

<u>No:</u>	BH2018/03697	<u>Ward:</u>	Hove Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Sackville Trading Estate And Hove Goods Yard Sackville Road Hove BN3 7AN		
<u>Proposal:</u>	Demolition and redevelopment of Sackville Trading Estate and Hove Goods Yard, with erection of buildings ranging from 2 to 15 storeys comprising 581no residential units (C3) and 10no live/work units (Sui Generis) with associated amenity provision; a care community comprising 260no units (C2) together with associated communal facilities; 3899m2 of flexible office accommodation (B1); 671m2 of flexible retail floorspace (A1 and/or A3) and community facilities including a multi-functional health and wellbeing centre (946m2) (D1/D2). Associated landscaping, car and cycle parking, public realm and vehicular access via existing entrance from Sackville Road.		
<u>Officer:</u>	Chris Swain, tel: 292178	<u>Valid Date:</u>	06.12.2018
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	25.04.2019
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Iceni Projects Ltd 44 Saffron Hill London EC1N 8FH		
<u>Applicant:</u>	Coal Pension Properties Limited & Moda Living Limited C/O Iceni Projects Ltd 44 Saffron Hill London EC1N 8FH		

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be MINDED TO GRANT planning permission subject to a s106 agreement on the Heads of Terms set out below and the following Conditions and Informatives as set out hereunder, SAVE THAT should the s106 Planning Obligation not be completed on or before the **30 October 2019** the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 10.1 of this report:

Section 106 Head of Terms:

Build to Rent Housing:

- A restriction that all homes are held as 'Build to Rent' under a covenant for at least 15 years
- Inclusion of a 'clawback' arrangement to fund the consequent affordable housing requirement in the event of any private rented housing being sold or taken out of the Build to Rent sector based on values of units at

that particular time (as assessed for viability) within the 15 year covenant period.

- All units to be self-contained and let separately under unified ownership and management
- Submission of a Management and Servicing Agreement
- Submission of a Marketing Agreement
- Submission of a Tenancy Agreement, for example of at least 3 years available to all tenants (unless tenants agree a lesser period) with a break clause of 1 month after initial 6m months. No upfront fees of any kind except deposits and rent in advance
- A minimum of 5% of all residential units to be built to wheelchair accessible standard and evidenced before first occupation. Marketing Agreement to include provision that all reasonable endeavours will be used to ensure wheelchair units are matched with disabled tenants.

Affordable housing:

- Provision of **10%** affordable housing units on site based on rent levels 75% of market level
- Provision of **9 x studios, 20 x 1-bed, 26 x 2-bed and 3 x 3-bed** affordable housing mix. The location of these affordable units may vary over time within the scheme however the reduced rent levels and overall mix of sizes shall remain the same. At least **6** of the affordable units will be to wheelchair accessible standard (initially - as location may change over time)
- Affordable housing units to be secured in perpetuity and inclusion of a 'clawback' mechanism arrangement to contribute to alternative affordable housing provision based on values of the specific units at that particular time,
- Provision of Affordable Housing Management Plan and Marketing and Lettings Plan, with eligibility criteria for occupants to be agreed with council with priority for local people/essential local workers/wheelchair or disabled users
- Restriction of a set service charge for affordable tenants (for example to secure as a percentage maximum ceiling on gross income of affordable housing tenants)
- Provision of Annual Statement, confirming approach to letting of affordable units and identifying how overall 10% level, range of sizes, rent levels are maintained and other relevant information
- Viability Review mechanism (including funds for providing specialist re-assessment of viability) after a certain time period. Review would allow for an update to costs and values initially assessed at application stage once additional details regarding actual rents and other costs have been established. This could review the proportion of affordable private rent units, and the discount offered on them over time (but would not allow for a decrease from 10% provision, or allow higher rents than 75% of market levels).

Sustainable Transport and Highways:

Sustainable Transport Contribution

- A contribution of £457,550 to be allocated towards the following works and initiatives.
 - A scheme to introduce early start facilities for cyclists at the junction of Neville Rd, Old Shoreham Rd and Sackville Rd, as well as related minor changes to traffic islands to improve safety for cyclists and reduce capacity issues.
 - A scheme to declutter and resurface/upgrade footways and introduce seating within the areas surrounding the above junction, to improve its attractive as the nearest local centre for residents of the development and thereby reduce the need for travel; and/or
 - A scheme to improve signalised junctions south of the development on Sackville Rd, including amongst other things the potential implementation of a SCOOT or other linked control system, to improve journey times by public transport and sustainable modes.
 - A scheme to improve pedestrian amenity and accessibility along Clarendon Rd, to enhance connection between the development and Hove Station; and/or
 - A scheme to improve child pedestrian and cyclist safety to one or more local schools from the development; and/or
 - A scheme to improve pedestrian accessibility and amenity from the development to local shopping centres on New Church Rd and Portland Rd and cyclist safety to one or more local schools from the development; and/or
 - Introducing additional BTN Bike Share stations in the wider area around the development; and/or
 - Providing on-street cycle parking hangars to streets within the Artists Corner and Clarendon Rd areas; and/or
 - A lighting and amenity/appearance improvement scheme for the railway bridge over Sackville Rd south of its junction with Prinsep Rd to improve pedestrian comfort and amenity. This may also be partly funded by artistic contributions

Note that this is a reduced figure from the £617,550 that would otherwise be due as £160,000 worth may be provided as S278 highways works in lieu – though note that that does not represent a cap on the value of those highway works.

S278 Highway Works

- No development to occur above slab level until a scheme setting out the following highway works has been submitted to the Council as Local Highway Authority and been approved by them. Development not to be occupied until the approved works have been implemented.

- Relocating existing bus stops on Sackville Rd to be closer to the site (and/or providing additional stops close to the site)
- Improving facilities at nearby bus stops on Sackville Rd and Old Shoreham Rd through the introduction of new shelters, accessible kerbs and real time information displays.
- Providing a crossing between bus stops on Sackville Rd to improve access from the development
- Amending the site access junction at Sackville Rd/Poynter Rd to tie in with proposed internal changes and increase suitability for use by cyclists, including by providing improved right-turn facilities for cyclists approaching the site from the south and better conditions for cyclists passing through the junction from the north – the latter to be achieved by removing or revising the existing left turn slip lane.
- Alterations to Sackville Rd to improve traffic flow to the junction with Old Shoreham Rd and to address related comfort and journey delay issues for cyclists and buses.
- Resurfacing/upgrading the eastern footway of Sackville Rd between the junctions with Old Shoreham Rd and Clarendon Rd, and introducing seating opportunities, to improve pedestrian accessibility and amenity.
- Resurfacing/upgrading of footways and pedestrian accessibility improvements to the western side of Sackville Rd and associated junctions between the closest bus stop to the development and the related new crossing, including to the area of the bus stop itself.
- (If the stop is retained in its existing position) introducing a bus border build-out with accessible kerb to the existing bus stop on the eastern footway of Sackville Rd outside the Young People's Hall, and relocating the existing bus shelter and real time information display to this, to reduce the obstruction to pedestrian access posed by those items of street furniture whilst reducing delay to bus services.
- AiP for any changes to the retaining wall and structure abutting the eastern footway of Sackville Rd.

Other

- 3 no. serviced off-site car clubs bays to be provided in the following streets before first occupation of the development:
 - 2 bays to be provided on one or more of: Leighton Rd, Frith Rd, Poynter Rd, Landseer Rd or Prinsep Rd.
 - 1 to be provided on one or more of: Park View Rd, Orchard Gardens, Orchard Ave, Orchard Rd.
- 2 no. serviced on-site car club bays and vehicles to be provided prior to first occupation of the development.
- Provision of a BTN bike share hub for 20 cycles within the development site along the Sackville Rd frontage, for use by occupants and the public.
- A Permissive Path Agreement to permit public access to all publically accessible areas of the site, including street facing thresholds, residential core entrances and public amenity areas.
- A Walkways Agreement to permit public access and use of the external lift in the south-west corner of the site, abutting Sackville Rd.

- Fees for the Highway Authority's time checking the conditioned Street Design proposals for internal streets and spaces and related actions like road safety audit.

Travel Plans

(The following measures are applicable across all individual uses)

- Establishing a Bicycle User Group (to meet every 2 months) for residents and employees which can cover the entire site. This should be subsidised for the duration of the Plan to provide –
 - 'Bike buddy' services to other residents/workers thinking of taking up cycling
 - To hold several social rides per year, including an allowance for refreshments.
 - 2 or more 'Doctor Bike' sessions per year with both a direct repair and a teaching element.

The Bicycle User Group should also be consulted when reviewing the Travel Plan and in relation to ongoing operational management of cycle parking facilities. The latter role should continue beyond the life span of the Plan.

- Providing maintenance stands together with pumps and basic maintenance and repair tools within the cycle stores for resident and employee use.
- Providing formal cyclist training to residents and employees on request, to be marketed throughout the development.
- Providing and maintaining a notice board in a prominent communal location containing information on the following:
 - road safety
 - local sustainable travel options,
 - Travel Plan objectives, targets, measures and progress
 - Bicycle User Group
 - initiatives being promoted by residents and employees, the Travel Plan Coordinator and the Bicycle User Group relating to any of the above
 - initiatives being promoted by Brighton & Hove City Council relating to any of the above, as may be sent by the City Council from time to time.

(For the C2 Care Home Travel Plan)

- Providing a Travel Pack to each new resident (or their lead family member/carer), which shall include information on local options for sustainable transport, the other measures and offers below, and road safety.
- Providing residents (or their lead family member/carer) with 1 or more years of free or heavily subsidised tickets/memberships for each of the following local public and shared transport services

- Local buses and/or train services;
- BTN Bike Share; and
- Enterprise Car Club (due to the residential nature of the C2 use on this site)
- Providing residents (or their lead family member/carer) with a voucher of ≥£150 to go towards the cost of purchasing a bicycle, which may be an electric bicycle.
- Providing information on sustainable transport options and the other measures and offers above in all marketing material (including any on-line).

(For the C3 Residential Travel Plan)

- Providing a Travel Pack to each new resident, which shall include information on local options for sustainable transport, the other measures and offers below, and road safety.
- Providing residents with 1 or more years of free or heavily subsidised tickets/memberships for each of the following local public and shared transport services -
 - Local buses and/or train services;
 - BTN Bike Share; and
 - Enterprise Car Club (due to the residential nature of the C2 use on this site)
- Providing residents a voucher of ≥£150 to go towards the cost of purchasing a bicycle, which may be an e-bicycle.
- Providing information on sustainable transport options and the other measures and offers above in all marketing material (including any on-line).
- Providing information packs to each resident including information on local options for sustainable transport, the other measures and offers above, and road safety.
- Providing a Travel Pack to each new employee, which shall include information on local options for sustainable transport for travel to work and work-related travel, the other measures and offers below, and road safety.

(For the A1-3 Retail, D1/2 and MODA Management Suite Travel Plan)

- Providing a Travel Pack to each new employee, which shall include information on local options for sustainable transport for travel to work and work-related travel, the other measures and offers below, and road safety.
- Providing interest-free loans to employees for the purchase of bus and rail season tickets and bicycle purchase. This may be in the format of a salary advance.
- Offering annually to each employee and where accepted providing a personalised travel planning service.
- Offering annually to each employee and where accepted providing formal cycle training.

(For the B1 Office Travel Plan)

- Providing a Travel Pack to each new employee, which shall include information on local options for sustainable transport for travel to work and work-related travel, the other measures and offers below, and road safety.
- Providing interest-free loans to employees for the purchase of bus and rail season tickets and bicycle purchase. This may be in the format of a salary advance.
- Offering annually to each employee and where accepted providing a personalised travel planning service.
- Offering annually to each employee and where accepted providing formal cycle training

Management Plans

- A Delivery & Service Management Plan (DSMP). This should be submitted and approved before development commences. Amongst other things it should include
 - Details of proposed infrastructure (e.g. loading bays)
 - Detailed demand forecasts and probability analysis to demonstrate that proposed infrastructure can accommodate this given proposed management measures.
 - Details of access routes, signage, access controls, turning areas and management/coordination arrangements. Amongst other things this should include how vehicles will be directed to hubs and other appropriate facilities (to avoid unnecessary turning on site) and how deliveries will be distributed out from these around the site. Details of physical controls to limit access to the boulevard should also be provided, along with controls and management measures to prevent vehicles from reversing in any shared surface areas
 - Swept path analysis to demonstrate that vehicles can use proposed facilities and turn within the site without creating unreasonable risk to other users.
- A Demolition & Environment Management Plan (DEMP). This should be submitted and approved before demolition commences.
- A Construction & Environmental Management Plan (CEMP). This should be submitted and approved before construction commences. Monitoring fees should also be secured to cover officer time approving successive plans, liaising with contractors and others, and carrying out monitoring and enforcement activities.

Education

- A financial contribution of **£413,298.20** for secondary school and sixth form education (Blatchington Mill and Hove Park Schools)

Public art

- Commissioning and installation of an Artistic Component to the value of **£450,000** within the development in public view or in the immediate vicinity of the site. This could comprise an 'uplift' in the value of public realm provision to incorporate an artistic component.

Open space and recreation/sports:

- Provision of a financial contribution of **£1,696,849.97** towards enhancement of outdoor/indoor sports, parks and gardens, children's playspace, allotments, amenity greenspace and semi-natural space at the following locations:
 - Outdoor sport (£416, 260.34) - Kingsways / Hove Seafront, Knoll Park, Aldrington Recreation Ground, Wish Park, Hove Park, Neville Recreation Ground
 - Indoor sport (£273,714) - Withdean Sports Complex and / or King Alfred Leisure Centre
 - Children's Play (£32, 218.46) - Hove Park, Stoneham Park
 - Parks and Gardens (£609,242.68) - Hove Park and Stoneham Park
 - Allotments (£59,742.27) - The Weald and / or St Louis and /or North Nevill Allotments
 - Amenity Green Space - (£48,847.06) - Hove Park and Stoneham Park and / or Three Cornered Copse
 - Natural and semi-natural - (£272,931.96) Hove Park and Stoneham Park and / or Three Cornered Copse

Employment:

- Submission of an Employment & Training Strategy to secure the use of at least 20% local construction labour
- A financial contribution of **£291,500** towards the Local Employment Scheme

Care Community

- Eligibility criteria based on age / care needs,
- Minimum package of care
- Communal facility access for the local residents

Phasing

- To include a phasing plan and details of the phasing of the scheme.

Conditions

1. List of approved plans.
2. Development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

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

3. No development above ground floor slab level of any individual parcel of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of that parcel 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,
- c) samples of all hard surfacing materials,
- d) details of the proposed window, door and balcony treatments,
- e) details of all other materials to be used externally,

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

Reason: To ensure a satisfactory appearance to the development and to comply with policies CP12 and CP13 of the Brighton & Hove City Plan Part One.

4. No parcel of the development hereby permitted shall be occupied until a scheme for the storage of refuse and recycling has 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 that parcel and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

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

5. No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.

Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policy CP12 of the Brighton & Hove City Plan Part One.

6. The office floorspace (B1) hereby permitted shall be used solely as an office (Use Class B1(a)) and for no other purpose (including any other purpose in Class B of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification), no change of use shall occur without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the supply of office floorspace in the city given the identified shortage, to comply with policies CP3 and DA6 of Brighton & Hove City Plan Part One.

7. No tree shown as retained on the approved drawings shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation

of the building for its permitted use, other than in accordance with the approved plans and particulars or as may be permitted by prior approval in writing from the local planning authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area, to provide ecological, environmental and biodiversity benefits and to maximise the quality and usability of open spaces within the development in compliance with policies QD15 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One.

8. Notwithstanding the submitted drawings prior to occupation of any parcel of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping for that parcel shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:
 - a. details of all hard and soft surfacing to include type, position, design, dimensions and materials and any sustainable drainage system used;
 - b. a schedule detailing sizes and numbers/densities of all proposed trees/plants which shall include details of appropriate shade tolerant species and including details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
 - c. Shade-tolerant species of a mixture of native and exotic origin that are capable of thriving on the specific soil type found on the site should be included where planting locations receive low levels of annual sunlight,
 - d. Measures to promote healthy root growth such as mulching and shared root trenches between planted specimens shall be included in the landscaping proposals to maximise the survival rate of replacement trees;
 - e. The planting of long-living and large-growing species of both native and exotic broad-leafed species in prominent locations within the site, particularly near the entrance of the site from Sackville Road to the west;
 - f. details of all existing and proposed boundary treatments to include type, position, design, dimensions and materials;

Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

9. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) including details of all tree protection monitoring and site supervision by a suitably qualified tree specialist (where arboricultural expertise is required) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.

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

10. The development of any land parcel hereby permitted shall not be commenced (including demolition and all preparatory work) until a pre-commencement meeting is held on site and attended by the developers appointed arboricultural consultant, the site manager/foreman and a representative from the Local Planning Authority (LPA) to discuss details of the working procedures and agree either the precise position of the approved tree protection measures to be installed OR that all tree protection measures have been installed in accordance with the approved tree protection plan. The development of each land parcel shall thereafter be carried out in accordance with the approved details or any variation as may subsequently be agreed in writing by the LPA.

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.

11. Prior to the occupation of any land parcel in the development hereby approved details of the proposed Access Facilitation Pruning (see BS5837:2012) shall be submitted to and approved in writing by the Local Planning Authority. The approved tree pruning works within that land parcel shall be carried out in accordance with BS3998:2010. Due to the importance of elm trees to the City of Brighton and Hove (Brighton and Hove City Plan - Policy QD16 3.70) and home to the National Elm Collection, and to help elm disease management in the City, elm trees must 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 SPD 06, QD 16 (Trees and Hedgerows).

12. Prior to first occupation of the development hereby permitted, a scheme shall have been submitted to and approved in writing by the Local Planning Authority to provide that
- the residents of both the C2 and C3 uses have no entitlement to a resident's parking permit;
 - the entitlement to visitor permits for the C3 use shall be 25 permits per unit per year; and
 - the entitlement to visitor permits for the C2 use shall be removed.

Reason: To ensure that the development does not result in overspill parking and to comply with policies TR7 & QD27 of the Brighton & Hove Local Plan and CP9 of the City Plan Part One.

13. Notwithstanding the plans hereby permitted, the parking areas for motor vehicles set out in the tables below shall be available for use prior to occupation of the development and the number of car parking spaces within these shall not be above or below any stated maximums and minimums, as applicable. Details of spaces (including numbers and types), allocations (to uses and users), circulation, signing and lining including the marking out of disabled bays, car club bays and electric charging bays and pedestrian and vehicular access ways shall have been submitted to the Local Planning Authority and approved by them prior to the car parks and parking areas being brought into use, and the number, type and allocation of spaces in the submission shall be in accordance with the tables below.

Parking Area within Development	Number of motor vehicle parking spaces	
	Minimum (where relevant)	Maximum (where relevant)
Plot A ground floor undercroft	19	N/A
Northern Plot level 1 undercroft	36	141
On-site surface parking	56	132
Total within whole development	107	292

The minimum figures shall be as follows:

Land-use and user	Number of motor vehicle parking across all parking areas in the table above		
	Minimum, all spaces (where relevant)	Minimum, disabled user spaces (where relevant)	Minimum, motorcycle parking spaces (where relevant)

C2 Residents		5	5% of total
C2 Staff	25		
C2 Visitors			
C3 Residents		As SPD14	5% of total
C3 Visitors	23		
B1 Staff & Visitors	44	2	5% of total
A1/A2/A3 Staff & Visitors	9	3	5% of total
D1/2 Staff & Visitors	4	3	5% of total
Car club	2		

Reason: To ensure that adequate parking provision is retained and prevent excess overspill onto surrounding streets, and to comply with policies TR7 and TR18 of Brighton & Hove Local Plan policy, policies QD27 and CP9 of the Brighton and Hove City Council City Plan Part One, and SPD14 Parking Standards.

14. Notwithstanding the plans hereby approved, prior to first occupation, a car parking management plan shall be submitted to and approved by the Local Planning Authority, such plan to include details of the following
- The allocation of car parking spaces between land-uses, users, bay types and locations within the development
 - A scheme for conveying allocations to occupiers of the development
 - A scheme to bring spaces with passive electric car charging points into active service
 - Controls to limit access to and within parking areas
 - A scheme to provide security for users of parking areas.

The approved Car Parking Management Plan shall be fully implemented prior to first occupation of the development and thereafter maintained.

Reason: To ensure that adequate parking provision is retained for all types of users, To encourage travel by more sustainable means and seek measures which reduce fuel use and greenhouse gas emissions and prevent excess overspill onto surrounding streets, and to comply with policy TR18 of Brighton & Hove Local Plan policy TR18 of the Brighton & Hove City Council Local Plan, CP9 of the Brighton and Hove City Council City Plan Part One and SPD14 Parking Standards.

15. Notwithstanding the plans hereby permitted and prior to first occupation/use of the development hereby permitted, details of secure, inclusive and accessible cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

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

16. Prior to first occupation/use of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the B1 office space hereby permitted shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the B1 office floorspace 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.

17. Prior to the first use/occupation of the development hereby approved a Waste & Recycling Management Plan, which includes, inter alia, details of the types of storage of waste and recycling, types of vehicles used to collect these materials, how collections will take place and the frequency of collections shall be submitted to and approved in writing by the Local Planning Authority. All waste, recycling and their storage and collection activities shall thereafter be carried out in accordance with the approved plan.

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

18. Notwithstanding the plans hereby permitted, prior to commencement of the proposed development above ground floor slab level, full details of electric vehicle charging points within the proposed car park hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

Reason: To encourage travel by more sustainable means and seek measures which reduce fuel use and greenhouse gas emissions and to comply with policies SA6, CP7, CP9, CP12, CP13 and CP15 of the City Plan Part One and SPD14 Parking Standards.

19. Notwithstanding the plans hereby permitted, no development above ground floor slab level shall commence until details of the design of internal streets and spaces have been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall -

- Include full details, of the following -

- Geometry and layout, including dimensions and visibility splays
- Pavement constructions and surfacing, kerbs and edge restraints
- Levels and gradients
- Lighting
- Drainage
- Street furniture
- Trees and planting
- Traffic signs and road markings;
- Have been developed through engagement with disabled user groups and others who may be negatively impacted by any shared surface and/or level surface proposals;
- Be supported by a statement detailing that engagement and steps taken in response, as well as an equality impact assessment; and
- Have completed a road safety audit up to stage 2, with the Highway Authority acting as Overseeing Organisation.

Prior to first occupation of the development -

- the scheme shall be implemented in full as approved; and
- a stage 3 road safety audit, with the Highway Authority acting as overseeing organisation, shall be completed and any actions from this shall be implemented, such actions may include amendments to the approved scheme

Thereafter the approved scheme (as may be amended owing to stage 3 road safety audit actions) shall be retained for use at all times.

Reason: In the interest of highway safety, sustainability, quality design, the and public amenity and to comply with policies TR7, TR14 and QD27 of the Brighton & Hove Local Plan and SA6, CP7, CP9, CP12 and CP13 of the City Plan Part One.

20. Notwithstanding the plans hereby permitted, no external doors within any building shall open outwards, other than as an emergency means of escape.

Reason: In the interests of pedestrian safety and equality and to ensure compliance with Brighton & Hove Local Plan policy TR7 and Brighton & Hove City Plan Part One policy CP12.

21. The wheelchair accessible dwelling(s) hereby permitted as detailed on the approved drawings shall be completed in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings) prior to first occupation and shall be retained as such thereafter. All other dwelling(s) hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.

