaustive range of criteria around sustainable design features.

- 8.105 It is stated within the application that each dwelling would achieve a reduction in carbon emissions of 19% against 2013 Part L Building Regulations requirements in addition to each residential unit built achieving, as a minimum, a water efficiency standard of not more than 110 litres per person per day maximum indoor water consumption. These standards can be secured via a condition should overall the proposal be considered acceptable
- 8.106 Most of the proposed inhabited rooms (e.g. kitchen/living room) would be located on the southern side of the building and the rooms with low heating and lighting demand would be located on the northern side of the building.
- 8.107 The roof of the proposed development has been designed to accommodate photovoltaic panels, further details of which can be secured via a condition if overall the proposal was considered acceptable.
- 8.108 **Other Considerations:**
- 8.109 Archaeology
The proposed development is within an Archaeological Notification Area defining an area of prehistoric, Roman and medieval activity, including human burials. The site has not been subject to an intrusive archaeological investigation, but the submission does include an archaeological desk based assessment which concludes that;
- 8.110 *“The proposal site itself was developed since the mid-20th century, though the development appears not to have been too intrusive, comprising several smaller structures, some of which are prefabricated”.*
- 8.111 Geo-technical data also submitted with the application identifies areas of potential survival of the original topography of the site, which may contain archaeological remains.
- 8.112 In the light of the potential for impacts to heritage assets with archaeological interest resulting from the proposed development, the area affected by the proposals should be the subject of a programme of archaeological works, which can be ensured via conditions.
- 8.113 Ecology
Surveys submitted as part of the application have been carried out in accordance with best practice and are sufficient to inform appropriate mitigation, compensation and enhancement. The County Ecologist has confirmed that due to the nature and scale of the proposed development, there are unlikely to be any impacts on any sites designated for their nature conservation interest. The site is considered to be of relatively low ecological value and as such, the proposed development would not result in the loss any important habitats.
- 8.114 There is an outlier badger sett on land adjacent to the site. Although currently disused, given the transient nature of the species and their known activity in the area, precautions should be taken during development to avoid badgers being trapped or harmed. There should be no below ground digging within 20m of the

sett entrance and best practice working methods should be employed during construction.

- 8.115 The site offers opportunities for enhancement. It is noted that the Design and Access Statement refers to the provision of 3 bird boxes and 2 insect boxes. The landscaping scheme should use species of known value to wildlife. Further details regarding the enhancement of the site for biodiversity can be sought via the attachment of a condition requiring an Ecological Design Strategy.
- 8.116 It is noted that the County Ecologist refers to the benefits to biodiversity from the installation of a green roof with the proposed PV panels however the applicant has stated that they contend that such installation would not be a technically viable option in this case. It is stated that to achieve the required 18kWp output determined as necessary in the Sap Assessment the extent of PV array requires a significant proportion of the roof area to be covered in PV panels.
- 8.117 In order to facilitate the incorporation of a viable green roof, the spacing between panels, angle of incline and height above roof deck would all need to be increased in order to allow sufficient light penetration to allow the green roof to flourish. The cumulative effect of this would impact both visually in terms of increased height of PV installation, roof finish and associated parapet but also the increased spacing of panels would result in a reduction of panel numbers and not allow the development to meet the required PV output of 18kWp.
- 8.118 This lack of residual roof area available to maximise benefit from a green roof is further exacerbated by maintenance access requirements to the roof and associated interruptions to the roof-scape. The limited area available to take a green roof, free of obstructions, is as a direct result of seeking to minimise the building footprint, resulting in a relatively small roof/overall floor area ratio and restricted opportunity to deliver a technically viable green roof.
- 8.119 Overall it is not considered that the lack of the provision of a green roof warrants refusal of the application.
- 8.120 Construction Environmental Management Plan (CEMP)
A condition is recommended requiring a CEMP in order to protect the amenities of local residents during the construction phase (demolition has already been undertaken), to mitigate the construction phase highway impacts including measures to reduce deliveries and vehicle movements and to minimise and manage waste produced during the construction.
- 8.121 Land Contamination
As part of the application a Ground Investigation Report has been submitted. Subject to compliance with a recommended condition regarding any unexpected land contamination findings encountered during the construction process Council's Environmental Health Officer agrees with its contents and report recommendations.
- 8.122 Flood Risk

Due to the surface water risk on Lewes Road adjacent to the site the Council's Flood Risk Officer has stated that it is important that the discharge rates are reduced by 50%, as documented in the Council's Strategic Flood Risk Assessment (January 2012). Such requirement can be dealt with via a condition should overall the proposal be considered acceptable.

8.123 Developer Contributions

The financial Planning Obligations set out above regarding education, open space, sports provision, local employment scheme and transport have been calculated based on the methodology set out in the Council's Developer Contributions Technical Guidance (March 2017) and are required in accordance with policies of the Brighton & Hove Local Plan and Brighton & Hove City Plan Part One.

8.124 Conclusion

The loss of the former housing office building and associated structures is considered acceptable. Whilst the proposal would be taller than the immediate properties surrounding the site, which would cause some minor harm to the character and appearance of the wider area including the setting of the nearby Listed Building (the harm to the Listed Building would however be less than substantial under the terms of the NPPF), in addition to only providing 1 and 2 bedroom units and causing some loss of light and outlook to a few of the surrounding properties, significant weight in this case is given to the fact that the proposal would provide 30 additional residential units in the city, all of which would be affordable units of a size compliant with the government space standards.

8.125 Overall it is considered that the scheme would deliver substantial benefits which would outweigh the harm identified caused by the proposal.

8.126 Approval of planning permission is therefore recommended subject to the completion of a s106 planning legal agreement and to the conditions recommended above.

9. S106 AGREEMENT

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

1. The proposed development fails provide a financial contribution towards the City Council's Local Employment Scheme to support local people to employment within the construction industry contrary to policy CP7 of the Brighton & Hove City Plan Part 1 and the City Council's Developer Contributions Technical Guidance.
2. The proposed development fails to provide an Employment and Training Strategy specifying how the developer or their main contractors will provide opportunities for local people to gain employment or training on the construction phase of the proposed development contrary to policy CP7 of the Brighton & Hove City Plan Part 1 and the City Council's Developer Contributions Technical Guidance.

3. The proposed development fails to provide a financial contribution towards the improvement and expansion of capacity of local schools required as a result of this proposed development contrary to policies DA5 and CP7 of the Brighton & Hove City Plan Part 1 and the City Council's Developer Contributions Technical Guidance.
4. The proposed development fails to provide a financial contribution towards the improvement and expansion of open space and recreation in the vicinity of the site required as a result of this proposed development contrary to policies DA5, CP7 and CP16 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
5. The proposed development fails to provide a financial contribution towards sustainable transport measures contrary to policies DA5, CP7 and CP9 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.

10. EQUALITIES

- 10.1 The proposal would provide 30 affordable housing units.
- 10.2 If overall considered acceptable conditions are recommended which would ensure compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) and that a minimum of 5 percent of the overall development would be built to Wheelchair Accessible Standards.
- 10.3 Ramped and steeped access is provided from both Selsfield Drive and Lewes Road giving level access to the building entrances at both Lower Ground Floor (from Lewes Road) and Upper Ground Floor (from Selsfield Drive). Furthermore 2 no. passenger lifts would provide access between all floor levels.