22. None of the new residential units (C2/C3) within each development parcel hereby approved shall be occupied until each residential unit within that development parcel 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.
23. None of the residential units within each development parcel hereby approved shall be occupied until each residential unit within that development parcel 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.
24. Within 4 months of first occupation of each A1/A3/B1/D1/D2 unit hereby permitted a BREEAM Building Research Establishment Post Construction Review Certificate must be issued confirming that the non-residential development built has achieved a minimum BREEAM New Construction rating of 'Excellent' and such certificate shall have been submitted to, and approved in writing by, the Local Planning Authority.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy CP8 of the Brighton & Hove City Plan Part One.
25. Prior to the commencement of development (other than demolition works and works to trees) evidence should be submitted to demonstrate that the energy plant/room(s) have capacity to connect to a future district heat network in the area. Evidence should demonstrate the following:
- a) Energy centre size and location with facility for expansion for connection to a future district heat network: for example physical space to be allotted for installation of heat exchangers and any other equipment required to connection.
 - b) A route onto and through site: space on site for the pipework connecting the point at which primary piping enters the site with the on-site heat exchanger/ plant room/ energy centre. Proposals must demonstrate a plausible route for heat piping and demonstrate how suitable access could be gained to the piping and that the route is protected throughout all planned phases of development.
 - c) Metering: installed to record flow volumes and energy delivered on the primary circuit.

Reason: To ensure that the development is sustainable and makes efficient use of energy to comply with policies DA6 and CP8 of the Brighton & Hove City Plan Part One.

26. Prior to first occupation of the development hereby approved, details of the photovoltaic array referred to in the Energy Statement 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.

27. No customers of the hereby permitted commercial units (A1/A3/D1/D2) shall remain on the premises outside the hours of 07.00 to 23.00. No activity within the site shall take place between the hours of 23.00 and 07.00 daily.

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

28. The commercial uses (A1/A3/D1/D2) hereby permitted shall not be in use except between the hours of 07:00 and 23:00 on Mondays to Sundays, including Bank or Public Holidays.

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

29. No machinery and/or plant (excluding chiller/freezer condensers) shall be used at the premises except between the hours of 7.00 and 23.00.

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

30. No servicing (i.e. deliveries to or from the premises) to the retail unit (A1) hereby permitted shall occur except between the hours of 07.00 and 21.00 Monday to Saturday, and 09.00 to 17.00 on Sundays, Bank or Public Holidays.

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

31. All separating walls and floors between the residential units and commercial floorspace, plant rooms, recycling and refuse stores and vehicle and cycle parking areas shall be designed to achieve a sound insulation value of 5dB greater than that required by Approved Document E of the building regulations performance standard for airborne sound insulation for purpose built dwelling-houses and flats. Written details of the scheme, including calculations/specification of how this standard will be achieved, shall be submitted to and agreed by the Local Planning Authority prior to occupation.

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

32. No parcel of the development hereby permitted containing either A3 or C2 uses with a commercial kitchen shall be first occupied until a scheme for the fitting of odour control equipment to the specific unit(s) has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the first occupation of the development and shall thereafter be retained as such.

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

33. No development unit hereby permitted which includes odour control equipment shall be first occupied until a scheme for the sound insulation of the odour control equipment referred to in the condition set out above has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the first occupation of the development unit and shall thereafter be retained as such.

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

34. No development above ground floor slab level in any development parcel hereby permitted shall take place until a scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration for the development parcel has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the first occupation of the development and shall thereafter be retained as such.

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

35. No parcel of the development hereby permitted shall be first occupied until
- i) details of external lighting for that parcel, which shall include details of; levels of luminance, hours of use, siting, predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors, hours of operation and details of maintenance have been submitted to and approved in writing by the Local Planning Authority.
 - ii) the predicted illuminance levels have been tested by a competent person to ensure that the illuminance levels agreed in part 1 are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed in part i).

- iii) The submitted details should clearly demonstrate that areas to be lit will not disturb or prevent sensitive species using their territory or having access to their breeding sites and resting places.

The external lighting shall be installed, operated and maintained in accordance with the approved details and thereafter retained.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to protect light sensitive bio-diversity and to comply with policies QD25 and QD27 of the Brighton & Hove Local Plan and policy CP10 of the Brighton and Hove City Plan.

- 36. The commercial element of the live/work units hereby permitted shall only be used for a use that would be compatible with Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) and no other purpose and shall be retained as such in perpetuity.

Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the supply of commercial floorspace in the city given the identified shortage and also to safeguard the amenities of the area and to comply with policies CP3 and DA6 of Brighton & Hove City Plan Part One and policy QD27 of the Brighton and Hove Local Plan.

- 37. No development, including demolition and excavation, shall commence until a Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved.

Reason: To maximise the sustainable management of waste and to minimise the need for landfill capacity and to comply with policy WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan.

- 38. The development hereby permitted shall not exceed ground floor slab level in any development parcel until a written scheme has been submitted to the local planning authority for approval which demonstrates how and where ventilation will be provided to each residential unit within the development parcel, including specifics of where the clean air is drawn from and that sufficient acoustic protection is built into the system to protect end users of the development. The approved scheme for each development parcel shall ensure compliance with Building Regulations as well as suitable protection in terms of air quality and shall be implemented prior to occupation and thereafter retained.

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

- 39.

- (1) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority:
 - (a) A desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS 10175:2011+A1:2013 - Investigation of Potentially Contaminated Sites - Code of Practice;
And if notified in writing by the local planning authority that the desk top study identifies potentially contaminant linkages that require further investigation then,
 - (b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS 10175:2011+A1:2013;
And if notified in writing by the local planning authority that the results of the site investigation are such that site remediation is required then,
 - (c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such a scheme shall include nomination of a competent person to oversee the implementation of the works.

- (2) The development hereby permitted shall not be occupied or brought into use until there has been submitted to, and approved in writing by, the local planning authority a written verification report by a competent person approved under the provisions of condition (1)c that any remediation scheme required and approved under the provisions of condition (1)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority the verification report shall comprise:
 - a) built drawings of the implemented scheme;
 - b) photographs of the remediation works in progress;
 - c) certificates demonstrating that imported and/or material left in situ is free from contamination.

40. If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying and assessing the risk and proposing remediation

measures, together with a programme for such works, shall be submitted to and approved in writing by the Local Planning Authority. The remediation measures shall be carried out as approved and in accordance with the approved programme.

Reason: To safeguard the health of future residents or occupiers of the site from unidentified contamination and to ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site and to comply with policies and SU3 and SU11 of the Brighton & Hove Local Plan and the terms of paragraph 170 of the National Planning Policy Framework.

41. Prior to the commencement of development, other than demolition and works to trees, within any land parcel hereby permitted an Acoustic Design Statement shall be submitted to and approved in writing by the Local Planning Authority. The mitigation measures and design features required for the users of the site and those living and working nearby are to be outlined in detail, in accordance with BS8233. WHO standards and ProPG guidance should be used to design acceptable internal noise levels in habitable rooms for both day and night. The approved scheme for each land parcel shall be implemented prior to occupation of any of the development within that land parcel and shall be permanently retained thereafter. Prior to occupation the developer shall certify to the local planning authority that the noise mitigation measures agreed have been installed.

42. Prior to completion and occupation of each development parcel, details of all plant and machinery incorporated within that development parcel and the noise associated with it shall be submitted to and approved in writing by the Local Planning Authority. Noise associated with plant and machinery shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed the representative background noise level. Rating Level and existing representative background noise levels to be determined as per the guidance provided in BS 4142:2014. In addition, there should be no significant low frequency tones present.

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

43. Prior to the first occupation of parcel 1 hereby permitted a Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall set out how noise will be managed throughout the site, including details of the management of the communal external amenity spaces, including roof terraces, smoking arrangements for commercial operations and management of on-site events.

Reason: To protect the amenity of future residential and commercial occupiers of the development and also to protect the amenity nearby residents, in accordance with policies SU10 and QD27 of the Brighton & Hove Local Plan.

44. Prior to the first occupation of parcels 2 and 3 hereby permitted a Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall set out how noise will be managed throughout the site, including details of the management of the communal external amenity spaces, including roof terraces, smoking arrangements for commercial operations and management of on-site events.
Reason: To protect the amenity of future residential and commercial occupiers of the development and also to protect the amenity nearby residents, in accordance with policies SU10 and QD27 of the Brighton & Hove Local Plan.
45. No development within any development parcel hereby permitted shall be commenced (other than demolition works, site clearance, remediation and works to trees) until a detailed design and associated management and maintenance plan of surface water drainage and disposal for that development parcel using sustainable drainage methods as per the recommendations of the Drainage Impact Assessment Report, and Flood Risk Assessment dated 28th November 2018 has been submitted to and approved in writing by the Local Planning Authority. The plan shall include full details of an appropriate soakaway test in accordance with BRE 365 to determine whether the former coalyard currently infiltrates to the ground or discharges off site. The approved drainage system shall be implemented in accordance with the approved detailed design.
Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policies SU3 and SU4 of the Brighton & Hove Local Plan and CP11 of the Brighton and Hove City Plan Part One.
46. No development above ground floor slab level of any part of the development hereby permitted shall take place until a drainage strategy detailing the proposed means of foul water disposal and an implementation timetable, has been submitted to and approved in writing by, the Local Planning Authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.
Reason: To ensure adequate foul sewage drainage/treatment is available prior to development commencing and to comply with policy SU5 of the Brighton & Hove Local Plan.
47. No development to any parcel hereby permitted shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development parcel hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:
1. A preliminary risk assessment which has identified:

- all previous uses,
 - potential contaminants associated with those uses,
 - a conceptual model of the site indicating sources, pathways and receptors,
 - potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
 3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
 5. A verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: As this matter is fundamental to the acceptable delivery of the permission and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with policy SU3 of the Brighton & Hove Local Plan and paragraph 170 of the National Planning Policy Framework

48. The development hereby permitted shall not commence until a monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports to the local planning authority, has been submitted to, and approved in writing by, the local planning authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by, the local planning authority.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by managing any ongoing contamination issues and completing all necessary long-term remediation measures. This is in line with paragraph 170 of the National Planning Policy Framework and to comply with policy SU3 of the Brighton & Hove Local Plan.

49. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority.

Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 170 of the National Planning Policy Framework and to comply with policy SU3 of the Brighton & Hove Local Plan.

50. Piling using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed development, does not harm groundwater resources in line with paragraph 170 of the National Planning Policy Framework and Position Statement of the 'The Environment Agency's approach to groundwater protection' and to comply with policy SU3 of the Brighton & Hove Local Plan.

51. A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the local planning authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that require retention post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation.

Reason: To ensure that the proposed development, does not harm groundwater resources in line with paragraph 170 of the National Planning Policy Framework and Position Statement of the 'The Environment Agency's approach to groundwater protection' and to comply with policy SU3 of the Brighton & Hove Local Plan.

52. No development shall take place for any development parcel until an ecological design strategy (EDS) addressing measures for the protection of biodiversity and enhancement of that development parcel 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 any adverse environmental impacts of development activities can be mitigated, compensated and restored and that the proposed design, specification and implementation can demonstrate this.

53. The development within each parcel hereby permitted shall not be occupied until details showing the type, number, location and timescale for implementation of the compensatory bird, bat and insect bricks / boxes has been submitted to and approved in writing by the Local Planning Authority. The scheme for each parcel shall then be carried out in strict accordance with the approved details prior to occupation and thereafter retained.

Reason: To safeguard these protected species from the impact of the development and ensure appropriate integration of new nature conservation and enhancement features in accordance with policies QD18 of the Brighton & Hove Local Plan and CP10 of the Brighton & Hove City Plan Part One and SPD11: Nature Conservation and Development.

54. No development above ground floor slab for any parcel shall take place until an example bay study showing full details of window(s) and their reveals and cills and the commercial ground floor frontages including 1:20 scale elevational drawings and sections for the development hereby permitted in that parcel have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details for each parcel and shall be retained as such thereafter.

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

55. Any Ultralow NO_x boilers within the development shall have NO_x emission rates of less than 30 mg/kwh. Reason: To safeguard the amenities of the local residents and minimise air pollution and to comply with policies SU9 and QD27 of the Brighton & Hove Local Plan and policy CP8 of the Brighton & Hove City Plan Part One.

56. All boiler flues shall have vertical termination above roof. Reason for better dispersion of emissions avoiding the lee of buildings. Reason: To safeguard the amenities of the local residents and minimise air pollution and to comply with policies SU9 and QD27 of the Brighton & Hove Local Plan and policy CP8 of the Brighton & Hove City Plan Part One.

57. No more than 50 percent of the residential units hereby permitted shall be occupied prior to the completion of all of the B1 floorspace and the 10 and the live/work units.

Reason: To safeguard the supply of office floorspace in the city given the identified shortage and to comply with policies CP3 and DA6 of Brighton & Hove City Plan Part One.

58. Prior to occupation of any parcel of the development a wind mitigation scheme, outlining specific landscaping and screening to ensure a safe and comfortable use of the public realm and the external amenity areas shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safety and amenity of future occupiers and comply with policy QD27 of the Brighton and Hove Local Plan.

59. The development hereby permitted within any parcel shall not be first occupied until a Scheme for Crime Prevention Measures for the development within that parcel has been submitted to and approved in writing by the Local Planning Authority. The agreed crime prevention measures shall be implemented and retained within the development thereafter.

Reason: In the interests of crime prevention, to comply with policy CP12 of the Brighton and Hove City Plan Part One.

60. The glazed frontages to the ground floor non-residential uses on Sackville Road shall be fitted with clear glass which shall be retained and kept unobstructed at all times.

Reason: To ensure an active frontage is maintained and to comply with policy CP12 of the Brighton and Hove City Plan Part One.

Informatives.

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. Crime prevention measures could be evidenced by a Secure By Design Developers Award Certificate or equivalent.
3. The applicant is advised that the scheme required to be submitted by Condition 12 shall include the registered address of the completed development; an invitation to the Council as Highway Authority (copied to the Council's Parking Team) to amend the Traffic Regulation Order; and details of arrangements to notify potential purchasers, purchasers and occupiers of the restrictions upon the issuing of resident parking permits.
4. The applicant is advised that the scheme submitted for approval under condition 13 shall be expected to comply with SPD14 parking standards – including amongst others things in respect to any C2 provision (noting that SPD14 does not permit any parking for residents of such uses). Officers have also noted that the amount of on-site surface parking is likely to need to reduce by at least 10 spaces to provide adequate pedestrian access around the site. The maximum permissible figure stated in the table for that area

does not take account of that potential reduction. As such that maximum may not necessarily be achievable.

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 do 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 accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see [Gov.uk website](http://www.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.
7. The water efficiency standard required under condition XX is the 'optional requirement' detailed in [Building Regulations Part G Approved Document \(AD\) Building Regulations \(2015\)](#), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the [AD Part G Appendix A](#).
8. The applicant is advised that the details of external lighting required by the condition above should comply with the recommendations of the Institution of Lighting Engineers (ILE) 'Guidance Notes for the Reduction of Light Pollution (2011)' or similar guidance recognised by the council. A certificate of compliance signed by a competent person (such as a member of the Institution of Lighting Engineers) should be submitted with the details. Please contact the council's Pollution Team for further details. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP (telephone 01273 294490 email: ehlpollution@brighton-hove.gov.uk website: www.brighton-hove.gov.uk).
9. The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting wild birds, their nests and eggs is a criminal offence. The nesting season is normally taken as being from 1st March – 30th September. The developer should take appropriate steps to ensure nesting birds, their nests and eggs are not disturbed and are protected until such time as they have left the nest.
10. The applicant is advised that a formal application for connection to the public sewerage system is required in order to service this development. To initiate

a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or www.southernwater.co.uk

11. Planning permission is no defence against a statutory noise nuisance investigation. The council is required to investigate under the provisions of the Environmental Protection Act 1990 to determine whether or not a statutory nuisance is occurring and if any action is appropriate. The applicant should also note that any grant of planning permission does not confer override the need to obtain any licenses under the Licensing Act 2003 or the Regulation (EC) No. 852/2004 on the Hygiene of Foodstuffs, Article 6(2). Note that where there is a difference between the operating hours allowed for licensable activities and the hours granted under planning permission the shorter of the two periods will apply.
12. For the avoidance of doubt the specific land parcels outlined in the conditions above are set out in the Indicative Implementation Drawing Plan, drawing No. 170294-SK132 Rev A received on 19 June 2019.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application relates to Sackville Trading Estate and Hove Goods Yard. The 3.59 hectares (8.8 acres) site is located on the east side of Sackville Road, approximately 50 metres south of the junction with Old Shoreham Road. The trading estate is located to the northern part of the site and currently contains a collection of double height commercial sheds, which comprise of a mix of industrial, warehouse with trade counter and retail uses. Many of the units are currently vacant due to the anticipated redevelopment of the site.
- 2.2. The southern part of the site contains a collection of lower density uses including the coal depot, open scaffolding storage and the Council car pound.
- 2.3. The site abuts existing commercial and retail uses to the northern and eastern boundaries of the site. The west of the site flanks Sackville Road with a single access opposite Pointer Road. The boundary treatment on Sackville Road consists of a retaining wall and relatively mature vegetation. The railway line is located to the south of the site. The gradient of the land slopes down gently from the north to south. The Southern part of the site is raised significantly above the ground level of Sackville Road with the height differential reducing northwards along Sackville Road.
- 2.4. The proposal is for the demolition and the redevelopment of Sackville Trading Estate and Hove Goods Yard for a mixed use scheme, with buildings ranging from 2 to 15 storeys comprising the following:

- 581no Build to Rent (BTR) residential units (C3) and 10no live/work units (Sui Generis), with a combined mix of 114 studios, 203 one bedroom units, 241 two bedroom units and 33 three bed units,
- Care community comprising 260no units (C2), with a mix of 29 one bedroom units and 231 two bedroom units together with associated communal facilities;
- 3899m2 of flexible office accommodation (B1);
- 671m2 of flexible retail floorspace (A1 and/or A3)
- Community / leisure facilities including a multi-functional health and wellbeing centre (946m2) (D1/D2).
- Associated landscaping and public realm,
- Vehicle and cycle parking,
- Vehicular access via existing entrance from Sackville Road,
- New pedestrian access off Sackville Road to the south of the site.

2.5. There have been a number of revisions to the scheme during the life of the application. The key alterations include:

- Increase in height of Block E from 13 to 15 storeys with a slimmer termination of the tower,
- Reduction in height and mass of elements of blocks C and F,
- Alterations to materials, design and detailing across the development,
- Reduction in number of residential units (C3) from 604 to 581,
- Alterations to the housing mix to include an increased number of larger 2 bedroom units (and a reduction of 1 bedroom units),
- Increased private amenity provision for the BTR residential units,
- Increase in office floorspace (B1) from 3574m2 to 3899m2,
- Additional storey on the main office block,
- Design changes to the care community increasing the maximum height from 8 to 10 storeys, whilst breaking up the massing, reducing the overall bulk of the scheme,
- Reduction in care community units from 265 to 260,
- Reallocation of parking spaces throughout the site,
- Alterations to cycle parking provision.

3. RELEVANT HISTORY

Pre-Application History and Design South East Review Panel:

3.1. The site owner, Coal Pension Properties Limited entered pre-application discussions with the council in 2016 for a large scale mixed use redevelopment of the site after concluding that a scheme based on a large scale retail redevelopment was unlikely to be viable with changing consumer trends. The site owner entered into a Planning Performance Agreement (PPA) with the Local Planning Authority in Spring 2017 with various meetings scheduled on relevant topics.

3.2. There were two previous design review panels on the site (prior to Moda and Audley becoming involved) for schemes for between 600-650 residential

units and approximately 6000sqm of employment floorspace in 2016 and 2017. These helped inform initial proposals for the site.

- 3.3. The current joint applicant Moda Living Ltd became involved late in 2017 with a new design team. A new scheme was presented to the design review panel in August 2018 which included 625 built to rent residential units, a 275 home care community and 4200sqm of office floor space and some retail, community uses.

A summary of the Design Review is set out below.

- 3.4. This proposal has the potential to create a vibrant new neighbourhood, and many positive steps have been taken so far to achieve this. The mix of uses, including Build to Rent apartments, a care community, co-working space and crèche, could help create active and diverse public/communal spaces. However, the success of the scheme will depend to a large degree on how well it can connect to the surrounding area, and key issues relating to this remain unresolved. Clear east/ west connections towards Hove station must be achieved, and providing the necessary links should focus on creating pedestrian and cycle access to Newtown Road, rather than the construction of a pedestrian bridge over the railway. Providing these connections will depend on surrounding land owners, and a masterplan should be produced to show how in the long term neighbouring sites to the north and east could be developed, ensuring wider connectivity.
- 3.5. Across the site, a clearer hierarchy of public and private spaces should be established, and a sustainable drainage strategy incorporated. The way the scheme addresses Sackville Road requires further consideration, to create a more typical city street condition that better relates to the Victorian houses and other buildings opposite.
- 3.6. The introduction of a care community to establish cross-generational living could be a strength, but this use should be better integrated into the wider scheme. Within the residential part of the care community, the length of access corridors is a particular concern. The character is largely anonymous, and this requires addressing. The proportion of single aspect units is also problematic.
- 3.7. The lack of architectural propositions makes specific comments about the heights and the distribution of massing challenging. A further design review at a later stage to look at these issues more specifically would be invaluable.
- 3.8. The scheme continued to be revised, with the quantum of development slightly reduced overall up until the original submission at the end of 2018.

Councillor pre-app presentation feedback in August 2018

(This was a very similar scheme to that presented in the August DRP set out above)

- 3.9. Overall, Councillors welcomed the re-development of the site and the positive impact this would potentially have in regenerating this area of Hove.
- 3.10. Councillors were however concerned with the scale of the development proposed for the site. The overall density of development seemed high and this was particularly evident towards the southern end of the site where the development creates something of a canyon effect. As a consequence, Councillors felt that the overall layout erred more towards maximising the scale of development at the expense of place making.
- 3.11. The north/south boulevard and particularly the southern end did not convince them that the development would result in a welcoming environment. In addition, councillors were concerned about the proposed height of the buildings fronting Sackville Road and the likely visual impact they will have on the area. Whilst the City Plan sets minimum requirements in terms of residential units, the councillors felt that the overall number of units proposed (rental and care) exceeded the capacity of the site.
- 3.12. In terms of the overall approach towards the design of the buildings, the Councillors welcomed the use of high quality and contemporary materials. However, the indicative drawings suggested the buildings would not offer much visual interest if they are all rectangular or square blocks at 90° to one another. Again, this underlined the concerns regarding the site layout seeking to maximise density and overall scale of development at the expense of visual interest and contemporary design and layout.
- 3.13. Permeability and connectivity of the site will be important elements in integrating the site with its surroundings. However, Councillors would like to see more detail as to what is proposed regarding the connectivity of the site particularly through to Newton Road and what in practical terms can actually be achieved. Although Councillors recognised the challenge presented by the site levels, they will wish to understand how pedestrian access and in particular access for less able bodied individuals will be achieved from the southern end of the Sackville Road frontage, as this was not entirely clear from the presentation and Councillors were not particularly encouraged by the lift which was being suggested.
- 3.14. With regard to the care element of the scheme the councillors noted the long corridors and single aspect accommodation shown on the layout drawings and again were concerned that this was a manifestation of an over-development of the site. The Councillors remained concerned that this element of the development would only be available to those who already

owned property and would not necessarily offer a local or affordable dimension.

- 3.15. Councillors will require further clarification with regard to the retail element of the scheme. It was not clear whether this will be solely Class A1 or whether the proposal involves a wider range of 'retail' uses.
- 3.16. Councillors were clear that the scheme needs to meet City Plan policy with regard to the employment provision and will wish to see a clear breakdown of the various jobs/functions proposed and how this would meet the policy.
- 3.17. The Councillors remained unconvinced about the live/work units and would prefer to see them as either completely residential or employment units rather than as flexible units.
- 3.18. Car parking provision and access will be an important issue and although the car parking standards identify a maximum, the Councillors are keen to ensure that the development strikes the right balance between not overloading the existing access.
- 3.19. Whilst Councillors expressed a keen interest in seeing the site being re-developed the overriding view was that they have strong reservations about the overall scale and form of development being proposed for the site at this stage.

Previous planning applications

- 3.20. There are a number of applications relating to the use of the site as a goods yard in connection with the railway station.
- 3.21. **BH2012/03734** - Application to extend time limit for implementation of previous approval BH2009/00761 for Demolition of existing buildings with construction of new comprehensive development providing a mix of uses focusing around a new public square, including: an A1 food store, A1 non-food retailing, associated A2-A5 retailing, residential apartments, offices, underground car parking, associated infrastructure works including improved access, servicing and public realm improvements. Approved 28 March 2013. This planning permission expired in March 2016.
- 3.22. **BH2009/00761** - Demolition of existing buildings with construction of new comprehensive development providing a mix of uses focusing around a new public square, including: an A1 food store, A1 non-food retailing, associated A2-A5 retailing, residential apartments, offices, underground car parking, associated infrastructure works including improved access, servicing and public realm improvements. Approved 2 March 2013.

- 3.23. **BH2008/01554** - Demolition of existing buildings with construction of new comprehensive development providing a mix of uses focusing around a new public square, including: an A1 food store, A1 non-food retailing, associated A2-A5 retailing, residential apartments, offices, underground car parking, associated infrastructure works including improved access, servicing and public realm improvements. Refused on 7 August 2008 for 19 reasons which included design and appearance, residential amenity and standard of accommodation, loss of employment, transport impacts, accessibility and sustainability
- 3.24. Outline planning permission was granted in July 1983 for light industrial, office and retail buildings (ref: **3/82/0614**). A further application was approved in October 1983 for light industrial, warehouse and retail units with ancillary office accommodation in October 1983 (ref: **3/83/0435**). There have been a number of changes of use, advertisement applications and variation of conditions in relation to the units.

4. REPRESENTATIONS

- 4.1. One hundred and eighty five letters has been received throughout the application process objecting to the proposed development (as originally submitted and in respect of the revised scheme) for the following reasons:
- 4.2. Design / Appearance
- A lower density scheme no more than 4 storeys should be considered,
 - High rise buildings much taller than any other buildings north of the railway line,
 - Proposal taller than the Clarendon Road blocks to the south,
 - Utilitarian design,
 - Appears as an office development,
 - Proposal is too dense and too high to the detriment of the local community,
 - Out of character with the surrounding area,
 - The 13 storey towers are overly dominant and too tall for the area,
 - Detrimental impact on the skyline,
 - Uninspiring design,
 - Overdevelopment of the site,
 - Over-scaled for the site,
 - 13 storey towers an eyesore,
 - The visual impact assessment shows this proposal to be a massive over development, from many key local viewpoints. The buildings are also closely spaced with a risk of generating a canyon-type feel. The designers should provide a scale model or 3D "walk-through" visualisation to help the consultation and planning approval process,
 - Whilst the building shapes have improved in the current design, in response to the consultation sessions, the development still gives the

impression of a generic urban office block style, rather than acknowledging the architecture of this part of Hove,

- Density of development at odds with the surrounding Victorian and Georgian terraces,
- Revisions should be sought during the application to reduce the scale of the buildings,
- 13 storey tower blocks is not the direction that design should be heading in the City,
- The buildings' height is going to create a very urban space, without enough green space to rebalance this,
- The blocks should not be higher than the existing residential towers south of the railway line,
- Whilst the redevelopment of the site is welcomed in principle the proposal is just too big for the site,
- Appearance and size of development is inappropriate,
- Scheme is too intensive and too dominant,
- The proposal is almost twice as high as the recent New Wave development and is out of keeping,
- Towers should not be higher than 5 storeys,
- 15 storeys is too high,
- Density of the scheme is significantly too high,
- Lower level housing would be more appropriate in this location,
- Revised scheme does not address earlier concerns in relation to height and density,
- The proposal will dominant the skyline,
- The heritage harm to the listed station and Dubarry Building is not outweighed by significant public benefits

4.3. Amenity

- Flats are too small for future occupiers and provide a poor standard of accommodation,
- The height of the buildings will result in overshadowing to homes on Sackville Road,
- Loss of light and sunlight to neighbouring properties,
- Overlooking and loss of privacy to surrounding properties,
- Increased noise and disturbance,
- Will negatively impact on the quality of life of neighbouring residents,
- Insufficient amenities to be provided for future residents,
- Proposal would be overbearing on neighbouring houses,
- Would result in an oppressive and intrusive impact on neighbouring properties,
- High rise living has been shown to result in detrimental social impacts,
- The amended plans worsen the development with an increase in dominance and scale,
- The amenity spaces consist of shaded areas at ground floor level or windy high level roof gardens,
- Lack of decent green amenity spaces in the development,

- The spaces between the buildings will be impacted by strong winds and will not make them pleasant places to reside,
- Concerns with dust and noise from the site during construction.

4.4. Transport

- Increased traffic congestion on surrounding area,
- Sackville Road junction already at capacity,
- The Transport Assessment is commissioned by the applicant and is not an independent assessment,
- The cumulative transport impact of other proposed major developments (eg, Newtown Road, Hove Station and Toads Hole Valley) has not been assessed,
- Historically the council has received many petitions and complaints about the dangerous Sackville Rd/Old Shoreham Rd junction. This scheme can only add to the risks,
- Sackville Road already dangerous for cyclists and pedestrians,
- Single vehicular access into site is inadequate,
- No cycle lane proposed outside site,
- Residents parking is already oversubscribed,
- Proposal will result in increased parking pressure in the wider area,
- An independent traffic analysis study should be commissioned,
- Increased accident risks,
- Further vehicular access points are needed,
- Sackville Road already dangerous to cross,
- Design with single access point unfit for purpose,
- Roundabout or traffic lights on Sackville junction should be considered,
- Crossing Sackville Road a safety issue at peak times,
- On-site parking provision is inadequate,
- No meaningful support of sustainable transport modes,
- Increased part time workers may result in increased trips,
- The 2011 census which has been used is out of date,
- Currently very difficult to find parking spaces even for permit holders in the evenings on surrounding streets,
- Parking provision on the surrounding streets is already oversubscribed, especially in the evenings,
- Transport implications of the scheme have not been adequately assessed,
- There is already insufficient public transport in the area, during peak times buses and trains are oversubscribed, infrequent and unreliable. Such a dramatic increase in population density will only make the problem worse,
- No provision of vehicular and pedestrian access points to the east linking to the station,
- Trains are already oversubscribed,
- Proposal will increase the use of short cuts and will also result in bottlenecks,
- The developer should provide additional underground parking,
- Parking permits should be prohibited for all future occupiers,

- Issue of parking has not been properly addressed in the amended scheme,
- The applicant's parking survey has not correctly following the Lambeth Method and as such overestimates the available parking capacity in the immediate vicinity of the site,
- Scheme is significantly deficient in parking spaces,
- Parking space provision is below the standards sets out in SPD14,
- Public transport facilities insufficient in the local area to support the low level parking provision proposed,
- The access to the site has been poorly considered – there need to be at least 2 or 3 access points,
- The bus network will become overloaded and will result in delays for existing and future users of the buses,
- Taxi use has increased a lot since last census,
- A new parking zone should be created.

4.5. Housing

- The solely 'rented' accommodation will attract a transient population dominated by commuters and a lack of permanence and commitment to the area,
- Designed to fit maximum housing in smallest space,
- Housing is not likely to benefit local people and will attract those from outside the City,
- Elderly provision not exclusively for locals and will easily be an overspill from surrounding areas/London adding external high dependency patients with associated costs to local area, and not releasing local housing,
- Lack of diversity in the housing units proposed with predominantly smaller units and a lack of units suitable for family accommodation,
- The proposed housing types are out of character with the local area,
- A greater mix of units sizes and tenures should be provided,
- Inadequate affordable housing,
- The provision of 114 studios (nearly 20% of the total number of housing units) appears to be skewed towards maximising profit rather than providing appropriate housing for the local community,
- The 'rental only' model is inappropriate for this area,
- High-rise housing creates a disconnect with the local community,
- Whilst additional housing is required in the City it is not considered that the proposal is an acceptable solution,
- Lack of larger units,
- It has not been demonstrated that the BTR model is appropriate in this location,
- Concerns that the development would not serve the needs of the existing local population and would attract occupiers from outside the city,
- The proposal may be attractive to air b&b / holiday lets

4.6. Other considerations

- Increased pollution: this proposal will exacerbate this is an area where many school children walk to school,
- Whilst the site needs developing a scheme on a smaller scale is needed to give a better outcome for the community,
- The greed of the developer has been put before the benefit of the community,
- Demand for increased retail capacity is unrealistic,
- Further pressure on infrastructure, eg. schools, dentists and GP's in the area which are already overstretched,
- Will result in a loss of jobs and security on the existing trading estate,
- Existing residents needs have not been consulted,
- House prices will be negatively impacted,
- No publically available green space,
- Does not meet the needs of existing local residents,
- Minimal economic gain for the City,
- A GP surgery should be a requirement,
- Scheme completely inconsiderate to local residents,
- Applicant has not listened to surrounding residents who have consistently stated that the proposal includes too much development for the site to satisfactorily accommodate,
- Timing of the consultation of the application over Christmas when residents are busy is a concern,
- Concern that planning officials do not seriously consider the cumulative impact of numerous proposed development on the surrounding area,
- Proposal will result in increased greenhouse gases,
- Proposal would be better suited to the outskirts of the City which could handle the increase in traffic,
- Would result in over population of the surrounding area,
- Residents to the west of the site in Artists and Poets corner do not have a neighbourhood plan and as such have less influence on the scheme than residents to the west,
- Scheme will impact residents views of the sea,
- Applicant has not taken on views of local residents when designing the scheme,
- Proposal will harm Hove for future generations,
- The council's motivation for this development is to increase council tax receipts,
- Additional office space is not required,
- Concern about the way the information has been presented to local residents which is very difficult to understand for the lay person,
- Concern that existing commercial tenants are to be forced out,
- Incomplete documentation / lack of revised application form,
- The amenities in Hove Park are already significantly overstretched,
- Planning for the past, not the future,
- Another lost commercial / trading estate will impact negatively on local businesses, tradesman and customers,

- The care community is likely to attract occupiers from outside the city releasing little local housing. These occupiers may have greater health needs than the average population and add to stress on local services,
- The proposed development does not hit the highest sustainability / environmental standards,
- Scheme does not improve community, medical or social facilities in the area,
- Concern that the proposal will negatively impact and potentially threaten the operation of the adjoining Newtown Road Trade Park which currently operates unrestricted B1/B2 uses

4.7. **Hove Park Neighbourhood Forum** objects to the scheme on the following grounds:

We are supportive of seeing this derelict site being developed and believe a mixed use development incorporating a care village is good use of the land.

- 4.8. Our major concern is that it is an overdevelopment of the site. The tall blocks that are proposed are very different in scale to the residential areas surrounding the site. The proposal, although having being reduced, is still for blocks 11 to 13 storeys high and we believe these will be very dominant and have a detrimental effect on the character of the area, particularly on the terraced houses in Artists Corner which is directly opposite the site.
- 4.9. Another grave concern is the low level of car parking spaces. With the rental accommodation and the care village there will be nearly 900 homes. The mixed use commercial element provides 455 full time equivalent jobs. With only approximately 307 car parking spaces overall this will inevitably lead to cars parking in the surrounding roads which are already full to capacity. The residents of Artists Corner are particularly concerned as they are already experiencing difficulties in parking in the vicinity of their homes.
- 4.10. The extra traffic that is bound to be generated by the scheme will cause further problems at the Sackville Road/Old Shoreham Road junction. This is already full to capacity at peak times with long tailbacks in all directions.
- 4.11. The traffic implications need to be considered in relation to the other major projects that are in the pipeline, particularly the large Hove Station development that has just received consent, Toads Hole Valley and the Peugeot Garage in Newtown Road.
- 4.12. A further cause for concern, particularly for the residents of Artists Corner, is that the only vehicular entrance and exit is directly opposite them. It is already extremely difficult to exit these roads at busy times due to the tailbacks from the traffic lights at the Sackville Road/ Old Shoreham Road junction. There is no eastern footway link to Hove Station although it is stated

that this is an aspiration for the future. We think this link is vital to help reduce vehicular activity to and from the site.

- 4.13. The views to the sea from Hove Park will be compromised by these tall towers yet these views are a locally listed heritage asset.
- 4.14. **The Brighton Society objects** to the proposal.
There are three important issues raised by this proposal:
- 4.15. Firstly – the effect on the local Heritage assets – Hove Station and locally listed assets, such as the railway footbridge and nearby Ralli Hall and views from the locally listed Hove Park;
- 4.16. Secondly – its effect on the surrounding residential areas of Hove including the nearby conservation areas – which is a question of how well or badly this proposal responds to a general planning requirement to create polite and appropriate relationships;
- 4.17. Thirdly – the most important – the effect that a conglomeration of tall, massive buildings such as are proposed, together with the 11-storey KAP development on the adjacent site in Newtown Road, will have on the character – not just of Hove and its surrounding residential areas – but on the character of the city as a whole.
- 4.18. There are some aspects of the proposal which are excellent. We find the design of the Sackville Road elements, although of a larger scale than the two-storey houses on the opposite side of Sackville Road, are reasonably scaled and on the whole well designed – in some ways similar to No.1 Hove Park which is an excellent building not far away on the Old Shoreham Road.
- 4.19. We also are in favour of the provision of housing and care facilities for the elderly which are included in the proposals
- 4.20. We are less convinced by the higher buildings behind – the elegant design disciplines demonstrated by the buildings facing Sackville Road are not carried through into the taller elements of the proposals and the high buildings in the central part of the site are domineering, extremely boxy in appearance and lack the well-mannered quality of the lower buildings fronting Sackville Road. The overall impression is of a very large conglomeration of tall blocks which is very different from the relatively low-rise pattern of the residential areas – including conservation areas – to be found in the surrounding residential areas of that part of Hove.
- 4.21. The Brighton Society makes the following objections to this proposal:

Visual impact

- 4.22. The impact of such a conglomeration of closely packed tall buildings will have a major effect on the existing character of this part of the city as a whole. It is perhaps a little unkind to say that it is Croydon come to Hove, but that description shows how different this 'city within a city' development will be from virtually all the surrounding areas of Hove. It is way out of character with all the important heritage areas of the city. The central historic areas of Brighton & Hove, containing 34 Conservation Areas, could be described as effectively one big conservation area with a few holes in it. Unfortunately this is one of them.

Another massive conglomeration

- 4.23. We have previously expressed our concerns that the massive scale and height of recently approved or proposed developments in the city – Preston Barracks, Anston House, Circus Street, former Amex site in Edward Street, the Longley Industrial Estate etc., is changing the character of the city's built environment in a significant and detrimental way. If all the buildings proposed for this site were of similar scale, height and standard of design as the ones fronting Sackville Road, a very significant number of the additional homes required in the city could still be provided. We would support such a proposal which would be much more polite and lower scaled yet could still make a major contribution to the city's housing problems. It doesn't have to be as big, as high and as dominant as is being proposed by this application.

Views from locally listed Hove Park

- 4.24. There is also the question of views from Hove Park – a locally listed Heritage asset. As we suspected and pointed out during the public consultation stage, the existing remaining views of the sea seem to have been completely blocked – Hove Park might as well be 100 miles from the sea. This is clearly shown in the images provided by the developers. The Heritage Statement makes no reference to the fact that there are views of the sea to the south from Hove Park, and the fact that those views of the sea would be lost from that Heritage asset.
- 4.25. We also note that the public consultations and indeed the presentation to CAG, held out the carrot of a footbridge over the railway linking the development with Hove Station. There is no mention of or provision for this useful public facility as far as we can see in the actual proposal.

Conclusion

- 4.26. For all these reasons, but primarily because of scale, massing and height of the development, the Brighton Society cannot support this proposal and objects to it.

Revised scheme

- 4.27. We have reviewed the revised plans for the above planning application. In no way do the revised plans improve this proposal. Several of the tall buildings are even higher than they were in the first proposal, and are even more overbearing as a result. It is argued that the resulting variation in building heights will improve the skyline. No - it will do just the opposite.
- 4.28. **Sixteen (16)** letters have been received supporting the proposed development (as originally submitted and in respect of the revised scheme) for the following reasons:

Design / appearance

- Well considered and thoughtful design,
- Excellent design,
- Sensitive design,
- Existing site is an eyesore,
- High quality development,

Housing

- Provides much needed housing for local residents given the critical shortage in the City,
- Community housing for the elderly is an excellent idea,
- Will increase housing options in the area,
- The proposal supports the private rented sector and housing for the elderly which are under-represented in the City,

Transport

- Will bring new connections between the site and the local community,
- Site easily assessable to transport hubs so car use will not always be necessary,
- Low car parking provision will ensure limited impact on road network,

Other considerations

- Site is vastly underdeveloped in a prime location and needs redeveloping,
- Will provide much needed employment and amenities for the area,
- Will support start-ups and small business's,
- Provides a good mix of uses,
- The proposal can be the springboard for other unattractive and underused commercial units along Newtown Road, creating a new district of the City,
- The economic benefits of the scheme are welcomed as are the benefits to the local community,

- 4.29. **Hove Station Neighbourhood Forum** supports the proposal.
The Hove Station Neighbourhood Forum supports this application, subject to the satisfactory resolution of issues about which the Forum has significant

reservations, particularly the very limited provision of 'affordable' rental housing and the potentially adverse impacts on the local road network of the very high density development proposed.

- 4.30. The MODA team has worked positively with the Forum since July 2018, in a series of workshops and discussions on a wide range of issues. Their approach to engagement with the local community from the earliest stages in the development of a major project is a very welcome innovation. This dialogue has resulted in the submitted proposal embracing the Plan's vision of a Hove Station Urban Quarter and incorporating the strategic design principles of the Draft Neighbourhood Plan.
- 4.31. The Forum welcomes the mixed use approach which combines 581 new build to rent homes and 260 extra care homes with accommodation for 480 jobs and a range of community facilities. But the initial offer of 8% affordable homes remained unchanged pending the outcome of MODA negotiations with the Council. Local residents want to see a higher proportion and the Forum urges the Council to achieve a significant improvement.
- 4.32. However, MODA responded creatively to the Forum's view that there should be maximum public access to the community facilities and high quality public realm (including play spaces and squares which are not gated) which would benefit residents in adjacent neighbourhoods.
- 4.33. Similarly MODA supports the allocation of significant S106 funds to the local priorities established in the Neighbourhood Plan: enhancing existing community facilities (which will be used by both MODA tenants and existing residents) in areas adjacent to the development, together with tree-planting and investment in public art. This support is very welcome as it will be seen by the local community as bringing important benefits to the area. Thus the Forum urges the Council to secure significant **local** S106 investment.
- 4.34. The mix of development will minimise the vehicular traffic generated by the very high density development of a major brownfield site. The projected low level of car ownership of renters (compared to home owners) combined with no access to off-site parking in neighbourhood streets are key features of the proposal. Nonetheless, the potentially negative traffic impact of the development is the major concern of local residents.
- 4.35. Thus it is vital that the Council ensures that there will be no overspill parking by securing developer contributions to modifying the Car Parking Zones in the immediate area and to the 'green travel plan' measures to minimise the use and impact of private cars by residents and workers. It is also essential that the Council ensures that the project will not cause an unacceptable

increase in delays and associated air pollution at the Sackville Road-Shoreham Road junction.

Conclusion

- 4.36. This major and strategic brownfield site with its excellent access to public transport should be redeveloped to the highest density which is consistent with the creation of a sustainable 21st century neighbourhood which has minimum dependency on car transport and which provides an acceptable balance of neighbourhood impacts.
- 4.37. This proposal will make a major contribution to city's housing supply when compared with other possible development scenarios led by the construction of owner-occupied housing. In doing so it will make a major contribution to realizing the overall vision and strategic objectives of the Hove Station Neighbourhood Plan, with MODA as a stakeholder in the ongoing process of creating a 21st century neighbourhood as an important component of a diverse Hove Station Quarter.
- 4.38. However, it is important for the proportion of 'affordable' new homes to be as high as possible, notwithstanding the fact that this may mean some reduction in the financial returns to the landowner and the developers. Therefore the Council must secure a substantial increase in the current offer of 8%, given recent government guidelines of 20%.
- 4.39. Moreover, it is equally important that the parking and traffic movement issues should be resolved to the satisfaction of both the city's transport planners and local residents.
- 4.40. Thus the Forum urges the Council and MODA to strike a balance between public and commercial benefits which will enable this innovative project to be approved.

Additional comments

- 4.41. The HSNF would object to the amended scheme if it does not provide for any affordable housing. HSNF urges the Council and MODA to further revise the scheme with the objective of increasing the level of affordable housing above 8% rather than decreasing it to zero.
- 4.42. **The Brighton and Hove Economic Partnership** supports the proposal. The proposals fall within the Hove Station Area (DA6) set out within the Brighton & Hove City Plan which encourages mixed use regeneration and enhancements to the public realm. Both benefits can be attributed to these proposals.

4.43. The proposals also contribute towards the city's newly adopted Economic Strategy, through actions commensurate with the Growing City, Open City and Talented City pillars.

4.44. **Hove Civic Society** supports the proposal.

Their general summary sets out;

- The committee welcomes the proposed build to rent housing and older persons' accommodation that will meet an important housing need for the city. The committee also believes that the proposed employment uses including the work live units will be a major local asset,
- The committee appreciates the general layout of the scheme and how it is designed to allow adjoining areas to the east to be connected once developed. This reflects the ambitions of the draft Hove Station Neighbourhood forum Plan which aims to create an integrated Hove Station Quarter.
- The committee also appreciates the low car parking ratio proposed, which, with supporting car parking management measures, will substantially limit the impact on surrounding areas,
- The committee considers the proposed landscaping to be of the highest quality and sees this as an essential component of the scheme, which needs to be nurtured and maintained for the lifetime of the proposed development,
- The committee believes that planning agreement funds need to be spent in the vicinity of the development to ameliorate environmental and community impacts.

5. CONSULTATIONS

5.1. **Conservation Advisory Group (CAG) Objection**

Comments on originally submitted scheme

The Group recommended refusal (8 voting for refusal, 2 supporting, 1 abstention) after a lengthy debate focusing on the affect on local listed buildings, Conservation Areas, locally listed assets and vistas the Groups comments are as follows;

- Welcomed the reduction in the originally proposed high rise building and its re-siting away from the Hove Station CA to the centre of the proposed development,
- Concerned about the impact on the long views from Hove Park,
- Massing, density and height of the development and its relationship to the housing stock on the west of Sackville Road were of concern,
- It seems to be yet another mass development now being seen in the city, which could have no soul in the future,
- Recommendation that a footbridge to the station from the site be installed
- Recommendation that Sackville Road railway bridge is smartened as it will visually introduce the traveller to the drop off point to its north,
- Concern that the drop off point might create traffic issues,
- Choice of materials is also paramount which were not fully illustrated.

Revised scheme

- 5.2. The proposals will still have a major impact on the residential roads nearby, particularly to the west, and views from Hove Park. Also because of the massing effect the views from Hove Station CA west and the locally listed Du Barry complex will not be enhanced
- 5.3. The design seems to not have been improved, with a “brutalist” feel still existing, perhaps something softer in appearance and higher quality would help to allay the fears of massing. The proposals give the impression of a 1980’s commercial development, a depressing environment for future residents.
- 5.4. The Group also considers that the altered plans actually are more oppressive and have greater massing than previously. Massing, quality of design, and scale are all concerns.
- 5.5. **Ecology: Comment**
Surveys were carried out in accordance with best practice and are sufficient to inform appropriate mitigation and compensation. However, the ecological report (Extended Phase 1 Habitat Survey Report, SK Environmental Solutions Ltd, November 2018) does not include any recommendations for biodiversity enhancement.
- 5.6. The site is not subject to any nature conservation designations. Given the nature, scale and location of the proposed development, there are unlikely to be any impacts on sites designated for their nature conservation interest.
- 5.7. The site is dominated by buildings and hardstanding with scrub, introduced shrub, scattered trees and amenity grassland. In general, habitats on site are of relatively low ecological value. However, scattered trees on site, especially those along the boundaries should be retained and protected, in particular the street trees along Sackville Road.
- 5.8. In addition to the recommended mitigation measures, the site offers opportunities for enhancement that will help the Council address its duties and responsibilities under the NERC Act and NPPF. Opportunities include, but are not limited to, the provision of green (biodiverse not sedum) roofs and walls, bird, bat and insect boxes and wildlife friendly planting.
- 5.9. It is noted from the Design and Access Statement that a woodland garden will be created on site; this and other green spaces within the site should use locally native species of local provenance and species of known wildlife value. Advice on suitable species is provided in Annex 7 of SPD11. Bird, insect and potentially bat boxes should also be provided. Bird boxes should target species of local conservation concern including swift, starling and house sparrow.

- 5.10. It is also recommended that a biodiverse green roof should be provided (in addition to the proposed roof garden). The sustainability checklist (within the Sustainability Action Plan) states that the roof will be designed to accommodate the installation of mounted solar technologies. Green roofs are known to improve the efficiency of photovoltaics, as well as providing other benefits including water management, reduction of heat island effect and biodiversity. To help meet Biosphere targets, the green roof should use chalk grassland species.
- 5.11. The information provided is satisfactory and enables the LPA to determine that whilst the proposed development is likely to have an impact on biodiversity, those impacts can be mitigated through the application of suitable planning conditions.
- 5.12. **Scottish Gas Networks:** No objection
- 5.13. **UK Power Networks:** No objection
- 5.14. **Education:** Comment
In this instance we will not be seeking a contribution in respect of primary education as we have sufficient primary places in this area of the city for the foreseeable future. We will however be seeking a contribution in respect of secondary and sixth form education of £413,298.20 if this development was to proceed. The development is in the catchment area for Blatchington Mill and Hove Park Schools. Both of these schools are currently full and therefore it is entirely appropriate to seek a contribution in this respect.
- 5.15. **Private Sector Housing:** Comment
It appears that in all of the plots from the first floor upwards the majority flats on each level have inner bedrooms, with a means of escape through the living area/kitchen. A concern has been identified with the Means Of Escape in case of fire, It is unclear from the plans or Design and Access Statements if there is adequate fire suppressions system in place to alleviate these concerns.
- Additional comments
- 5.16. The Private Sector Housing Team is now satisfied with the proposed development after receiving details of the proposed sprinkler system.
- 5.17. **Sustainability:** Comment
Comments on the original application.
The overall presentation of the energy requirements for the site as a whole and each individual building (particularly the non-residential elements) could

have been clearer. This reflects comments made at pre-app stage and has made evaluating the application more difficult.

- 5.18. Overall, the residential parts of the application meet the requirements under CP8 and the BREEAM Pre-assessment indicates that the “B1 office space” and “MODA Works flexible office space” meets the BREEAM Excellent requirement, albeit only just (71.67%). The applicant may wish to consider a greater contingency (i.e. higher target BREEAM score) as the post-construction scores are often slightly lower than during design phase.
- 5.19. Whilst the omission of a site-wide district energy network is disappointing, the proposals are well adapted for a future heat network connection. However, the application would benefit from clarity over a safeguarded pipe-run and adequate plant room space, as well as a guarantee that the system will be metered and monitored appropriately.
- 5.20. It does not state what BREEAM certification is sought for the other non-domestic areas. It notes that seeking this will limit fit out flexibility for potential operators. Whilst this is arguable, the Major Application status of the development necessitates that all non-domestic space meets BREEAM Excellent requirements and clear, reasoned justification has not been provided on a block-by-block basis for noncompliance with policy CP8. As such, a Condition should be secured that ensures that these fit outs are completed to BREEAM Excellent standards, as have been applied elsewhere. The applicant can facilitate this where appropriate (e.g. by providing offtakes to the communal heating/hot water systems). It is unclear as to where the spaces that fall outside the definition of ‘B1 office’ or ‘MODA Works flexible office space’ are.
- 5.21. The One Planet Living approach to the development is welcomed. Highlights of this approach include (where appropriate, other statutory comments should be taken ahead of these):
- Retention of some trees,
 - Green infrastructure corridor,
 - Residential water consumption at less than 105 litres per person per day,
 - Food growing provision included on site,
 - Significant cycle parking provision

Comments on the revised scheme

- 5.22. Based on the documents submitted and revised scheme the following information is required:
- Qualification of ASHP plant room size, location and size of system (a plant room was noticed on a roof top but no further detail is given),

- Reassurance that the communal plant room drawn on ground floor of one of the blocks is big enough to house the communal gas CHP system, water tanks and heat exchange substation required to be 'network ready',
- Identification of a pipe route to allow connection to the highway or identified network route,
- Route for the required gas flue(s) for the communal heating system,
- Improvements to the building fabric by including triple glazing, a better wall U value than the suggested 0.2 in the Mayfield village. The applicant is encouraged to refer to the principles of *Passivhaus* design to inform the building fabric,
- Improved airtightness to < 1.5 to make the proposed mechanical ventilation with heat recovery effective in cost and carbon terms. With the airtightness proposed of 3 the MVHR will have to work hard and residents are likely to have high electricity bills,
- A strategy is required to prevent overheating in residential and commercial units e.g. shading, overhangs, thermal mass, green walls, green roofs and ventilation. There are some balconies that provide solar shading, but many glazed areas are not shaded which may cause overheating in summer months. It is noted that high performance solar control glazing is proposed to control overheating, but this may not be adequate to prevent overheating especially as there is no cross ventilation in the residential units. The sustainability checklist suggests all rooms have natural light and cross ventilation. The plans do not show this to be true. An overheating analysis is required to back up the proposed strategy,
- Clear evidence why green roofs or walls have not been included to reduce the heat island effect, moderate internal temperatures as well as improving biodiversity and minimise the visual impact of the sight. The applicant should note that green roofs are known to improve the efficiency of PV, help with water management and improve wellbeing of occupants,
- A plan position of PV panels on the roof tops on plans,
- Construction type proposed for all units and proposed materials,
- The communal raised beds are welcomed. Where possible it would be good to see rainwater collection for watering and a tool shed near each collection of raised beds.

5.23. **Sussex Police:** Comment

The development does have a considerably high level of permeability with the developer stating the intention is to introduce a series of publicly accessible streets and squares connecting within and throughout the site. Where there are high levels of permeability designed into a development there should also be additional security measures factored in as well to counterbalance this. These measures may reflect or incorporate the following: Clear demarcation lines between residential and retail areas, private space and public space, these can take the form of physical or psychological barriers.

- 5.24. Places that include necessary, well designed security features. High levels of natural surveillance, clear lines of sight where all publicly accessible spaces are overlooked places with well-defined routes, spaces and entrances that provide for convenient movement without compromising security. Places that are structured so that different uses do not cause conflict. Places that promote a sense of ownership, respect, territorial responsibility and community. Places where the level of human activity is appropriate to the location and creates a reduced risk of crime and a sense of safety at all times.
- 5.25. Places that are designed with management and maintenance in mind, to discourage crime in the present and the future. The applicant is advised to ensure Secured by Design (SBD) principles are used throughout.
- 5.26. **Sussex Police and Crime Commissioner: Comment**
Our office have undertaken an assessment of the implications of growth and the delivery of housing upon the policing of Brighton & Hove and in particular the areas of these district where new development is being directed towards. We have established that in order to maintain the current level of policing, developer contributions towards the provision of capital infrastructure will be required. This information is disclosed to secure essential developer contributions and is a fundamental requirement to the sound planning of the districts. In the absence of developer contributions towards the provision of essential policing infrastructure the additional strain placed on our resources would have a negative impact on policing of both the development and force wide policing implications within the district.
- 5.27. A contribution of £72,642.00 has been requested for for infrastructure contributions relating to this development.
- 5.28. **Archaeology: Comment**
Although this application is situated within an Archaeological Notification Area, based on the information supplied, it is not considered that any significant archaeological remains are likely to be affected by these proposals. For this reason there are no further recommendations to make in this instance.
- 5.29. **Heritage: Objection**
Comments on originally submitted application
The site falls within the Hove Station tall building node as set out on policy CP12 of City Plan Part 1 and SPGBH15 and is therefore suitable for development of over 6 storeys in height, although SPGBH15 states that tall buildings here “*may represent an opportunity to contribute to the delivery of the council’s employment policies*”. The proposed density of development

substantially exceeds the minimum density required by policy CP14 and the amount of residential development proposed substantially exceeds that set out as a minimum in draft policy SSA4 of the draft City Plan Part 2, with less employment space proposed. The overall scale and massing of the development proposed is notably greater than its immediate context, as apparent in a number of the views in the submitted TVIA. The long unbroken rooflines, notably of Block C and the Mayfield Blocks, are particularly uncharacteristic in this respect. The disposition of heights and the topography result in blocks merging in longer views (especially from the east and west) to create a large mass of built development with long flat rooflines and little visual permeability. Taller elements are quite wide and do not distinguish markedly from the lower elements except in views from south of the railway line. This effect is heightened by the repeated grid-like elevations and lack of variation in modelling, as well as the absence of any distinct 'signature' or 'marker' building. It is noted that the TVIA has regrettably not included any long views.

- 5.30. As identified above, the site itself does not contain any heritage assets and little evidence of its historic use as a railway goods yard now remains. The original high brick walls to Sackville Road do remain and would be largely lost as part of this development but it is accepted that such loss would be inevitable in order to achieve a residential development of an appropriate urban design approach.
- 5.31. With regard to impacts on the settings of designated and non-designated heritage impacts, these have been well covered in the submitted Heritage Statement but some of the conclusions of that Statement are disputed with regard to the nature of the impacts on the assets' settings, in respect of the grade II listed Hove Station, the Hove Station conservation area and the Dubarry Building in Fonthill Road, for the reasons set out below.
- 5.32. The most notable impacts would be on the designated heritage assets of the listed building of Hove Station and the Hove Station conservation area, as seen particularly in View 5 in the TVIA from Station Approach. The development would directly impinge upon the outline of the 1879 Station building and the adjacent Edwardian forecourt canopy, which together present a distinctive silhouette of hipped and gabled roof forms against the sky, with a new long flat roofline either side of the ridge of the Station roof. It is agreed, as the submitted Heritage Statement notes, that the view from Station Approach is part of a kinetic sequence but this is the first sight of the station that the viewer has when approaching from Denmark Villas. The Station is, by its nature, scale and design, intended to be a highly legible and architecturally distinct building in the street scene and this is part of its significance. It is therefore considered that there would be clear harm to the

Station's setting. There would also be an impact on the setting of Hove Station in the view westwards from the bridge over The Drive (view 14 in the TVIA), from where the listed footbridge is currently a notable feature with its strong horizontal line and pattern of ironwork. The scale of the new development would be very apparent in this view and the skyline would be dramatically changed. Whilst this would draw the viewer's eye away from the footbridge, it would not reduce its horizontal emphasis. In this respect there would be no harm. Overall, though it is considered that the proposed development would harm the setting of the listed Hove Station.

- 5.33. This harmful impact extends not just to the listed building itself but to the conservation area after which it is named. The area is predominantly low rise and the view of the historic grouping of the Station and the locally listed public house in this corner has a traditional intimacy. It is acknowledged that the setting has already been harmed by the late-1960s Cliftonville Court and the petrol filling station, but the NPPG states that "*when assessing any application for development which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change*". Moreover, the development would demonstrably change the way in which these heritage assets are experienced. The Station, the public house and the adjacent Victorian terrace have a very clear historic relationship and the Station has historically been the dominant architectural element in the area, as befits its use and status, It remains a key focal point, both visually and functionally, in the approaches, especially from the east along Station Approach. It is therefore considered that there would be clear harm to the setting of the Hove Station conservation area.
- 5.34. With regard to the Dubarry building, its architectural significance and townscape interest lies largely in its southern elevation and roofline, particularly as viewed from within Hove Station and from the Station's car park but also as seen, looking westwards, from the bridge over The Drive (View 14 in the TVIA). In current views it acts a local landmark due to its scale and distinctive mosaic panels. Whilst it is noted, as set out the submitted Heritage Statement, that the new development would not directly impinge on views of this elevation or the roofline, the great scale of the new development would to some degree diminish the scale of the Dubarry building and its role as a local landmark There would, therefore, be some harm to the building's setting.
- 5.35. In respect of the settings of the other designated and non-designated heritage assets, as set out in the submitted Heritage Statement, it is agreed that there would be no harmful impact arising from the development. With regard to the impact on the locally designated Hove Park, the conclusions of the Heritage Statement are considered to be sound and, based upon Views 1

and 2 of the TVIA, it can be seen that the development would sit within the height of the tree canopy and respect the shallow bowl of the park at its southern end. However, it should be noted that the tree screening referred to in the Heritage Statement would not apply to the same degree in winter views and the new buildings would be more prominent. In this respect the long horizontal massing and roofline of the Mayfield Blocks, together with the rather bland regularity of the elevations, would make them an unduly assertive and uncharacteristic presence.

- 5.36. The identified harm to the settings of the designated heritage assets referred to above would be demonstrable but would be less than substantial in each case under the terms of the NPPF. It must nevertheless be given great weight in the decision-making process, as the legislation and paragraph 193 of the NPPF require. There are no heritage benefits to the proposal that may be weighed against that harm.
- 5.37. The harm to the setting of the locally listed Dubarry Building would be comparatively minor but must be taken into account in weighing the application as required by paragraph 197 of the NPPF.

Mitigations

- 5.38. With regard to the settings of Hove Station and the Hove Station conservation area, a reduction in height of Blocks C, E and F by between 2 and 3 storeys would result in the avoidance of harm and the preservation of these settings. It is therefore recommended that amendments be sought to address this.

Comments on revised application

- 5.39. In terms of the impact on the setting of the designated heritage assets of Hove Station and the Hove Station conservation area, as most clearly illustrated in the revised TVIA view from Station Approach, the amendments would result in greater harm to both heritage assets than the original submission. In the original submission the buildings did not exceed the ridge height of the red brick 1879 station building (though this would have changed as the viewer approached), whereas the revised scheme now significantly rises above the ridge height and overall would be significantly more intrusive on the setting of the listed building and much more obviously of greater scale. This is primarily as result of a 2 storey increase in the height of Block E. The massing amendments to Block C and Block F do not make any significant difference to the impacts in this view. The amendments have moved the scheme more in the direction of the pre-application submission, where the tallest blocks were located in the south-east corner. The Heritage Statement Addendum notes that it was suggested that a reduction in storey height of buildings C, E and F would eliminate the harm identified in the Heritage

comments, but goes on to say that the revised scheme takes an alternative approach, proposing a re-distribution of heights and other measures to increase variation in appearance. This approach, as noted above, has however only served to make the development more intrusive and the building heights inappropriately step up to the south, rather than stepping down to reflect the gentle fall of the land in this view.

- 5.40. The identified harm to the settings of the designated heritage assets referred to above would be demonstrable but would be less than substantial in each case under the terms of the NPPF. It must nevertheless be given great weight in the decision-making process, as the legislation and paragraph 193 of the NPPF both require. There are no heritage benefits to the proposed development that may be weighed against that harm.
- 5.41. With regard to the views from the locally listed Hove Park, the previous Heritage comments noted that the tree screening referred to in the Heritage Statement would not apply to the same degree in winter so the new buildings would be more prominent. The amended design and massing of the Mayfield Blocks is a notable improvement in this respect, in particular through the variation in height and roofline. The amended scheme would overall still sit acceptably within the confines of the tree canopy, but the varied roofline would respond better to the undulations of the tree canopy and the greater articulation of the facades would result in buildings of greater visual interest in these views, including in the winter view now provided in the revised TVIA.
- 5.42. The previously identified harm to the setting of the locally listed Dubarry Building is unaffected by the amendments. As before, it would be comparatively minor but must be taken into account in weighing the application, as required by paragraph 197 of the NPPF.
- 5.43. The additional long distance view from Three Cornered Copse included in the revised TVIA, from within the Woodland Drive conservation area, shows that the development would be similar to the existing large scale 20th century development that breaks the skyline in an undulating manner and would not detract from the foreground of the copse. There would be no harm to the setting of the Woodland Drive conservation area.

Further response to the applicants supplementary Heritage Review

- 5.44. Overall it does not alter the assessment that there would be some harm to the settings of the listed building of Hove Station, the Hove Station conservation area and the locally listed Dubarry building, as set out in previous comments.

- 5.45. It is noted that Chris Miele states that *“I understand that the configuration of the buildings and the distribution of mass has been revised in response to consultation feedback received from the Council’s heritage team.”* This is inaccurate. The changes made ignored my recommendations with regard to the impact on the view from Station Approach and took a different design option.
- 5.46. I would disagree that the road bridge over The Drive is *“a low quality viewing area”*. It is a viewpoint from just outside a conservation area (Willet Estate) and from a Victorian bridge built around the same time as the original Hove Station building, which affords a good view of the listed footbridge to the Station as well as the Dubarry building in their wider context.
- 5.47. **Arboriculture: Comment**
Comments on originally submitted application
The proposed development site is a large area of retail and industrial land, the vast majority is of hard surfacing and this has left little room for planting. The most prominent is upon the western boundary including a large area of hedging and trees above a high retaining wall, an important line of street trees, and some rowan trees to the north-west boundary. The two most prominent trees along this section are to be retained and this is to be welcomed.
- 5.48. The remainder are single trees, the majority of which have been planted within pits in hard surfaces. Two elm trees of significant visual amenity grow upon the eastern boundary just outside of the site are proposed for removal but could easily be retained. At present there are no tree preservation orders at the site and a total of 25 trees are to be removed, the vast majority of these not worthy of further protection.
- 5.49. Two council street trees have been proposed for removal within Sackville Road to enable the development, opposite Prinsep Road. One is a small dead elm sapling T30 and the other is a London Plane T31 and I am in agreement that this tree is in decline and could be removed provided replacement street trees can be planted within hard surfaces close to the site or within the ward if this is not possible.
- 5.50. A landscape public realm general arrangement and DAAS has been supplied with the application and appears to include over 250 trees to be planted at ground level, in addition to other planting at ground and at various altitudes, including roof levels.
- 5.51. Whilst I accept the majority of the tree losses and welcome the much improved potential tree cover, I still have concerns that a large number of

trees will find it difficult to establish and thrive due to sunlight deprivation for long periods of the day caused by the proposed high-sided buildings. This can be alleviated by a change in building design including gaps between buildings, lower building heights and greater space between tree planting and buildings.

- 5.52. If these issues can be addressed, and further detail is submitted to the council, the arboricultural team can provide further comment to the proposal.

Comments on revised application

- 5.53. Landscaping - The overriding concern raised previously was the potential for heavy shading cast by the proposed high-rise style buildings and poor rooting environments for the 250 (approx.) replacement trees, which may lead to them failing to establish. The locations of the proposed trees are shown at Appendix 1 of the Sun Hours on Ground report, where a simulation of direct sunlight has been made for 21st March and 21st June. Unsurprisingly this has confirmed that large areas of the site will be shaded for significant portions of the day and will have direct sunlight for less than 2 hours per day in March when the sun sits lower in the sky. There are around 55 individual trees within these areas.
- 5.54. As well as affecting the amount of time the trees can effectively photosynthesise to produce resources, the shade may have an impact on soil quality by reducing its temperature. Root growth rarely takes place when the soil temperature drops below 5 degrees, and so the shade could reduce the effective growing season of these trees considerably, and their growth rates may be adversely affected. However, mulching new trees can help regulate soil temperatures during periods of prolonged hot/cold/wet or dry conditions. Waterlogging may also become a problem in time if drainage is poor as might be expected for a heavy chalk/clay soil such as this, so the planting specification should provide suitable mitigation.
- 5.55. With these factors in mind, it must be remembered that an element of shading is inevitable around high-rise structures such as the proposed. The proposed amendments by reducing the height of some of the blocks helps mitigate this issue, but a detailed landscape proposal indicating the planting method, planter details, species composition and future management should be supplied. Suitable shade and drought-tolerant species with a range of ultimate growing sizes include but are not limited to: Japanese pagoda tree (*Styphnolobium japonicum*), black mulberry (*Morus nigra*) London plane (*Platanus x hispanica*), oriental plane (*Platanus orientalis*), bird cherry (*Prunus padus*) and holm oak (*Quercus ilex*). As mentioned previously, a variety of species and taxonomic families should be included to ensure a

monoculture that may become susceptible to current and emerging pests and diseases is not created to avoid the potential for extensive tree loss.

- 5.56. The scheme should also incorporate additional replacement trees of large-growing species in prominent locations, as mitigation for the two street trees proposed for removal.
- 5.57. Tree loss - The amended block plan (ref: 170294-WCA-00-00-DR-A-PL909-P02) now shows the two off-site elm trees (T5-T6) as retained, which is an improvement, however the removal of existing hard surfacing and the proposed construction within these RPAs will need to be undertaken under the control and supervision of the retained arboricultural consultant.
- 5.58. Recommendation: The amendments are positive and go some way to mitigating the previous concerns. However, further detail with regards to proposed species, planting specifications and aftercare are still required to satisfy the arboricultural team as the concerns regarding the establishment of 55 (approximately) trees remain. It is anticipated that a written document would be best suited to relieve these concerns.
- 5.59. **Environment Agency: Comment**
Comments on original application
The previous use of the proposed development site as a railway yard and industrial site presents a high risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is within a source protection zone 1 and 2, as well as being located upon a principal aquifer.
- 5.60. The site rests upon superficial head deposits (Secondary A Aquifer) which are underlain by the Tarrant Chalk Member (Principal Aquifer). The site is located within an SPZ 1 and 2 associated with the Goldstone Public Water Abstraction. This Abstraction is located 640m North of the site. The supporting document assumes that groundwater flow (within Principal Aquifer) is southerly, however, the Abstraction will have a significant influence on groundwater flow. Additionally, given the unpredictable and heterogeneous secondary porosity and permeability of Chalk Aquifers we feel that there is an appreciable risk to the Goldstone Abstraction.
- 5.61. The supporting document references previous intrusive investigations and uses the information to build a conceptual side model. Previous investigations state that groundwater was not encountered within most of the boreholes; when water was encountered it was attributed to inflow from rainfall events (this also represents a proven pathway). The conceptual

model assumes that groundwater will be at a depth greater than 25 m, however our records indicate that groundwater can rise to 15m beneath the site. We would expect that the applicant would re-evaluate the Chalk Aquifer groundwater regime.

- 5.62. Similarly, the assumption that the Superficial Head Deposits that are dry is inherently faulty.

The Head deposits are extremely responsive to recharge events and after rainfall the

- 5.63. Superficial Deposits could hold perched or groundwater. This will have a significant effect on the conceptual understanding of vertical and lateral migration.

- 5.64. We have no objection to the proposed development as submitted, subject to the inclusion of the 7 conditions set out in the full response, in any permission granted.

- 5.65. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

Comments on revised scheme

- 5.66. We have reviewed additional documents regarding the drainage strategy for the development. With regard to the consideration of the necessity of the current conditions, we are of the following opinion. Whilst we have reviewed the phase 2 investigation, we would not be willing to alter the originally proposed conditions. Particularly those pertaining to the creation of new pathways for potential contamination to controlled groundwater bodies. We feel any such alteration would be premature until remediation and verification data have been submitted.

- 5.67. **Highways England: Comment**

Highways England has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network (SRN). The SRN is a critical national asset and, as such, Highways England works to ensure that it operates and is managed in the public interest, both in respect of its current activities and needs, as well as in providing effective stewardship of its long-term operation and integrity. We will therefore be concerned with proposals that have the potential to impact the safe and efficient operation of the SRN, in this case the A23 and A27.

- 5.68. Having examined the above application, while we do not entirely agree with the Transport Assessment, we do not offer any objections on the basis that Brighton and Hove City Council obtains an appropriate contribution towards

the agreed highway mitigations associated with the A23 and A27 required by the Brighton and Hove City Plan (BHCP), and that such mitigations are delivered in a timely fashion well ahead of the end of BHCP term.

5.69. **Southern Water: Comment**

Southern Water has recently undertaken more detailed network modelling as part of a network growth review. The results of this assessment to our current modelling procedures and criteria, indicates that the additional foul sewerage flows from the proposed development will not increase the risk of flooding in the existing public sewerage network. Southern Water can hence facilitate foul sewerage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant.

5.70. Southern water sets out that they would object to the layout of any new development that blocked access to existing water infrastructure.

5.71. If the planning permission were to be granted conditions would be required to satisfy Southern Water in respect of foul and surface water run-off disposal.

5.72. **Sustainable Drainage: Comment**
Comments on original application

The Lead Local Flood Authority (LLFA) agree with flood risks associated with the development with the exception to groundwater flood risk given the presence of what appears to be a new sub-asset. The applicant should also be made aware the closest flooding incident recorded was in 2014 and ~160m east of the side boundary.

5.73. Drainage Impact Assessment states there are no surface water sewers locally, applicant should be made aware that our records and the sewer records they provide in an appendix show otherwise.

5.74. The applicant should also be made aware that the nearest soakaway we have on our GIS system is ~50m east of the site boundary on Fonthill Road. Although the applicant has assumed the south area is infiltrated via gullies to individual soakaways, given an extensive sewer network was not identified in the coal yard and given combined sewers are in close proximity to the site, the applicant should consider the southern area (coal yard) does not currently infiltrate. A site investigation at a later design stage should look to confirm runoff method.

5.75. Microdrainage calculations are acceptable, however it is strongly suggested the applicant re-run the network with a 40% CC to observe the impact of the flood, in particular to the depths of flooding which may be temporarily present on site.

Comments on revised application

5.76. Further investigation required to determine whether the coal yard currently infiltrates to the ground or discharges off site. We ask that you conduct the appropriate soakaway test in accordance to BRE 365, where the details of the result will need to be provided to us. We are satisfied that all other comments have been addressed.

5.77. **Public Health:** Comment

We are providing the following comments on behalf of public health having reviewed the Health Impact Assessment. Our comments are made on the basis of the content of this assessment alone. We have not reviewed other assessments that are potentially relevant to the health impacts. We also recognise that you may receive more detailed specialist comments on some aspects related to health e.g. air quality, housing, sustainability, environmental health, safety. While we have read the “care community needs assessment” carried out by Carterwood Chartered Surveyors on behalf of MODA, we are not commenting on the need for extra care housing in Brighton & Hove. Finally we have not considered any aspects related to affordability of the accommodation.

5.78. Having reviewed this HIA we’d like to make the following observations:

- Developers have clearly reflected City Plan CP18 Healthy City in the design.
- A recognised methodology and appraisal tool has been used to conduct this HIA; as a result, the different dimensions that we’d expect in a HIA have been included.
- Based on the evidence submitted, we note the potential beneficial effects with regards to active travel including cycling facilities for residents and visitors, intergenerational connections and interactions, and opportunities for social cohesion, opportunities for food growing and the employment opportunities the proposed development may create.
- It is noted that Transport Planning have submitted a detailed response which provides comments with regard to sustainable and active travel.
- It is noted that the CCG have been consulted with and responded regarding the impact on primary care demand.

5.79. **City Clean:** no Objection

5.80. **Housing Strategy:** Comment

Comments on original application

The application is for a Build to Rent scheme which means that all the units provided will be rented out privately by or on behalf of the owner, in this case Moda. The scheme proposes 48 affordable private rent homes to be provided which represents 8% of the overall residential units.

- 5.81. Affordable Private Rent is the tenure applied to Build to Rent schemes. It is a new tenure introduced in the updated National Planning Policy Framework (NPPF) 2018.
- 5.82. The council's policy CP20 requires 40% of housing to be affordable at schemes that develop more than 15 homes – to be provided as affordable rent and low cost home ownership with a preferred 55%/45% split, through an agreed Registered Provider partner. Rent levels for the affordable rent homes are currently capped at Local Housing Allowance levels.
- 5.83. National Planning Policy Guidance (NPPG) suggests 20% of housing on Build to Rent schemes could be provided as affordable homes.
- 5.84. At 40% - BHCC compliant – this scheme would provide 242 affordable homes (with a tenure split of 133 as Affordable Rent and 109 as Shared Ownership).
- 5.85. At 20% - NPPF Guidance – this scheme would provide 121 homes for Affordable Private Rent.
- 5.86. The applicant has offered 8% - 48 homes.
- 5.87. A Financial Viability report has been provided to support the proposed position. This will now be independently assessed.
- 5.88. Policy HO13 requires and 10% of any affordable housing (and 5% of all the housing) to be provided as fully wheelchair accessible from the outset. The planning documents state that 5% of 613 flats (604 plus 9 live work units) will meet this requirement which equates to 31 homes. The number of wheelchair accessible within the affordable housing element is not specified.
- 5.89. Not supported by Housing unless/until:
- Provision of Affordable Housing to be increased, subject to an independent assessment of the viability position.
 - Unit sizes of 1 beds to be reviewed.
 - Rent levels to be confirmed.
 - Provision of affordable wheelchair accessible housing confirmed.

Comments on revised application

- 5.90. The applicants Viability Assessment sets out that the proposed scheme is unable to viably provide any affordable housing and this has been verified independently for the council by the DVS based on current practice. However, the developer has decided to provide an element of affordable housing at the scheme and this is welcomed.

- 5.91. This development proposes 10% of the housing – 58 homes - to be provided as affordable private rent to be let at 75% of the local market rent with no formal nominations agreement. Affordable private rent homes are required to remain affordable in perpetuity, so a ‘clawback’ provision will be in place to ensure that, any change of tenure or sale of such units will not result in a loss of community benefit of the affordable units. Housing expects the development to be subject to a Review Mechanism which reassesses the viability post completion.
- 5.92. Assessment of affordable housing needs shows that the greatest need (numerically) is for smaller one and two bedroom properties, although there is also significant need for family sized homes. The council’s affordable housing brief sets out a scheme mix based on meeting need across unit sizes stated as: 30% 1 beds; 45% 2 beds and 25% 3 beds where possible. The proportion of units in this development are: 114 studios / 203 1 beds – total 1 bed units 317 (53%) / 201 2 beds (41%) and 33 x 3 beds (6%) and the affordable housing units offered reflect this in an acceptable way as shown below.
- 5.93. The Housing Team would expect the affordable private rent homes to be provided alongside the private rented units on a phase by phase basis.
- 5.94. Overall the proposal is supported by Housing in the context of an emerging procedure around build to rent / affordable private rent schemes. It is noted that criteria used to allocate the affordable private rent homes to be agreed
- 5.95. **Sustainable Transport: Comment**
Response to revised application
This application has been subject to extensive consideration and development in respect of transport-related matters. As the Local Highway Authority we advised the applicant at the pre-application stage on requirements for their Transport Assessment, as well as wider policy and design considerations. Following submission of the application the LHA has provided further comment into successive iterations of their proposals and the related Transport Assessment. These iterations have sought to response to various concerns raised about a number of matters. These included –
- The quantity and quality of cycle parking provision,
 - The compliance of the proposed care-village component with SPD14 maximum car parking standards,
 - The potential for parking overspill from the development and the impact of this on surrounding areas,
 - The layout of the new streets and spaces within the site. Particular concerns have included how to accommodate the needs of all users

given the predominantly shared space proposals, and suitable arrangements for parking and deliveries/servicing.

- 5.96. Some significant improvements have resulted. Whilst not all matters have yet been addressed entirely satisfactory, we are able to recommend ways of doing so through conditions/obligations. Key instances are summarised below along with our consideration.

Public realm

- 5.97. The design of the proposed internal streets and spaces has improved substantially and now goes some way to satisfying our concerns about the 'shared surface' intentions within some areas. However, 'shared surface' design approaches do need to be considered carefully and the applicant is still to complete an EqlA or undertake necessary design engagement with disability groups and others (as recommended in 'Manual for Streets' and other government guidance). A road safety audit is also yet to be attempted. Similarly, despite some improvements, footpath provision remains inconsistent in some of the more conventionally designed areas. There are also a few locations where improvements to highway visibility may be required. For these reasons and others, the internal landscaping proposals cannot yet be secured. However, the available external space is substantial and we are satisfied that it should be possible to achieve an acceptable people-focused scheme of *some* format following these outstanding exercises. As such, we have recommended that this be addressed through a street design condition – albeit in a “Notwithstanding the plans hereby permitted...” format since the layout will inevitably change somewhat as a result of the process. This is also likely to require a small reduction in the proposed amount of surface-level parking.

Sackville Road and site access

- 5.98. We have a number of concerns about access to the site from Sackville Rd for sustainable modes. Amongst other things, bus stops are not close enough and a crossing is required to make getting to/from these safe and convenient, along with associated accessibility improvements to footways. Meanwhile the existing road layout is unsuitable for the significantly increased number of cyclists who will be accessing the site – particularly at the existing wide access junction (which will be retained). This can be addressed by a highway improvement scheme for Sackville Rd, which should be secured as a s106 obligation. Given the benefit to wider sustainable transport use in the area, a proportion of this can be provided in lieu of some of the calculated sustainable transport contribution, and we have reduced that accordingly.

Parking standards

- 5.99. Initial iterations of the proposals included a significant amount of parking for residents of the C2 (Care Community) element of the scheme. This was contrary to SPD14 maximum parking standards which do not permit any parking for residents of such facilities (though parking for staff and visitors is allowed). Further to discussions, parking for C2 residents has now been removed from the scheme (except for necessary disabled parking provision). This has been reallocated to other uses. Since it is possible that some care village residents may apply for permits to park in nearby CPZ streets, and these are already unacceptably stressed, we are also recommending a condition to remove the rights of care village residents to permits.

Parking overspill into surrounding streets

- 5.100. Notwithstanding the above, we have consistently noted that the parking demand profiles of individual uses (C3/C2/B1/A1/A3/D1/D2) and users (staff/residents/visitors) within the site is not always matched to on-site provision. This is an issue because not all over-spill can be prevented by restricting permit/voucher eligibility. Meanwhile submitted parking surveys show that overnight parking is already over-stressed in those local streets most likely to be impacted. This includes streets in zone R around Artists Corner and non-CPZ streets to the north around Orchard Rd. In the latter case, parking is also over-stressed during the day-time too. For example:
- We don't consider it acceptable to entirely remove the entitlement of residents of new development to visitor permits for the relevant CPZ (R in this instance) if there is not a reasonable level of on-site visitor parking. In the case of the C2 Care-Community component, a good level of visitor parking is proposed so we can do so. However, no on-site visitor parking has been proposed for the C3 Build-to-Rent component.
 - Both residents of the C2/C3 residential components and staff/customers of the commercial components will still be able to use shared-use bays within nearby CPZ streets – even if the former have had their permit eligibility removed. Shared-use bays are those that may be used *both* by permit-holders (including people with visitor permits) *and* pay and display users. However, the extent of that overspill impact would be less since bays may often be occupied by permit holders.
 - Overspill from the commercial components may also impact on a few non-CPZ streets to the north of Old Shoreham Rd around Orchard Rd, as well as Newtown Rd to the east. This is because commercial staff/customers tend to be willing to park further from their destination than residents do from their homes.
- 5.101. Our consideration of this matter has resulted in extensive discussion with the applicant. They are agreeable to conditions being imposed that would (1) remove the entitlement of C2 and C3 residents to zone R permits and (2) remove the entitlement of C2 visitors to visitor permits. This is an acceptable means of managing overspill in both instances. However:

- We can only reduce the visitor permit entitlement of the C3 use if no reasonable supply of visitor parking is provided on site. Whilst that reduction will prevent a good deal of overspill it will still leave related unmet demand for about 42 spaces.
- Demand for the B1 commercial element (70 spaces) remains higher than the proposed on-site parking supply for that use (45 spaces). This is already 1 above the maximum level permitted under SPD14 (44 including also the live/work units). Applying the SPD14 maximum, this will result in further overspill of around 26 spaces.
- Likewise there will be overspill of around 8 spaces from the flexible A class retail uses - though note that this based on a worst-case scenario in which all that floorspace is used for grocery purposes.
- Lastly, the applicant has made several changes to their proposals for surface-level parking arrangements within the site (in response to our concerns about pedestrian access). The supply of spaces within the amended plan present in the TAA appendix (282) differs slightly from that stated in tables within the main TAA (289). Referring to the figures from the Plan, we still consider that at least a further 10 spaces will need to be lost in order to provide acceptable access (leaving 272). Depending upon which uses and users those spaces are taken from this could add further overspill to that forecast.
- In conclusion overspill of 81 or 91 spaces might therefore occur in the absence of further mitigation.

5.102. Notwithstanding errors in the figures in the final TAA, the applicant has acknowledged the likelihood of the overspill and has proposed a number of means to address these. Some of these have been deemed unacceptable by us in the format proposed and have since been dropped. Others include introducing car club spaces to reduce existing parking demand in local streets. This is acceptable in principle because car club bays are known to reduce existing car ownership in their vicinity when they introduced to an area (and there are none currently in the areas likely to be impacted). However, our review of the latest available evidence suggests that that effect is not as high as sometimes previously reported. Current industry estimates place it at 10.5 spaces per vehicle. In addition, there is clearly a limit to that effect and it does not follow that demand can be reduced endlessly by introducing ever-greater numbers of car-club vehicles. Therefore, whilst the applicant has suggested that 4 vehicles could be introduced to free-up existing Zone J spaces within Artists Corner (2 on-street and 2 within their site) and a further 2 to reduce existing demand in the non-CPZ streets around Orchard Rd, we consider the reasonable limit of their effectiveness to be equivalent to ~10% of the total parking supply in each area. That equates to 2 vehicles serving Artists Corner and 1 serving the Orchard Rd area, which we feel is reasonable. Those would serve to reduce existing parking demand by around 19 and 9 spaces respectively (remembering that the car club vehicles themselves will each take up a space). Whilst this will still leave a

significant amount of overspill we are confident that this can be discounted for the following reasons.

- TRICS data demonstrates that the B1 Office use will generate its peak parking demand during the day time. This will subside as demand from residents rises again in the late afternoon and evening. Whilst parking in Artists Corner is over-stressed at night, submitted parking survey data for the daytime shows that there are around 60 spaces available below the industry-standard acceptable stress threshold of 85% occupancy, compared with the predicted peak B1 overspill of 26 spaces. It should also be noted that approximately half of all parking bays in Artists Corner are shared-use and therefore available to B1 users on a pay-and-display basis). It is possible that some B1 users may seek to park in the non-CPZ Orchard Rd area or Newtown Rd instead (to avoid pay and display charges). Day time parking in both is already over-stressed. However, we are comfortable that this would be a minority - noting that this requires a more significant walk to the development and much of that overspill would likely relate to visitors rather than staff. As such, this will be mitigated by the 1 car club bay that we propose to secure in the Orchard Rd area.
- Parking profiles for the flexible A-class retail uses show a similar pattern of day-time demand that declines in the late afternoon/early evening. There we are comfortable that demand would be local to Artists Corner and that shoppers/customers would not attempt to park in the more distant Orchard Rd area. Again, there is sufficient spare day-time capacity to accommodate the peak overspill demand of 8. Late-evening/night demand can be met by the supply on site.

5.103. As such the remaining overspill will come from the C3 visitor demand of 42. This would accrue only to Artists Corner. As discussed above, 19 of that can be off-set by securing the introduction of 2 car club bays there. Finally, this leaves the unmet late-evening/overnight overspill in Artists Corner at 23 spaces - which could rise to 33 owing to public realm-led losses in on-site parking supply. Either level of overspill would be unacceptable as parking surveys show that stress is already unacceptably high in Artists Corner, noting also the additional overspill is equivalent to ~10% of all capacity. For this reason we are recommending a condition to ensure that (1) a minimum of 23 C3 visitor parking spaces are provided on site and (2) that any reduction in the total supply of surface-level on-site parking is not at the expense of uses/users for which overspill cannot be fully mitigated. This will resolve the last of the remaining overspill and our concerns. However, should the LPA not take up our recommendation to apply this and other relevant conditions/obligations then it must be assumed that we object to the proposed development and recommend refusal owing to a severe residual cumulative impact on the highway contrary to NPPF paragraph 108, as well as related non-compliances with policy TR7 and QD27 due to the safety and amenity impacts on local streets of excessively high parking stress.

Cycle parking

- 5.104. The proposals include a number of ground-level secure cycle stores for occupiers of the development. However, initial layout proposals were poor – especially in respect to the quality of provision. Supply consisted of far too low a % of universally acceptable Sheffield stands with the overwhelming majority of spaces being in hard-to-use two-tier racks. No significant provision was included for adapted and oversize bikes. The individual stands within those two-tier racks were unacceptably cramped together (making loading and removing bikes difficult even for the able-bodied due to handle-bars tangling) and access aisles widths within stores were too narrow, meaning that users would need to wait to pass whilst people were loading their bikes into racks. The proposals therefore failed to comply with various policy TR14 criteria including “convenient” and “readily accessible”. The applicant has made significant efforts to address this, producing several rounds of detailed store layouts in the process. This has resulted in some welcome improvements including increasing the spacing of stands within two-tier racks, markedly increasing aisle widths (to the point that they are now near-commendable) and providing 6% of spaces for adapted and over-size bikes. The % of universally accessible Sheffield stands has also been increased to $\geq 50\%$, albeit this has largely been achieved using a system that allows them to be located below an upper-rack system. That is not ideal as the overhanging rack is fairly low and will somewhat impair access to the Sheffield stands for taller people and those with simple mobility difficulties (e.g. back complaints). Moreover, the improvement in quality has been achieved by reducing the overall supply of spaces which now lies slightly below the minimum standard specified in SPD14. Whilst this is disappointing for an application in such a sustainable location, after careful consideration we stop short of deeming this a reason for refusal.
- 5.105. Given all the above we do not consider it necessary to recommend refusal on transport grounds (subject to the caveat at the end of point 4).
- 5.106. Other transport matters and recommendations of note include the following.
- The development will result in a significant net increase in trips compared with the existing use. Much of these relate to sustainable modes of transport like walking and cycling. Vehicle trips associated with the site are projected to reduce. Note that this forecast is based on the existing development being fully occupied as we accept that the significant number of existing vacant units could be quickly and lawfully occupied. The uplift in trips results in a sustainable transport contribution of ~£617K – which we have reduced to ~£485K to allow the difference to be used to fund highway improvements that can be undertaken by the developer alongside their site access works on Sackville Rd. The remaining sustainable transport contribution may be allocated to one or more of a

range of schemes to enhance sustainable movement associated with the site, including -

- Introducing advanced signals and 'early starts' for cyclists to the Neville Rd/Old Shoreham Rd/Sackville Rd junction.
- Public realm enhancements to the local centre around the above, including repaving and decluttering works.
- Improving the signalised junctions south of the development by introducing intelligent signal control equipment to improve journey times for sustainable modes.
- Improvements to pedestrian access and amenity en-route to Hove Station along Clarendon Rd.
- Improvements for pedestrians and cyclists to local schools and centres.
- Introducing BTN Bike Share Hubs and cycle parking hangars to other local streets in the vicinity of the development.
- A lighting and appearance scheme for the railway bridge over Sackville Rd (potentially in association with public art contributions).
- The likely impacts of the development on various local road junctions has been modelled within the TA. This includes the existing site access junction (with proposed changes) and the junction of Neville Rd/Old Shoreham Rd/Sackville Rd, amongst others. Some of these are already over saturated and experience significant queues. They are expected to continue to do so in the future 'without development' scenario. This remains true whether or not the existing site is assumed to be fully occupied. The addition of the development traffic is not forecast to exacerbate this to any significant level (again, whether or not the existing site is considered as partly or fully occupied). However, we are nonetheless recommending that the developer be required to carry out a highway improvement scheme for Sackville Rd alongside their junction works. This is because it provides a poor environment for pedestrians, cyclists and public transport users and trips by all these modes are forecast to increase significantly.
- No through-route has been proposed through the development to Newtown Rd. This is because the land to create such a route is outside the applicant's control and such works could therefore not be reasonably expected from them. However, the proposals are future-proofed to allow an onwards connection from Poynter Rd, recognising DA6 requirements.
- The developer is not proposing that the new internal streets and spaces be adopted, though we have recommended that a permissive path agreement be secured to achieve public access to most areas (including a proposed external lift – see below). Vehicular access to some internal streets will be restricted by mechanical bollards – most notably the mooted shared surface areas.
- A 'delivery hub' has been proposed within the site. Whilst the exact details of how this and other delivery and servicing arrangements will operate will be determined in future through a Delivery & Service Management Plan, the applicant has noted that it is likely to be necessary for residential grocery deliveries to be made direct to the main entrances to residential blocks. This may require them to use the mooted shared surface areas, which would otherwise be restricted.

- The developer has also agreed to provide 2 no. on site car club bays and a number of BTN Bike Share spaces. We consider this appropriate and necessary given that the overall parking supply for C3 residents will remain modest and the NPPF imperative to maximise the potential uptake of sustainable modes of travel (which is significant in this central location). These can be secured via a section 106 agreement to support their Travel Plans, along with other minimum measures like subsidised public transport season tickets, bike purchase vouchers and salary advances to staff for bike and season ticket loans.
- In the south-east corner of the site a major pedestrian access will be introduced. This will consist of significant flights of 'landscaped' steps, leading up to an internal square. The overall level change far exceeds that within which national accessible design guidance (BS800) recommends ramps should be integrated with steps. Rather, for significant level changes of this scale it recommends providing alternative level access via nearby lifts. The applicant has proposed such a lift immediately beside the steps. This will be large enough to accommodate cyclists and their bikes alongside pedestrians. They have also agreed to maintain it for perpetuity and permit the public to use it which, can both be secured via a section 106 agreement. We consider this all to be acceptable.

5.107. Health and Adult Social Care: Comment

H&ASC is not in a position to comment on the overall planning application itself as this is outside our remit; we are though providing our initial view on the Extra Care provision within the application.

5.108. It is considered that the provision of this service would not meet the demand for Extra Care that is/will be funded by Brighton and Hove City Council – the cohort whose needs we are required to meet would not have the resource to buy a property or maintain service charge payments in the Care Community part of the scheme.

5.109. In addition we would have concerns that there would be insufficient demand for the service from within the City, this could result in older age clients with increasing health needs from outside the area moving into the City and placing increased demand on health services.

5.110. Environmental Health: Comment

The construction period is likely to be prolonged and will require careful project management to minimise noise, vibration, light and dust nuisance to existing occupiers.

5.111. The east and south sides of the site has some history of contaminative use and this is referenced in the RSK land contamination report of 4/8/17. This

forms a desktop and site study and further work is required when the cover is removed during the demolition enabling further sampling and surveys.

- 5.112. The site is surrounded by transport and commercial noise. In the Vanguardia acoustic report (28/11/18) mitigation is proposed using closed windows and enhanced glazing to control noise in most units, most of the time. To avoid overheating mechanical ventilation and heat recovery (MVHR) covering at least 50% of the site (yet to be confirmed) will also be needed as well as further design solutions e.g. non-solar gain glazing, smaller windows to reduce solar gain, for example on south and west facades. Acoustic barriers are not proposed, but landscaping and water features are mentioned as possibilities.
- 5.113. A number of uses are proposed that are likely to disturb residents unless carefully sited and designed with adequate sound insulation (beyond building regulation standard). These include for example;
- Outdoor amenity areas such as communal gardens, large scale roof terraces and balconies (making a noise management plan necessary),
 - Recycling / waste storage/collection areas,
 - Plant rooms and delivery depot,
 - retail, restaurant and the health centre uses.
- 5.114. Detail of all plant and equipment on the proposed units and buildings has not yet been confirmed. This will have to be carefully selected, sited and installed to protect amenity.
- 5.115. If the proposed residential units are not satisfactorily sound insulated there is a risk of noise complaints from the future occupiers in relation to plant and delivery noise from the existing commercial operators to the north and east of site and this is not covered. The Care Community housing especially is sited alongside existing commercial uses.
- 5.116. **Artistic Component:** Comment
To make sure the requirements of local planning policy are met at implementation stage, it is recommended that an 'Artistic Component' schedule be included in the section 106 agreement. It is recommended that an overall Artistic Component Strategy is sought to allow for phased delivery of the Artistic Component elements where required which should consider consistent principles across the whole site.
- 5.117. This is arrived at after the internal gross area of the development (in this instance approximately 79,950 sqm) is multiplied by a baseline value per square metre of construction arrived at from past records of Artistic Component contributions for this type of development in this area. This

includes average construction values taking into account relative infrastructure costs.

5.118. It is suggested that the Artistic Component element for this application is to the value of £450,000. It is recommended that an overall Artistic Component Strategy is sought allowing phased delivery of the Artistic Component elements where required which should consider consistent principles across the whole site.

5.119. **Planning Policy: Comment**

Comments on original application

The strategy for the development area is to secure the long term regeneration opportunities around the Hove Station area and enable its development as an attractive and sustainable mixed-use area focussed on employment.

Housing Issues

5.120. In the context of Brighton & Hove, this is a very large scale C3 residential development proposal. The provision of 604 C3 residential units plus a further 9 live/work units represents almost one years' annual housing supply based on the city's housing delivery target of 13,200 as set out in City Plan Policy CP1. In this respect the proposal could make a valuable contribution to the city's housing supply and this is welcomed in principle.

5.121. There is no objection in principle to the inclusion of a build to rent element within the proposed scheme. However the concentration of such a very large amount of build to rent on this proposed strategic site does raise concerns regarding the extent to which the proposal responds positively to the need for a mix of housing types, size and tenures as required through CPP1 policies and draft CPP2 policies. It is not considered that the applicant's Planning Statement sufficiently addresses these policy concerns.

5.122. The accommodation is significantly skewed towards smaller dwellings with studios and one bedroom apartments comprising 61% of the total, and only 6% of units being of three or more bedrooms. The applicant does not explain why the 'nature' of the BTR market justifies a significantly greater amount of smaller properties compared to the overall housing mix requirements for the city. The high proportion of studios and one bedroom apartments is a particular concern. Ideally, the council would wish to see, as a minimum, a much better balance between the studio/one and two bedroom units.

5.123. The application proposes onsite provision of 8% affordable units in blocks A-C with rents proposed at 75% of market rent. This offer is based on a viability appraisal which has been submitted alongside the application. As it stands,

this level of affordable housing proposed falls well short of the requirements set in Policy CP20 and the Council's Affordable Housing Brief (which indicates a city-wide objective for 55% of the affordable element provided at Local Housing Allowance rent levels), as well as the recommended level in the NPPG. In accordance with the Council's Viability Assessment Checklist, an independent review of viability should be sought from the District Valuer.

- 5.124. Local Plan Policy HO5 requires the provision of private useable amenity space in new residential development where appropriate to the scale of the development. Of the 613 C3 and live/work dwellings proposed, only 111 (18%) will have dedicated private amenity space (87 apartments with private balconies and 24 apartments with defensible private space at ground floor or podium level). It is considered that the extremely low level of provision of 18% of units having private amenity space has not been adequately justified and the applicant should consider incorporating a greater number of balconies where possible.
- 5.125. The care community proposals should be assessed against saved Policy HO11 of the 2005 Local Plan which relates to residential care and nursing homes. This policy states that planning permission will be granted for new residential care and nursing homes where it can be demonstrated that the proposal meets four criteria. Compliance with these criteria should be assessed by the case officer.
- 5.126. The applicant's Needs Assessment indicates a substantial unmet demand for private extra care accommodation in the city that this proposal would help to address. Since 'extra care' is a relatively new category of accommodation, it is perhaps not surprising that there is a limited existing supply of this type of accommodation in the city, however there may be overlap with demand for other types of older people's accommodation. It would be helpful to seek the views of the Commissioning & Contract team both on the applicant's assessment of need and also the proposed design of the proposed care community scheme.

Employment Issues

- 5.127. It is recognised and welcomed that the proposed scheme would provide a significant uplift in good quality, flexible B1 office floorspace and potentially host a larger number of jobs compared to the existing potential of the site. However the scale of the proposed development, with a significantly larger quantum of residential development than was envisaged in Policy DA6 and draft Policy SSA4, which is linked to the larger site area available for development, means that the balance of uses skews away from the DA6 requirement for a mixed-use environment focussed on employment. Draft Policy SSA4 also reflects the requirement for City Plan Part Two to provide

additional employment allocations in seeking to address the employment floorspace shortfall in Part One, with the evidence indicating that the constrained nature central Brighton means that significant employment floorspace should be development in out-of-centre locations, particularly near transport hubs. The expectation therefore is that the quantum of employment floorspace on the site would be at least maintained at approximately 5,000m² and preferably increased as a contribution towards the requirement for a minimum additional 1,000m² over the wider Development Area.

Retail

- 5.128. The proposed scheme includes 684m² of flexible retail floorspace (A1 and/or A3). The draft allocation through CPP2 Policy SSA4 has a requirement for ancillary retail and food and drink outlets and no concerns are therefore raised in this regard.

Community Facilities

- 5.129. Community facilities including a multi-functional health and wellbeing centre (950m²) (D1/D2) are proposed. It should be clarified exactly what the purpose and function of this facility is, and the views of the local CCG taken into account in ensuring that it meets a need in the local area.

Open Space

- 5.130. The proposed development would generate a significant demand for all public open space typologies. Some on-site provision has been made, in the form of allotments some green areas and play areas however is unclear what precise form these open spaces take. This should be clarified in order to better understand the usability of the provision and its contribution towards the overall requirement. At present there is significant concern regarding the size, and therefore the usability, of the areas provided.

Comments on revised application

- 5.131. These additional comments relate solely to changes to the proposed scheme, and should be read in conjunction with previously submitted comments dated 28 January 2019.

Employment Provision

- 5.132. An additional storey is proposed to the stand-alone office block in Building A resulting in an increase in B1 employment floorspace from 4,062 to 4,471 sqm.
- 5.133. There remains an overall net loss of employment floorspace of approximately 600sqm against the current level of 5,082m² on the Trading Estate site. Detailed analysis of the employment floorspace issue was set out in the previously submitted planning policy comments and remains valid to the

consideration of the amended proposal. Whilst it is acknowledged that the proposed scheme would provide a significant uplift in good quality, flexible B1 office floorspace and potentially host a larger number of jobs compared to the existing potential of the site, the expectation remains that the quantum of employment floorspace on the site would be at least maintained at approximately 5,000m² in order to meet the DA6 requirement for a mixed use area “focussed on employment” and to take account of the extra land available for development in the form of the current coal yard. The lower provision continues to weigh against the proposal in the planning balance considerations; however the additional floorspace is strongly welcomed as a response by the applicant to the previously expressed concerns and provides some mitigation by reducing the deficit against the existing level of B class floorspace by approximately 40%.

Housing Mix

5.134. Concerns were raised in previous comments regarding the level of compliance with City Plan Policy CP19 (Housing mix). The number of residential units proposed in the revised scheme, including the live work units, has reduced from 613 to 591 homes to facilitate changes to the housing mix. A comparison of the original and new proposed mix is set out below:

	Original Scheme	Revised Scheme
Studios	112 (18%)	114 (19%)
One bedroom	262 (43%)	198 (34%)
Two bedrooms	201 (33%)	237 (41%)
Three bedrooms	38 (6%)	32 (6%)

5.135. The significant increase in the number of two bedroom homes is welcomed, although it is disappointing that there is a small increase in studios and a decrease in the number of three bedroom units. Although the accommodation remains skewed towards smaller dwellings, overall, the changes are considered to represent an improvement due to the greater number of larger homes suitable for families. Previously submitted comments noted that further evidence or information to explain why the ‘nature’ of the BTR market justifies a significantly greater amount of smaller properties compared to the overall housing mix requirements for the city would be helpful.

Private Amenity Space

5.136. The addition of extra balconies increasing the provision from 18% to 33% is welcomed as a response to previously expressed concerns regarding compliance with Local Plan Policy HO5 which requires private useable amenity space in new residential development. It is regrettable that the level of balcony provision remains relatively low, and it is further noted that the

level of balcony provision in the C2 care community element of the proposed scheme has decreased although this is mitigated to some extent by the additional of two further roof gardens (see below).

Open Space

- 5.137. Allotment beds moved west to sunnier side of the garden and are still screened from Sackville Road via structural hedging. Two new roof gardens have been added with additional tree and shrub planting to the care community part of the development. These amendments are welcomed. The proposed amendments respond to previously expressed concerns and are welcome changes which improve the scheme from a planning policy perspective, however concerns remain in a number of areas. Recommendation is for the case officer to determine taking into account the overall planning balance.
- 5.138. **Economic Development:** Comment
Comments on original application
City Regeneration welcomes in principle the proposal to redevelop this site which would provide an increased provision of high quality B1 floorspace and a greater diversity of employment floorspace providing opportunities for better quality jobs compared to the existing arrangement. However we would be concerned about the net loss of employment floorspace in a strategically important area and that the redevelopment is not employment led, given the comparative proposed amount of residential development. City Regeneration considers on strategically important sites that employment floorspace should, where feasible, be maximised.
- 5.139. Policy dictates that the area develops as an attractive and sustainable employment-led mixed use area creating a high quality employment environment that will attract investment and new employment opportunities for the city and promote efficient use of land through mixed developments.
- 5.140. In addition the opportunities to provide high quality commercial space are rare due to limited available land and therefore it is essential that advantage is taken to secure the maximum square meterage possible on strategic sites, such as Sackville.
- 5.141. These proposals would replace low density warehouse size buildings with higher density flexible modern workspaces offering better employment opportunities and density. City Regeneration therefore welcomes this application in principle and its proposed redevelopment of this site but would have preferred to see an increase in commercial floor space on the site.

- 5.142. Should this application be approved, there will be a requirement, detailed through a S106 agreement, for the developer or designated contractors to submit an Employment & Training Strategy to the Council in writing for approval, at least one month before the intended date of Commencement of Development.
- 5.143. In addition to the strategy and with reference to the council's Technical Guidance for Developer Contributions, there will be a requirement for a contribution towards the delivery of the council's Local Employment Scheme for construction. The contribution will be for a sum of **£299,200** based on the composition of elements of the development. The contribution to be submitted prior to commencement and will be included in the S106 agreement.

Comments on revised application

- 5.144. City Regeneration welcomes in principle the proposal to redevelop this site which would provide an increased provision of high quality B1 floorspace and a greater diversity of employment floorspace, providing opportunities for better quality jobs, compared to the existing arrangement. However there were initial concerns about the net loss of employment floorspace in a strategically important area and that the redevelopment was not employment led, given the comparative proposed amount of residential development. City Regeneration considers on strategically important sites that employment floorspace should, where feasible, be maximised.
- 5.145. This amended application goes some way to respond to the earlier concerns put forward by Economic Development, with an increase, from the original submission, in employment floorspace, whilst still failing to meet expectations for a site of this size.
- 5.146. **NHS Clinical Commissioning Group: Comment**
Practices across the city are under considerable pressure and any increase in the local population will increase this pressure, however marginally. The CCG is unable to predict whether or not the proposed development will negatively affect local practices, as they are independent businesses and will be better placed to assess their current and future capacity.
- 5.147. **Health and Adult Social Care: Comment**
Comments on original application
H&ASC is not in a position to comment on the overall planning application itself as this is outside our remit; we are though providing our initial view on the Extra Care provision within the application.

- 5.148. It is considered that the provision of this service would not meet the demand for Extra Care that is/will be funded by Brighton and Hove City Council – the cohort whose needs we are required to meet would not have the resource to buy a property or maintain service charge payments in the Care Community part of the scheme.
- 5.149. In addition we would have concerns that there would be insufficient demand for the service from within the City, this could result in older age clients with increasing health needs from outside the area moving into the City and placing increased demand on health services.
- 5.150. **Air Quality:** No objection
From 2018 Hove's ambient air quality is within national limits and complies with the Air Quality Assessment Levels (AQAL) for nitrogen dioxide (NO₂) and particulate matter (PM). This includes Hove Park Tavern and the northern end of Sackville Road. Sustained improvement in NO₂ levels at this site is required in order to revoke the Air Quality Management Area (AQMA) across Hove. The development's contribution to local pollution has been assessed at the worst case location in the vicinity.
- 5.151. Given the proposed size of the development with potential to introduce road traffic emissions and residential in an extant AQMA, the applicant has submitted an Air Quality Report with their planning application. Traffic generation is relatively low given the number of residential units. The site is close to public transport links and has a number of sustainable travel initiatives.
- 5.152. The air quality report assesses air quality at the development site and potential impacts on the nearest Air Quality Management Area (AQMA) including along Sackville Road and the junction with Old Shoreham Road.
- 5.153. The air quality officer has requested the developer consider quality impacts at Old Shoreham Road to the east which has been screened out.
- 5.154. The proposed accommodation is to be set back from Sackville Road.
- 5.155. Based on the traffic generation figures verified, the air quality consultant predicts that the developments contribution to NO₂ and particulate across the local area are negligible.
- 5.156. **Wind Microclimate Assessment:** Comment
Comments on original application
The wind microclimate assessment is based on physical scale-model testing of the proposed development in BMT's boundary-layer wind tunnel. Several

test configurations have been analysed and presented in the report, specifically: the existing site, the proposed development in existing context (both with and without mitigation) and the proposed development in the context of future surrounding buildings (with mitigation).

- 5.157. The data from the wind tunnel has been combined with historical weather data for the region (corrected for local terrain), and classified according to the Lawson Comfort Criteria. Recommendations for mitigation measures have been made based on BMT's interpretation of the assessment results, which are detailed in their report.
- 5.158. Could BMT please elaborate on the implication of these exceedances for occupants/users of the proposed development. Please could they also suggest any further landscaping or mitigation measures that could provide improvements to the wind microclimate in these areas,
- 5.159. We note that BMT has used data from the meteorological station at Shoreham. In our experience, the Shoreham station is exposed to winds that are funnelled through a gap in the South Downs to the north of the airport, which is not representative of Brighton and Hove as a whole. This northerly component of the wind is clearly visible in the "wind rose" diagrams in Appendix A of BMT's report.
- 5.160. We would ask BMT to elaborate on what impact this may have had on the results of the assessment, and what steps they have taken to account for this feature of the wind climate.
- 5.161. We would also ask that they compare the results with another nearby station, for example Thorney Island. Overall, we are happy to confirm that BMT has conducted their assessment in accordance with industry best practice.
- 5.162. We have made some requests for clarification on specific points, as detailed in this document. We look forward to receiving BMT's responses to these points.
- 5.163. The main conclusions of BMT's assessment are that despite a naturally "windy" environment in Brighton, the wind microclimate around the Proposed Development has been made safe and (for the most part) suitable for the intended pedestrian uses. This has been achieved with the implementation of specific landscaping and mitigation measures, as described in BMT's report.

Comments on revised application

- 5.164. With reference to the Supplementary Statements (from February 2019 and March 2019), we understand that amendments have been made to the

design of the proposed development since the completion of the wind assessment. The changes that could affect the wind microclimate comprise:

- A 2-storey increase to the height of one of the southern blocks [Feb 2019 statement]
- Within the Gaunt Francis portion of the site, the two blocks running north-south either side of the podium have changed from simple 8 storey slabs to 2 “tower” elements at each end of each block, with the central portion lowered. [March 2019 statement]

5.165. Other changes were considered too minor to cause any material change in wind conditions.

5.166. In the above cases, BMT suggest that although the changes to the local wind microclimate are likely to be small, it may nevertheless be necessary to revisit the landscaping scheme to ensure that conditions remain suitable. They conclude in both statements that “detailed landscape design to be secured through planning condition will provide further mitigation, as needed.” We agree that this would be an appropriate way forward.

5.167. Exceedance of Comfort Thresholds: All noted with regard to BMT’s proposed clarifications, which we accept as accurate. It remains the case that the conditions are windier than desired in terms of pedestrian comfort. BMT contends that the conditions are likely to be tolerable, albeit not ideal, and we would agree with this conclusion.

5.168. For the Council’s benefit, we would restate our earlier point that it may be possible to improve the wind microclimate conditions, but this would likely require sacrificing other aspects of the design such as visibility and access through the site. Whether this is a worthwhile compromise is a matter for consideration by the Council, and we would be happy to advise further if required.

5.169. **Sunlight and Daylight: Comment**

The Building Research Establishment (BRE) has reviewed the application for the LPA.

Comments on original application

5.170. Existing even numbered houses in Sackville Road would face towards the proposed development across the road. Numbers 126-138, 144 and 146 would have a moderate adverse impact on their daylight, and of these numbers 126, 130 and 134 would also have a moderate adverse impact on sunlight. Numbers 124, 140, 142, 148-156 and 162-176 would have a minor adverse impact on daylight. Losses of daylight and sunlight to other houses on Sackville Road would be within the BRE guidelines.

- 5.171. For many of the existing houses the residual levels of daylight would not be far below the BRE recommendations. The windows are mostly fairly large, and there are similar houses elsewhere in Brighton with higher levels of obstruction.
- 5.172. Loss of daylight to nineteen windows at The Courtyard, a block of flats across the railway line to the south, would be outside the BRE guidelines. This is assessed as a minor adverse impact; in most cases the daylight levels with the new development in place would be only just below the recommended value. Loss of sunlight would not be an issue for these windows as they face north.
- 5.173. There are no other existing dwellings that could be significantly affected.
- 5.174. Daylight provision to Plots A-F of the new development would be generally good. Out of the 689 rooms they analysed, GIA identified 653 (95%) that meet the BS average daylight factor (ADF) recommendations. Of the remaining 36, 23 are living/kitchen/diners that would not meet the recommended 2% ADF for a kitchen, but would meet the recommended 1.5% for a living room. Sunlight provision in Plots A-F is expected to be reasonable.
- 5.175. However daylight provision in the Mayfield Retirement Village part of the scheme is expected to be poor. Hoare Lea predict that 90% of rooms here would meet the minimum recommendations for ADF. However, they used unrealistically high reflectance's for floors and walls and outdoor surfaces, and omitted many of the kitchen areas located at the back of living areas. It is likely that the actual compliance rate would be significantly lower, especially in living rooms. Given the lack of site constraints and the particular need for daylight provision in housing for the elderly, this is viewed as unsatisfactory.
- 5.176. Sunlight provision in the Mayfield Retirement Village is also expected to be poor. It is likely that less than half of the units in the development would meet the BS sunlight recommendations.
- 5.177. Sunlight analysis should be carried out for proposed open spaces forming part of the new development.

Comments on revised application

- 5.178. The heights of the buildings on the Sackville Road frontage have not changed significantly and therefore the impacts on existing dwellings across Sackville Road should be similar. The massing of the westernmost block of the care community has altered slightly in that there is now no setback at the top floor on the side facing Sackville Road. This could give a slightly larger

reduction of daylight to 162-176 Sackville Road. The impact would still be expected to be minor adverse.

- 5.179. Moda Scheme - In their letter, GIA mention the increased height of Block E. Although they say it will make no meaningful difference, there could be a small additional impact to existing dwellings in the Courtyard, and it is possible that this could result in more windows not meeting the BRE daylight guidelines, since with the previous massing a number of them had vertical sky components close to 27%. However the impact is still expected to be minor adverse.
- 5.180. GIA state that there is unlikely to be any difference to the potential daylight and sunlight levels to Block A. However, according to the architect's block plan, the office element and the eastern residential part of Block A would be a storey higher. This could result in reduced daylight and sunlight levels for the small number of units in Block A that face eastwards into its internal courtyard, and potentially for west facing units in Block C.
- 5.181. GIA's other points about the lack of change to daylight and sunlight in Blocks D and F are reasonable.
- 5.182. Mayfield care community - Hoare Lea do not appear to have modelled the changes to the third floor of the westernmost part of the scheme. In their model there is a setback at third floor level, which is not in the latest drawings. This would affect the results for their unit 19 on the third floor, but it would still be expected to comply with the guidelines.
- 5.183. There were problems with Hoare Lea's original daylight prediction methodology; they used unrealistically high reflectance's for floors and walls and outdoor surfaces. The latest report has more realistic internal reflectances, but retains a 50% external reflectance for the Mayfield Village blocks, which is over-optimistic; the design and access addendum shows a light to mid coloured brick which would be expected to have a lower reflectance once windows and recesses have been taken into account. Accordingly, their predicted values of average daylight factor (ADF) would still tend to overestimate the values actually obtained in the finished scheme.
- 5.184. Hoare Lea now state that they have omitted all kitchen areas from their assessment (except for one on the lowest level) and consequently these are now assumed to be non-daylit.
- 5.185. Based on their results, 81% of rooms in their analysed sample, and from their extrapolation 84% of rooms in the whole Retirement Village Scheme, would meet the minimum recommendations for ADF in the British Standard Code of

Practice for daylighting, BS8206 Part 2. The compliance rate in living rooms in their sample would be 19/25, or 76%.

- 5.186. That would represent a poor level of daylight provision even in a standard housing development, especially given the lack of site constraints (there are no particularly tall existing buildings or other obstructions nearby) and the non-daylit kitchens. In housing for the elderly, where daylight provision is particularly important, it is especially unsatisfactory.
- 5.187. Hoare Lea have calculated sunlight provision in their sample rooms and then extrapolated to the whole development. In their sample results table they omitted the three north facing units. Including them, 11 of the 25 units in the whole sample (44%) met the annual probable sunlight hours (APSH) target, and 17/25 (68%) the winter target.
- 5.188. They suggest an 'overall compliance' rate for APSH of 131 out of 213 rooms or 62%. However, there are 258 flats including the north facing units, so that would imply an actual overall compliance rate of 131/258 or 51%, which is not particularly good for a site like this with no large buildings to the south.
- 5.189. Amenity Spaces - GIA's report has helpfully given sun hours on ground data for the whole development. It appears that most of the spaces in the MODA part of the scheme would receive some sunlight. The parts that receive less than 2 hours on March 21st are mostly car parking and circulation, though there is a small play area to the SE of the site (space A33 on GIA's map) which would receive little sunlight.
- 5.190. There are some 'sun on the ground' issues to the Mayfield Village part of the scheme, on the northern boundary of the site. The lawns and treed areas here would receive very little sun. The allotment beds originally planned for this area have, in the latest public realm plan, been moved to the corner of the site near Sackville Road, where they would receive afternoon sunlight. Parts of the bar/restaurant outdoor seating area in the western courtyard would also receive limited sunlight in March/September, but would be better in summer.

Further comments on final revisions to the Care Community

- 5.191. The design changes will improve daylight in some of the bedrooms. However they will not improve the poor levels of daylight provision in the living rooms.
- 5.192. In respect of borrowed light for some of the kitchens, if the living room is brighter than the kitchen, light will flow the other way and make the kitchen brighter and the living room dimmer. But the effect is usually small if both rooms are daylit.

6. MATERIAL CONSIDERATIONS

- 6.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report
- 6.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016)
 - Brighton & Hove Local Plan 2005 (retained policies March 2016);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
 - East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only - site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- 6.3. Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
SA6	Sustainable Neighbourhoods
DA6	Hove Station Area
CP1	Housing delivery
CP2	Sustainable economic development
CP3	Employment land
CP4	Retail provision
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP13	Public streets and spaces
CP14	Housing density
CP15	Heritage
CP16	Open space
CP17	Sports provision
CP18	Healthy city

CP19	Housing mix
CP20	Affordable housing
TR4	Travel plans
TR7	Safe Development
TR14	Cycle access and parking
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD5	Design - street frontages
QD14	Extensions and alterations
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection
QD25	External lighting
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO11	Residential care and nursing homes
HO13	Accessible housing and lifetime homes
HO21	Provision of community facilities in residential and mixed use schemes
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas
HE12	Scheduled ancient monuments and other important archaeological sites
SU3	Water resources and their quality
SU5	Surface water and foul sewage disposal infrastructure
SPGBH15	Tall Buildings
SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD11	Nature Conservation & Development
SPD14	Parking Standards

[Affordable Housing Brief \(December 2016\)](#)

[Developer Contributions Technical Guidance \(March 2017\)](#).

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

[Supplementary Planning Guidance](#):

[Supplementary Planning Documents](#):

[Further Guidance](#):

8. CONSIDERATIONS & ASSESSMENT

8.1. The main considerations in the determination of this application relate to:

- The principle of re-development of the site, and type and scale of uses proposed in this location,
- Housing: layout, mix, viability and affordable housing provision,
- Impact on the amenity of existing neighbouring occupiers,
- Standard of accommodation including provision of private and communal amenity space,
- Design: including scale, form, density, materiality and impact on the character and appearance of the locality, including the setting of heritage assets,
- Sustainable transport: parking, access and highway safety,
- Air Quality,
- Sustainability, biodiversity, ecology and flood risk,
- Accessibility,
- Infrastructure and developer contributions.

Planning Policy Context and Principle of Development

8.2. The site is set within the DA6 Hove Station Area which consists predominantly of land to the east of Hove Station and extends both to the north and south of the railway line. DA6 is one of eight development areas allocated in City Plan Part One adopted in March 2016 and contains a large numbers of commercial uses. The regeneration and redevelopment of this area of the City is strongly supported by policy and represents a prime location to increase the density of development supported by the sustainable transport hub of Hove Station.

DA6 Hove Station Area

8.3. The site is set within the Hove Station Development Area. The strategy for the development area is to secure the long term regeneration opportunities around the Hove Station area and enable its development as an attractive and sustainable mixed-use area focussed on employment. The aim is to secure the creation of a high quality employment environment that will attract investment and new employment opportunities for the city and promote the efficient use of land through, predominantly employment and residential, mixed use developments. The policy sets out 10 local priorities to achieve this strategy. Those most relevant to the application site include:

- Ensure that development takes account of and improves the public realm and townscape of the industrial/retail frontages along Sackville Road, Old Shoreham Road,
- ensure that development takes account of and contributes to the appropriate provision of public open space and essential community services and provides environmental, biodiversity, pedestrian and public safety improvements
- Enhancing the sustainable transport interchange at Hove Station by improving the walking and cycling network in the wider area, improving

permeability within the area, encouraging accessibility improvements over the railway at the station, strengthening north-south connections across the railway and beyond the area and east-west connections along Old Shoreham Road;

- Continuing to encourage more efficient use of under-used sites whilst retaining/replacing employment floorspace,
- Maintaining and strengthening the creative industries business cluster in the area,
- Creative use of development to integrate new green infrastructure including green space, accessible green roofs, green walls and other features which support Biosphere objectives;
- consideration of low and zero carbon decentralised energy and in particular heat networks.

8.4. Over the plan period a minimum of 525 additional residential units are sought. Outside the Conway Street Industrial Area the existing employment floorspace shall be retained/replaced with an additional 1,000sqm employment floorspace to be provided.

8.5. It is noted that the land at Sackville Trading Estate and Coal Yard site is also a proposed allocation in the draft City Plan Part 2 (CPP2) under policy SSA4 for comprehensive mixed use development to include:

- A minimum of 500 residential units (Use Class C3);
- A minimum of 6000m² B1 employment floorspace;
- Ancillary retail and food and drink outlets;
- High quality public realm including a public square;
- Children's playspace and/or an informal multi use sports area; and
- Community facilities based on local need.

8.6. 'Key requirements include improving transport links for vehicles, cyclists and pedestrians through the site, improving permeability into the site, high quality design and amenity and contribute to the key policy requirements of DA6 and the future Hove Station Neighbourhood Plan.'

8.7. The Draft CPP2 was published for consultation under Regulation 18 of the T&CPA for 8 weeks over the summer of 2018. Although CPP2 carries limited weight at this stage of the planning process it does indicate the Council's aspirations and the direction of policy for the future development of the site for comprehensive residential-led mixed use development.

8.8. The most up to date Strategic Housing Land Availability Assessment (SHLAA) for the city is a material consideration and it identifies the site as having potential for 500 residential units.

8.9. The southern half of the site, known as Hove Goods Yard was previously allocated and safeguarded for waste management uses through a now

superseded policy in the East Sussex and Brighton & Hove Waste Local Plan 2006. This designation has since been removed.

Hove Station Neighbourhood Forum

- 8.10. The Site also sits within the designated Hove Station Neighbourhood Area, which is the subject of an emerging Neighbourhood Plan being prepared by the Hove Station Neighbourhood Forum (HSNF). A draft Neighbourhood Plan is being prepared by HSNF which includes an intention to promote the site for a mixed use redevelopment and a policy supporting comprehensive and integrated approach to development in the DA6 area. The Regulation 14 Pre-Submission Draft Hove Station Neighbourhood Plan was published for public consultation from 23 March to 15 May 2019.

Employment provision

- 8.11. Policy DA6 states that the *“strategy for the development area is to... enable its development as an attractive and sustainable mixed-use area focussed on employment.”* Priority 5 of Policy DA6 also references the need to protect employment sites, with Priority 6 noting the importance of *“maintaining and strengthening the creative industries business cluster in the area by seeking to ensure a range of appropriate workshops, office space, studios, storage and other premises remain affordable and available for use by this business sector”*. Outside of the Conway Street Strategic Allocation, provision is made within the Development Area for the *“retention/replacement of existing with an additional 1,000sqm employment floorspace.”*
- 8.12. The proposed scheme as originally submitted would have provided 3574m² of office accommodation (B1), comprised of 3,042m² B1(a) office and 532m² flexible MODA works floorspace. The live/work units provide a further 488sqm and the overall total of B class employment provision is considered to be 4062m².
- 8.13. The revised scheme provides just over 400sqm of additional office floorspace (made up of an additional storey on the main office block and increased live/work unit provision) bringing the total of B Class employment to 4,471 sqm.
- 8.14. As existing, a footnote within Policy DA6 notes indicates that the Sackville Trading Estate part of the site (i.e. excluding the Coal Yard) contains 5,080m² B class uses, with that figure taken from the committee report for the 2009 scheme for the development of the site. The application form for the 2009 application breaks this down as follows: 2600m² B1(c) light industrial, 490m² B8 storage/distribution and 2000m² of ‘other’ trade counter use.

- 8.15. The applicant asserts in their Employment Statement that the trade counter element should not be included in the employment floorspace as it was not listed as a B class use on the application form for the 2009 application, and because trade counters are not always considered by LPAs as employment uses. However the 2009 Committee report clarified that “*units with trade counters are treated as B8 since the trade counters are ancillary to this primary use*“. It is considered that a trade counter use does generally fall within use class B8 although it is recognised that there will be a proportion of the total floor-space given over to retail sales. It can be assumed therefore that not all of the 2,000m² is strictly in B class use.
- 8.16. The Coalyard is currently occupied by a number of low density employment generating uses.
- 8.17. The total of 4,471sqm B class office proposed is less than the circa 5000sqm of B class employment on the Sackville Trading estate part of the site (although this does include some ancillary trade counter floor space). Considering the entire application site is roughly double the size of the trading estate and also includes the former Coalyard it is disappointing that there is not a higher level of employment provision overall and as such the Policy Team sets out in their response that this weighs against the scheme.
- 8.18. Whilst the level of residential development has significantly increased above what was envisaged in Policy DA6 and the draft Policy SSA6, the level of employment space has not similarly increased and it cannot be argued that the proposal is an ‘employment focussed’ scheme as set out in the aims for Policy DA6. This is disappointing given the lack of large scale brownfield sites in the City sited in highly sustainable locations such as this.
- 8.19. Whilst the overall B Class employment floorspace is less than the existing provision on the trading estate and also does not provide an uplift to include for the Coal Yard it is acknowledged that the modern, flexible floorspace to be provided would be a significant upgrade in quality and usability in comparison to the existing offer. The main office block, the Moda works building and the live/work spaces all have the potential to cater for different employment uses and as such this does accord with the DA6 criteria of maintaining and strengthening the creative industries business cluster in the area.
- 8.20. In addition, the proposed B class floorspace of 4471sqm could provide for approximately 426 FTE jobs (based on 10.5m² per job) which would be a significant increase in the existing number of B class jobs on site (even if the trading estate were to be fully occupied) and this is welcomed. It is further noted that the applicant’s revised scheme does provide an additional circa

400m2 of B class employment space on the site and as such does move the scheme closer to a policy aspirations for the site.

- 8.21. Whilst policies CP3 and DA6 relates solely to B class employment uses it is acknowledged that the other uses to be provided (A1, A3, C2 and D1 or D2) would also result in a range of other diverse employment generating uses which also add to the economic benefits of the scheme overall. Some of these uses will also include higher skilled jobs than the existing uses on the site.
- 8.22. It is also acknowledged that a more employment focussed scheme would likely further reduce the viability of the scheme with residential floorspace generally more profitable and therefore impact upon the deliverability of the scheme.
- 8.23. City Regeneration welcomes in principle the proposal to redevelop this site which would provide an increased provision of high quality B1 floorspace and a greater diversity of employment floorspace, providing opportunities for better quality jobs, compared to the existing arrangement but do not consider the site potential has been maximised in respect of employment provision.
- 8.24. Whilst it is disappointing that the employment potential of the site has not been fully maximised the modern and flexible employment provision is welcomed as is the increase in employment density.
- 8.25. Overall the under provision of B class employment is weighed against the other positive benefits of the scheme, which include the need to provide a deliverable redevelopment proposal with significant levels of housing and as such the proposed employment provision is accepted.

Housing provision:

- 8.26. 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.
- 8.27. The Council's most recent housing land supply position is published in the SHLAA Update 2018 (February 2019). The figures presented in the SHLAA reflect the results of the Government's 2018 Housing Delivery Test which was published in February 2019. The Housing Delivery Test shows that housing delivery in Brighton & Hove over the past three years (2015-2018) has totalled only 77% of the City Plan annualised housing target. Since housing delivery has been below 85%, the NPPF requires that a 20% buffer is applied to the five year housing supply figures. This results in a five year

housing shortfall of 576 net dwellings (4.5 years supply). In this situation, when considering the planning balance in the determination of planning applications, increased weight is given to housing delivery in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

- 8.28. In the context of Brighton & Hove, this is a very large scale C3 residential development proposal. The provision of 581 C3 residential units plus a further 10 live/work units represents almost one years' annual housing supply based on the city's housing delivery target of 13,200 as set out in City Plan Policy CP1. In this respect the proposal would make a valuable contribution to the city's housing supply and this is welcomed in principle. The proposed amount of C3 development exceeds the requirement for 525 residential units for the Policy DA6 Hove Station Development Area as a whole and the requirement for a minimum of 500 dwellings on the site proposed through the draft CPP2 Policy SSA4. A greater quantum of development (than set out in SSA4 and in the SCHLAA) may be acceptable provided that other policies and priorities in the development plan can be satisfied.

Build to Rent:

- 8.29. Build to rent (BTR) is an emerging sector in the housing market, comprising large purpose-built developments for private rent. This type of housing is associated with long term institutional funding/investment and is a growing sector in major urban areas. The Government is promoting BTR as a means of improving the supply, choice and quality of private rented accommodation. BTR has been defined as a distinct housing category in the NPPF (July 2018) and is referred to in the NPPF Planning Practice Guidance (NPPG). The NPPF defines build to rent as:
- 8.30. Purpose built housing that is typically 100% rented out. It can form part of a wider multi-tenure development comprising either flats or houses, but should be on the same site and/or contiguous with the main development. Schemes will usually offer longer tenancy agreements of three years or more, and will typically be professionally managed stock in single ownership and management control.
- 8.31. Given the above, the council is in the process of formulating a local policy for BTR in City Plan Part Two (draft policy DM6). The initial wording for DM6 is outlined below for information, however, this is an evolving policy and the council is in the process of commissioning further evidence looking at the viability and deliverability of BTR in the city, so the policy may change as planning policy and practice with regard to BTR evolve further. The wording is largely based on current advice in the NPPF/NPPG:

Draft Policy DM6

- 8.32. Proposals for the development of Build to Rent housing will be required to meet all of the following criteria:
- a) the development will improve housing choice and make a positive contribution to the achievement of mixed and sustainable communities in accordance with City Plan Part One Policy CP19 Housing Mix;
 - b) the development will not lead to an over-concentration of build to rent within sites designated as Strategic Allocations in the City Plan;
 - c) all of the dwellings are self-contained and let separately;
 - d) the homes are held as build to rent under a covenant for at least 15 years;
 - e) the build to rent housing is under unified ownership and will be subject to common management;
 - f) the development will provide professional and on-site management;
 - g) the development will offer tenancies of at least 3 years available to all tenants with defined in-tenancy rent reviews;
 - h) the development provides a high standard of accommodation that complies with the requirements in Policy DM1 Housing Quality, Choice and Mix; and
 - i) the provision of affordable housing complies with the requirements in City Plan Part One Policy CP20 Affordable Housing, subject to the criteria set out in part 2 of this policy.
- 8.33. Build to rent developments will be expected to contribute towards meeting the city's identified need for affordable housing. The council will negotiate to achieve the following requirements:
- a) a proportion of affordable housing based on the requirements of Policy CP20 (40% on sites of 15 or more (net) dwellings), normally in the form of affordable private rent;
 - b) the affordable homes to be offered at discounted rent levels to be agreed with the council;
 - c) eligibility criteria for the occupants of the affordable homes to be agreed with the council and included in the S106 agreement;
 - d) the size mix of affordable housing units to be agreed with the council in accordance with Policy CP20; and
 - e) the affordable homes to be secured in perpetuity - the council will seek inclusion within the S106 agreement of a 'clawback' arrangement in the event of affordable units being sold or taken out of the build to rent sector.
- 8.34. Whilst emerging policy DM6 holds limited weight at this stage, it does give the direction of travel of local policy and does broadly accord with national policy guidance, which is a material consideration of some weight.

8.35. In view of the above national policy context and emerging local policy, the provision of BTR housing is accepted in principle. Policy CP20 promotes mixed tenure as the most effective way of ensuring a balanced community. The council considers that BTR can help to boost the supply of housing to rent in the city by providing more choice of good quality rented accommodation and secure longer term tenancies. The emerging policy aims to facilitate the delivery of high quality BTR schemes that will contribute towards meeting identified housing needs in the city. Provided appropriate Heads of Terms are secured via S106 to accord with emerging policy DM6 and National Planning Policy, and the scheme is covenanted as a BTR tenure, the proposal is considered acceptable in principle.

Affordable Housing and Viability:

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

8.37. The NPPG recognises that the economics of BTR schemes differ from build for sale in that they are based on a long term income stream and do not generate an early capital sum. As a consequence, viability assessment requires a different approach. The NPPG states that 20% affordable housing is generally a suitable benchmark for the level of affordable private rent homes to be provided (and maintained in perpetuity) in any BTR scheme. Local authorities wishing to set a different proportion should justify this using the evidence emerging from their local housing need assessment and set the policy out in their local plan. Currently emerging policy DM6 in the City Plan Part Two cites a 40% target.

8.38. The applicant provided a Viability Assessment with the originally submitted application which set out that the proposal would be able to provide 8% affordable housing (set at 75% of the market rate).

8.39. A subsequent Viability addendum was submitted to take into account the revisions to the scheme and also altered some of the assumptions, including the expected yield. This addendum set out that the scheme could not now viably provide any affordable housing.

8.40. The council commissioned the District Valuer Service to assess the applicant's viability case. In respect of the final revised scheme the DVS did not agree with all of the applicants assumptions with the main differences being a lower bench land value for the site and a higher value for the care community homes with the DVS considered what have a premium over

standard C3 housing. Notwithstanding some of the differences in assumptions, whilst the DVS profit on cost at 13.8% was significantly higher than the 5.98% profit in the applicants assessment it is still below the 15% profit target. As such the DVS agreed with the applicant in the overall assumption that the proposal could not viably provide any affordable housing.

- 8.41. Given the DVS conclusions it is therefore considered that a robust viability case has been made that the scheme cannot provide affordable housing.
- 8.42. It is noted that in line with RICS guidance for assessing BTR schemes that the DVS also provided an overall GDV figure for the scheme on the basis that the units were sold as private sale as opposed to a BTR scheme. This assessment provided a GDV of £211,400,000 for the Private Sale as opposed to £185,780,313 for the BTR scheme.
- 8.43. Whilst the private sale assessment provided a higher figure the DVS has concluded that with the information available, it is not possible to provide an accurate comparison with the BTR scheme and thus it cannot be assumed that a Private Sale scheme would be viably able to provide affordable housing and if so, at what levels. A full and accurate appraisal would require a complete reassessment of cost inputs and would very likely result in a change of design and unit numbers. The DVS advises that BTR developments are a very different product, offering different options to investors and operators and cannot truly be compared like with like with a traditional residential development, which are very much a single instance income generator and have different risks associated with them. A private sale scheme of this scale would likely need to be phased over a much longer period to avoid suppressing the developments own sales values, whereas more BTR scheme units can realistically be released at once without impacting on revenues. This is demonstrated by them being treated differently by the NPPF and PPG. They advise it should be expected that the unit mix and costs would change significantly were the scheme to be converted to a private sale development. Overall, it is not possible to conclude that a Private Sale scheme could viably deliver affordable housing and if so, at what levels.
- 8.44. Notwithstanding the viability constraints of the scheme the applicant subsequently submitted an offer whereby a commercial decision has been made to offer 10% affordable housing at 75% of market rent, subject to there not being a review mechanism.
- 8.45. The offer of affordable housing is strongly welcomed, although it is noted that the LPA would still seek a review mechanism given the scale of the scheme

and the need to provide a consistent approach on developments across the city.

- 8.46. The proposed offer would result in 58 affordable units with the following mix:
- 9 Studios (16%)
 - 20 one beds (34%)
 - 26 two beds (45%)
 - 3 three beds (5%)
- 8.47. The Housing Strategy Team is satisfied with the proposed mix and would welcome the opportunity to engage with the applicant in respect of the eligibility criteria.
- 8.48. Overall, whilst it is disappointing that the proposed scheme is delivering significantly below a policy compliant level of 40% affordable housing as set in CP20 (and below the suggested levels of 20% for BTR in the national guidance) given that the Viability Assessment has demonstrated that affordable housing cannot be viably provided the offer of 10% affordable housing is welcomed and weighs strongly in favour of the scheme.

Principle of Care Community

- 8.49. The proposed scheme includes a large 260 unit care community' which falls within the category of 'extra care housing' (Class C2). The dwellings would be self-contained and sold to residents on a long lease, and there would be substantial shared communal facilities and 24-hour onsite care and support. 89% of the proposed units are two bedroom units with the remainder one bedroom. A care community element is not identified specifically in Policy DA6 as a priority for this development area, nor is it included in draft CPP2 Policy SSA4. As a C2 use, the development would not be required to provide for any affordable housing under Policy CP20.
- 8.50. Policy HO11 of the 2005 Local Plan relates to residential care and nursing homes. This policy states that planning permission will be granted for new residential care and nursing homes where it can be demonstrated that the proposal meets four criteria.
- a) will not adversely effect the locality or neighbouring properties by way of noise or disturbance; or by way of size, bulk or overlooking;
 - b) provides adequate amenity space - (a minimum depth of 10m and not less than 25m² per resident - although a lower standard may apply for nursing homes where residents are less mobile);
 - c) is accessible to people with disabilities; and
 - d) provides for operational parking in accordance with the council's standards

- 8.51. Whilst it is noted that a care community offer is a different model from a standard residential care or nursing home development the proposal is considered to be broadly in accordance with the criteria of HO11 and is acceptable in this regard.
- 8.52. Whilst this policy does not set out that a specific need must be demonstrated the applicant has provided a Needs Assessment study which indicates a substantial unmet demand for private extra care accommodation in the city that this proposal would help to address. The Policy Team have stated that since 'extra care' is a relatively new category of accommodation, it is perhaps not surprising that there is a limited existing supply of this type of accommodation in the city, however there may be overlap with demand for other types of older people's accommodation.
- 8.53. The Adult and Social Care Team have outlined concerns that there may be inadequate need within the City for the service and as such this could result in older age clients with increasing health needs from outside the area moving into the City and placing increased demand on health services.
- 8.54. The applicant has subsequently provided further information setting out that due to the extensive facilities onsite that care community residents statistically have a reduced reliance on local health services and as such are not considered to result in a significant additional burden on local services.
- 8.55. Notwithstanding the above consultee comments and further information from the applicant in respect of the likely need and impact on services there is no current planning policy which sets out that a need for such housing provision must be demonstrated. Furthermore the provision of the care community development would accord with policy CP19 which sets out that residential development should provide for a range of needs, age groups and tenures.
- 8.56. Overall the provision of a care community on this site is accepted and would help to provide a more diverse housing offer for a wide range of age groups across the site.

Community Facilities

- 8.57. Policy HO19 supports the provision of new community facilities. Specific emphasis is put in ensuring facilities are assessable to all and 'multi-functional'. Draft Policy SSA4 sets out communal facilities should be provided based on local need. Whilst this policy currently has limited weight it does show the future direction of council policy.
- 8.58. The submission sets out that community facilities form part of the offer within the scheme. These include a multi-functional health and wellbeing centre (D1/D2) and also facilities within the proposed care community. Whilst it is

understood that a holistic gym / health centre with treatment rooms is proposed in the unit fronting Sackville Road it is noted that any use falling within the D1 or D2 use class would be permitted and as such other community uses would not be precluded in the future.

- 8.59. The care community includes a space outlined as a 'village hall' which can be used to host various social activities for the residents. The applicant has also set out that this facility could be booked for use by local residents for specific events / uses and as such would benefit the local community. A clause in the legal agreement is proposed that would ensure that access to the local community is maintained in perpetuity.
- 8.60. There have been a number of representations from local residents outlining concerns that the proposed development would result in greater stress on essential services in the immediate vicinity such as Doctors and Dentists. The NHS Clinical Commissioning Group has commented that practices across the city are under considerable pressure and any increase in the local population will increase this pressure, however marginally. Notwithstanding the above, they have set out that it is up to the local practises to assess their current and future capacity and they do not object to the application.

Design, Scale and Appearance and impact on wider townscape:

- 8.61. National and local policies seek to secure good quality design which respects general townscape and the setting of heritage assets. Taller and higher density development than that is typically found in an area can be considered appropriate in the right location. Policies DA6, CP12 and the Supplementary Planning Guidance on Tall Buildings (SPGBH15) identify the application site as within an area with the potential for development of higher density and tall buildings (18m in height or approximately 6 storeys above existing ground level).
- 8.62. Policy CP12 on Urban Design sets that development should hit certain criteria. The keys points are set out below:
- Raise the standard of architecture and design in the city;
 - Establish a strong sense of place by respecting the diverse character and urban grain of the city's identified neighbourhoods;
 - Achieve excellence in sustainable building design and construction;
 - Conserve or enhance the city's built and archaeological heritage and its settings;
 - Protect or enhance strategic views into, out of and within the city;
 - Be inclusive,
 - adaptable and accessible:
 - Ensure that the design of the external spaces is an integral element of the overall design approach, in a manner which provides a legible distinction between public and private realm;

- 8.63. SPGBH15 requires all new tall buildings to be of a high quality of design, such that they can make a positive contribution to the city's urban form and skyline, support the city's continued regeneration, and are generally well received. The council will expect very tall developments in particular to be, at least in part, accessible to the public. All tall buildings must be integrated into the public realm, be responsive to environmental conditions and embrace principles of sustainability. A full visual assessment is required to enable a full appreciation of the likely resultant townscape.
- 8.64. The design of the current scheme has been progressed through a Design Review Panel process, a significant number of pre-application meetings and further revisions post submission.
- 8.65. The proposed scheme is made up of the BTR residential accommodation, live/work units and the retail / commercial / business units to the south of the vehicular access off Sackville Road and the care community to the north of this access. A pedestrianised street running from north to south, described as 'The Boulevard' provides the main access through the site. The application documentation has split the BTR / commercial into 6 main blocks (A-F inclusive) and then the care community complex to the north of the site.
- 8.66. There have been significant alterations to the design, massing and materials of the scheme throughout the life of the application through discussions between the applicant and the LPA. The evolution of the scheme is considered in detail later in this section.
- 8.67. The built form of the final revised scheme before committee consists of the following as described below.

Blocks A and B

- 8.68. This includes the Sackville Road frontage to the west and the western side of the buildings on the Boulevard, extending down to the Hub Square in the south. The proposal has commercial at ground floor level with residential above. The main office block is sited at the northern corner of the Boulevard. The live / work units are sited on the Boulevard. The buildings range from 3 to 5 storeys with the exception of the office block which is 7 storeys.

Block C

- 8.69. This block extends along the boulevard and turns the corner to the east. It includes a tower of 13 storeys and two lower adjoined elements either side. There are live-work units and commercial at ground floor level with residential above. This block also contains the main BTR energy / plant room and the delivery hub.

Block D

- 8.70. This is located to the south west corner of the site and includes the 2 storey Moda works office building which extends out to Sackville Road and a taller residential tower which houses the main lettings and management offices for the BTR development at ground floor level.

Block E

- 8.71. Block E is the tallest tower at 15 storeys and is sited to the east and parallel to Block D. It is residential throughout and includes a lower element to the south with roof terrace.

Block F

- 8.72. Block F is made up of two linked residential buildings, the first, a block sited north / south, adjacent to Block E. The second building, lower in height is angled away towards the narrowest part of the site and aligned to face Hove Station to the south west.

Care community

- 8.73. The care community consists of a partially enclosed square to the western half of the development, with 4 and 5 storeys elements fronting Sackville Road. To the eastern half of the development there is a raised external amenity area accessed from the south with residential blocks up to a maximum of 8 to 10 storeys in height enclosing the amenity area. Undercroft parking is provided accessed from the south.
- 8.74. A Townscape and Visual Impact Assessment (TVIA) was submitted with the original application. In addition a TVIA addendum was also provided which assessed the final revised scheme. The TVIA and associated Addendum set out 15 keys views (short, medium and one long view) which were agreed with the LPA at pre-application stage and provides photo montages of the proposed development and analysis of the likely townscape impact. Two of the views have been provided for both summer and winter. The Design and Access Statement and subsequent addendums also provide detailed assessment of the design approach of the scheme.
- 8.75. The character of the immediate area consists of traditional terraced housing to the west on Sackville Road and predominantly low rise commercial, industrial and retail buildings to the east of the site. Existing development on Old Shoreham Road to the north is also predominantly a mix of low rise residential and commercial buildings. Further to the east on Newtown Road is a recently constructed 7 storey residential block and a number of associated townhouses. To the south of the railway line there are four 10 storey residential towers which are currently the most prominent buildings in close vicinity of the site.

- 8.76. The site itself has very limited townscape merit with modern commercial sheds on the Trading Estate and more ad hoc development and open storage on the Hove Goods Yard.
- 8.77. Whilst it is acknowledged that the application site, as set out in policies CP12 and DA6 is suitable for higher density development and tall buildings (over 6 storeys) the proposed built form is required to raise the standard of architecture and design in the city and establish a strong sense of place by respecting the diverse character and urban grain of the city's identified neighbourhoods.
- 8.78. In respect of the application scheme as originally submitted concerns were expressed in respect of the overall design of the scheme and how it would impact on a number of views as set out in the TVIA. The proposed development has largely been designed on a rigid plan form, predominantly set out north to south in a grid-like pattern. The facades are generally flush throughout with the relief coming predominantly in the detailing and materials of the elevations rather than the form, design and layout of the buildings.
- 8.79. The taller towers in the originally submitted scheme were deep (north to south) and this coupled with the long horizontal emphasis of the lower elements of the buildings with little in the way of breakages created a very dense development and a lack of permeability. This was especially evident in the more easterly and western views (including from Hove Park). The predominance of the use of long flat roofs and the limited variation in the height and general form of the buildings contributed to the overly dominant impact of the development.
- 8.80. Blocks A and B fronting Sackville Road were generally considered to be of an appropriate design and whilst of a greater scale than the existing terraced housing opposite the site were not considered to be overly dominant and would have an acceptable impact on then streetscene. In comparison to the existing commercial buildings that turn their back on Sackville Road, the element of the proposal would improve the public realm and townscape, creating an active street frontage at ground floor level and as such is in accordance with the respective local priority set out in policy DA6.
- 8.81. In respect of the BTR element of the scheme as originally submitted, Blocks C-F when assessed together was considered to be the most problematic in respect of their form, density and lack of visual permeability.
- 8.82. To the north of the site, whilst the care community development as originally submitted was lower in height overall than much of the BTR scheme the siting of this part of the scheme to the northern third of the site was such that

it has more prominence in views from the north of the site. The 8 storey blocks appeared particularly dominant, and this in conjunction with Blocks C and F of the BTR scheme was considered to result in a somewhat impenetrable stretch of development, particularly in views from the north to the west. In addition, the proposed materials of the care community, consisting predominantly of a light grey cladding, with limited depth and articulation were considered to result in largely bland, featureless facades which emphasised the horizontal massing of this block.

- 8.83. It is noted that the Heritage Team have set out that the scheme results in a negative impact on a number of existing heritage assets and this is set out in further detail within the Heritage section of the report.
- 8.84. It is noted that the Design Review Panel response to the applicant's pre-application proposal in September 2018 set out that whilst the proposed massing did not raise any obvious concerns that the lack of architectural propositions made specific comments about the heights and the distribution of massing challenging.
- 8.85. Whilst the applicant engaged fully in further pre-application discussions post this DRP it would have been beneficial to have had a further design review panel when the architectural design and detailing was at a more advanced stage which could have helped inform the scheme before the submission of the application.
- 8.86. During the application process itself the applicant has continued in discussions with the LPA in an attempt to address concerns that have been raised in respect of the design, massing and impact on the streetscape and a number of amendments were tabled. The key aims of the revisions were to help break up some of the massing of the built form to provide greater visual permeability and provide greater variety in the form and heights of the scheme overall. This was in conjunction with alterations to the materials and detailing to enliven some of the facades. The main alterations are set out below.
- 8.87. Block C has been altered significantly, with the tower reduced in width and the two side elements of the block reduced in height to present themselves as more of a mansion block typology. A zinc standing seam is used to provide visual separation between the tower and the lower elements, whilst increased façade articulation and detailing is proposed on the flank facades.
- 8.88. Block E has been increased in height from 13 to 15 storeys and as such is clearly the tallest building on the site. The block has a slimmer profile with a shoulder introduced that steps down 3 storeys from the top of the building

and the massing broken up with different colour brickwork and indents proposed.

- 8.89. A shoulder has been introduced to the taller element of Block F reducing the overall depth of the building, whilst a lighter brick has been used to soften the overall impact of the building.
- 8.90. Alterations to Blocks A and B included an additional storey to the office block and increased glazing to more clearly the signpost this commercial building and differentiate its appearance from what is predominately a more residential typology throughout the buildings.
- 8.91. An increased number of inset balconies have been added to the BTR buildings throughout which has helped enliven the facades, create visual interest and provide more of a residential feel.
- 8.92. The care community proposal has changed significantly with the two main 8 storey blocks broken up into 4 taller elements (8-10 storeys) with three lower 5 storey elements in between. The Sackville Road elevation has been altered with the set-back top storey replaced with a flush brick façade with a metal parapet termination. The materials have been revised throughout with the proposal featuring predominantly masonry façades with some areas of bronzed metal cladding.
- 8.93. The revisions outlined above, specifically alterations to the height and form has added variety to the scheme. This is especially evident in longer views, for example from Hove Park, where increased separation between elements of the buildings and greater variation in height is sufficient to break down some of the massing of the scheme. Whilst the proposal would still be very prominent in views from Hove Park, especially in winter when there is less tree cover the proposed alterations would respond better to the undulations of the tree canopy and the greater articulation of the facades would result in buildings of greater visual interest in these views.
- 8.94. When viewed from the east, the revisions have improved what was originally a somewhat impenetrable stretch of continuous development. The alterations to Block C specifically, with the lowering of the two horizontal elements providing breathing space to this part of the site whilst the greater articulation and detailing of the facades further differentiates this block from some of the other proposed buildings.
- 8.95. Whilst the additional height to Block E will increase the prominence of this building, the overall profile will appear slimmer and as such this is considered to result in an improvement to the scheme.

- 8.96. The alterations to the care community building are considered to have improved the overall appearance of this element of the scheme considerably. The variation in heights has reduced the dominant, horizontal emphasis of the scheme and has helped to break up the massing and provide some views through the scheme. The change in materials to provide a predominantly brick façade is a significant improvement over the previously proposed cladding system which had little relief and gave the appearance of an institutional feel. Further articulation and de-cluttering of the Sackville road frontage by removing protruding balconies uplifts the quality of the scheme.
- 8.97. It is noted that the scheme only fronts the public domain on the western boundary, with the other boundaries adjoining either the backs of existing development or the railway line. Whilst the height and massing of the development will make it highly visible in longer views, especially from the north and south, the proposed development on Sackville Road will have more of a lower rise character and provides an acceptable link between the terraced housing on the western side of the road and the taller, more dominant built form located further into the site. In more localised views from Newtown Road and Old Shoreham Road the proposed development will be screened to a degree by the existing buildings and as such this reduces the dominance of the proposal on these street frontages.
- 8.98. Notwithstanding the revisions, which have significantly improved various elements of the scheme it is still undoubtedly a very high density development which exceeds the number of residential units and thus the density envisaged for the site in policy SSA4 and within the SCHLAA.
- 8.99. Whilst the massing has been reduced in areas of the development these are still buildings of significant scale that will inevitably alter the character of the immediate locality. The three southernmost blocks especially are very deep (from north to south) for buildings of this height and will have a dominant presence in some views as seen in the TVIA from the west on Prinsep Road. The care community element is also a very dense built form and overall the development is still of an imposing scale in comparison to the general form of development in the area. Whilst the improvements to the overall design of the scheme are noted the general approach throughout the site of rectangular blocks within a grid form has been retained and though materiality and detailing add visual interest the overall effect is a built form that is still somewhat regimented without significant variety in general form.
- 8.100. Assessing the design approach holistically the LPA is mindful that the site is located within a specific development area that has been highlighted as being able to accommodate tall buildings and as such it is expected that the character of the area will undoubtedly change over time. It is also important

to note that the scheme would deliver a significant amount of much needed new homes. Given the significant historic under delivery of housing within the city in comparison to the Objective Assessed Need (OAN) the need to fully maximise the potential of large brownfield sites like this is compelling. It is acknowledged that further reductions in the built form would erode the limited viability of the scheme further, or result in compromises on other important aspects of the development and thus jeopardise the deliverability of the scheme.

- 8.101. In summary, the design of the scheme has improved significantly throughout the application process and whilst some concerns remain, including the heritage impact outlined later in the report, considering the significant public benefits of the scheme that will accrue with the redevelopment of the site, the overall design, scale and appearance of the scheme and its impact on the character of the surrounding area is considered acceptable and any concern is not considered so significant as to warrant refusal.
- 8.102. Conditions requiring details / samples of materials and detailed large scale drawings / sections of elevational details are proposed to ensure a high quality build is maintained through to completion.
- 8.103. During the application process details were provided as to how potential development could come forward on the north and eastern boundaries of the site. Gaps have been left whereby routes through to the east to Newtown Road could potentially be added in the future. Whilst the height and form of future development on adjoining sites may be restricted to a degree it is considered that there would be sufficient spacing to enable a satisfactory level of built form on these sites without significant detriment to the amenity of future occupiers and the application is acceptable in this regard.

Heritage

- 8.104. The site lies immediately to the north west of the Hove Station Conservation Area and has a clear historic relationship with this area. The special character of the Hove Station Conservation Area derives from the relationship between the station itself and the surrounding late Victorian buildings which connect the station with the main part of Hove along Goldstone Villas. This is a busy, tree-lined road with terraced properties to the north and more domestic, lower scale property to the south. The most significant features of Goldstone Villas are two long terraces close to the railway station and the public house at the north end. Around the corner in Station Approach the space is defined to the north and west by the station and to the south by the Ralli Memorial Hall.

- 8.105. The Heritage Team response set out that the scheme as originally submitted would impact upon the designated heritage assets of the listed building of Hove Station and the Hove Station Conservation Area, as seen from Station Approach. The tallest elements of Blocks C, E and F would directly impinge upon the outline of the 1879 Station building and the adjacent Edwardian forecourt canopy, which together present a distinctive silhouette of hipped and gabled roof forms against the sky, with a new long flat roofline either side of the ridge of the Station roof. The Heritage Team state that the Station is, by its nature, scale and design, intended to be a highly legible and architecturally distinct building in the street scene and this is part of its significance and it is therefore considered that there would be clear harm to the Station's setting.
- 8.106. The Heritage team response states that the Station, the public house and the adjacent Victorian terrace have a very clear historic relationship and the Station has historically been the dominant architectural element in the area, as befits its use and status, It remains a key focal point, both visually and functionally, in the approaches, especially from the east along Station Approach. It is therefore considered that there would be clear harm to the setting of the Hove Station conservation area.
- 8.107. The applicant's Heritage addendum set out that the revised scheme provides greater variety to the scheme in respect of height, widths and materials and concludes that as per the originally submitted scheme that the significance of the listed station and the Conservation Area would be sustained and the significance of the Dubarry building would be preserved.
- 8.108. The amended scheme includes an additional two storeys on Block E, whilst reducing some of the bulk on the tallest elements of Blocks C, E and F. In terms of the impact on the setting of the designated heritage assets of Hove Station and the Hove Station conservation area, as most clearly illustrated in the revised TVIA view from Station Approach, the Heritage Team has set out that the amendments would result in greater harm to both heritage assets than the original submission. In the original submission the buildings did not exceed the ridge height of the red brick 1879 station building in the view from Station Approach, whereas the revised scheme now significantly rises above the ridge height and overall would be significantly more intrusive on the setting of the listed building and much more obviously of greater scale. This is primarily as result of a two storey increase in the height of Block E. The massing amendments to Block C and Block F do not make any significant difference to the impacts in this view. The Heritage Team consider the revised approach to be more intrusive and note that building heights fail to step down appropriately to reflect the gentle fall of the land.

- 8.109. The Heritage Team consider that the scale of the proposal would also result in some harm to the setting of the Dubarry building, to the north of the station and would diminish its role as a local listed landmark.
- 8.110. The Heritage Team is satisfied that whilst the proposal will be highly visible in views from the locally listed Hove Park that the built form would generally sit within the existing tree canopy and that it would not result in harm in heritage terms to the park.
- 8.111. A long distance view from Three Cornered Copse, included in the revised TVIA, from within the Woodland Drive conservation area, shows that the development would be similar to the existing large scale 20th century development that breaks the skyline in an undulating manner and would not detract from the foreground of the copse and as such the Heritage Team are satisfied that there would be no harm to the setting of the Woodland Drive Conservation Area.
- 8.112. The Heritage Team set out that the identified harm to the settings of the designated heritage assets referred to above would be demonstrable but would be less than substantial in each case under the terms of the NPPF. It must nevertheless be given great weight in the decision-making process, as the legislation and paragraph 193 of the NPPF both require. The Heritage Team conclude that there are no heritage benefits to the proposed development that may be weighed against that harm.
- 8.113. It is noted that the Conservation Advisory Group (CAG) has also objected to the scheme, outlining concerns about the impact on views from the Hove Station Conservation Area, the Dubarry Building and from the from Hove Park.
- 8.114. The applicant's Heritage Statement and addendum has considered each of the heritage assets affected and the contribution that setting makes to their significance. It is concluded that overall the proposed development will result in change within the setting of the assets but overall that their significance will be sustained.
- 8.115. In addition to the initial Heritage Statement and addendum by Turley Heritage the applicant has submitted a further Heritage Review of the scheme by Chris Miele, Montagu Evans LLP. This review is in agreement with the applicant's original Heritage Statement and sets out that in the respect of all of the impacted heritage assets that their significance would not be harmed and thus would meet the tests in the relevant paragraphs of the NPPF and would not conflict with section 66 the Listed Buildings and Conservation Area Act 1990.

- 8.116. The Heritage Team has considered the further Heritage Review and overall has concluded that it does not alter the harm that has been identified in their previous comments.
- 8.117. Whilst the heritage harm is acknowledged it is also recognised that the southern part of the application site, adjacent to the railway has less constraints in respect of residential amenity and localised streetscene impacts than the north of the site and this has to be considered with a view to maximising the potential capacity of the site. Given the proposed high density of the scheme it is not considered that additional height or massing could realistically be accommodated to the north and west of the site and it is acknowledged that to solely reduce the heights significantly to blocks C, E and F to mitigate heritage concerns would further reduce the viability and deliverability of the scheme.
- 8.118. The Heritage harm which has been assessed as 'less than substantial' has to be weighed against the public benefits of the scheme in line with Paragraph 196 of the NPPF.
- 8.119. In this instance there are considerable public benefits associated with the redevelopment of key brownfield site which would deliver a significant level of residential accommodation for a number of different user groups and significant amount of employment, commercial and community floorspace. This weighs strongly in favour of the scheme.
- 8.120. To conclude, it is considered that the proposal does result in clear harm to the setting of the Grade II Listed Hove Station, the Hove Station Conservation Area and the locally listed Dubarry Building, contrary to saved policies HE3, HE6 and HE10 of the B&H Local Plan and this weighs against the scheme. Whilst the proposed scheme does not result in any heritage benefits the redevelopment of the site does bring wider public benefits and when taking a holistic assessment of the overall scheme and the heritage harm, which is assessed as 'less than substantial' in the terms set out in the NPPF, the harm is not considered so significant as to warrant the refusal of the application.

Landscaping / public realm

- 8.121. National and local plan policies place great emphasis on securing good design and placemaking. City Plan Policy CP13 requires the quality, legibility and accessibility of the city's public urban realm to be improved in a comprehensive manner through new development schemes, transport schemes and regeneration schemes. Such proposals are required to produce

attractive and adaptable streets and public spaces that enrich people's quality of life and provide for the needs of all users by:

1. Positively contributing to the network of public streets and spaces in the city;
2. Enhancing the local distinctiveness of the city's neighbourhoods;
3. Conserving or enhancing the setting of the city's built heritage;
4. Reducing the adverse impact of vehicular traffic and car parking;
5. Utilising high quality, robust and sustainable materials for all elements of the street scene;
6. Incorporating street trees and biodiversity wherever possible;
7. Encouraging active living and healthier lifestyles;
8. Helping to create safe and inclusive public spaces;
9. Incorporating an appropriate and integral public art element; and
10. Reducing the clutter of street furniture and signage

8.122. The general layout of the site and public realm was progressed through the pre-application process and the overall approach is generally supported. There is a clear separation of the more public elements of the scheme, including the main boulevard and the square to the south west with the more private spaces to the far south of the site. Whilst the height and siting of the built form will impact upon the sunlight penetration into much of the public areas, especially in the winter months it is acknowledged that the nature of a high density scheme will invariably result in some compromises in this regard. Increasing separation distances between buildings to improve sunlighting can also result in less defined spaces, which bleed into each other and as such it is not necessarily the most appropriate design solution to create high quality public spaces.

8.123. Earlier schemes at pre-application stage included either underground or undercroft parking to the south of the site allowing a greater amount of amenity space rather than the surface car parking in the application scheme. The level of surface parking over more useable private amenity space is disappointing and is discussed later in the amenity section of the report.

8.124. The applicant has set out that the complexity and cost of providing hidden parking throughout was such that it was not possible to undertake whilst achieving a viable scheme. Whilst the level of surface parking provided is regrettable and has had an impact upon the quality of the spaces between the buildings the landscaping, in the form of trees and planters is such that the parking provision is not overly dominant and with the deliverability of the scheme a significant consideration the overall approach is considered acceptable.

- 8.125. The proposed pedestrian access to the site to the south, adjacent to the railway bridge is considered to be successful in enlivening the Sackville frontage and creating a sense of arrival to the site. The landscaped steps are leading up to the main square provide both a functional and attractive entrance to the site. The delivery of a public square is in accordance with the council's future aspirations of the site as set out in policy SSA4 of the draft City Plan Part 2 and this is welcomed.
- 8.126. Whilst ideally the lay out of the site would have included a greater level of public and private amenity space, the proposed high quality palette of materials and the significant number of trees and planting proposed are considered to provide a good quality public realm throughout the site.

Artistic Component

- 8.127. Contributions are sought from significant major schemes towards direct on-site provision by the developer as part of a scheme or in the immediate vicinity of the development. City Plan Policy CP5 Culture and Tourism supports investment in public realm spaces suitable for outdoor events and cultural activities and the enhancement and retention of existing public art works. Policy CP7 Infrastructure and Developer Contributions seeks development to contribute towards necessary social, environmental and physical infrastructure including artistic components secured as public art and public realm improvements; and policy CP13 Public Streets and Spaces seeks to improve the quality and legibility of the city's public realm by incorporating an appropriate and integral public art element.
- 8.128. The artistic component is calculated via a standard formula linked to the overall floorspace of the scheme and in this instance the value of the contribution totals £450,000. This contribution is not a monetary payment to be sought by the council but rather an uplift to the quality of the scheme to the value of this amount and will be secured within the legal agreement.
- 8.129. It is recommended that an overall Artistic Component Strategy is sought allowing phased delivery of the artistic component elements where required which should consider consistent principles across the whole site.
- 8.130. Taking into consideration an approved Artistic Component Strategy for suitable projects this may include street furniture, hard or soft landscaping, internal or external murals or sculptures or uplift in materials that may also include improvements to adjacent public realm. The objective is to bring an individual identity to the scheme with an uplift to the public realm and the development over and above proposed plans.

8.131. The applicant has indicated a keen willingness to involve ward councillors, schools and the wider local community in the process of developing an artistic uplift to the site and this is welcomed. It is considered that an Artistic Component Strategy has the potential to offer significant design and public realm benefits that can increase the distinctiveness of the scheme help and ground the development within the local community.

Open Space and amenity / sports provision

8.132. Policy CP16 on Open space sets out a number of key criteria in respect of open space. Developments will be required to optimise the provision of safe onsite public open space with good passive surveillance and accord with Biosphere Reserve principles and objectives. Where it is not practicable for all or part of the open space requirements to be provided on site, an appropriate alternative agreed provision and/or contributions towards off-site provision will be required.

8.133. All new provision should optimise accessibility to all users (including the local community and visitors), reflect the open space requirements, facilitate sustainable means of access, provide measures to improve public safety within and around the respective spaces and seek to improve the variety and quality of safe provision in the city.

8.134. The scale of the proposed development generates a significant demand for all of the open space typologies. These cannot all be feasibly accommodated on site in most instances and as such contributions will be sought.

8.135. The 2011 Open Spaces study requires amenity green spaces to be able to accommodate recreational function beyond acting as a visual amenity or a landscape buffer. So a certain degree of informal activity is envisaged in them and it should be of the size and scale to accommodate that activity. The combined Hub Sun Lawn and Moda Works Hub and the Mounded Sunbathing and Play Lawn appear to satisfy that. The main external amenity area in the care community is also considered to satisfy the requirements. These areas outlined above provide a total of 2680sqm and these have been discounted from the overall open space contribution.

8.136. The children's play areas on-site appear smaller than the minimum size 400 sqm (+ buffer) for formal provision. Whilst off site provision for older children is acceptable, there is a concern over the accessibility of off-site provision for 0-5 year olds. Whilst it recognised that the proposed play areas provided do still provide an amenity function a fully policy compliant children's play area would have been preferable. The proposed allotments provide some value to the future occupiers but again are below the 500sqm required to make a

policy compliant contribution and as such an off-site contribution for allotments and children's play has been sought.

- 8.137. It is acknowledged that there is limited space on site for significant indoor or outdoor sport provision and as such a full contribution has been sought.
- 8.138. It is welcomed that the applicant has agreed to fully meet the financial contribution of £1,696,849.97 towards enhancement of outdoor/indoor sports, parks and gardens, children's playspace, allotments, amenity greenspace and semi-natural space in accordance with the requirements of policies CP7, CP16 and CP17 and the Developer Contributions Technical Guidance.

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.

- 8.139. The main impacts will be to the properties on the western side of Sackville Road, directly opposite the site and also to the south of the site to properties sited to the northern side of Conway Street.
- 8.140. A sunlight and daylight assessment by GIA was included with the original application which assessed the impact of the scheme on neighbouring residents. A further supplementary addendum was submitted in which took into account later alterations to the scheme.
- 8.141. The Council has commissioned an independent review of this assessment which was completed by the Building Research Establishment (BRE). In respect of the impact on neighbouring properties the BRE stated,
- 8.142. *“Even numbered houses in Sackville Road would face towards the proposed development across the road. Numbers 126-138, 144 and 146 would have a moderate adverse impact on their daylight, and of these numbers 126, 130 and 134 would also have a moderate adverse impact on sunlight. Numbers 124, 140, 142, 148-156 and 162-176 would have a minor adverse impact on daylight. Loss of daylight and sunlight to other houses on Sackville Road would be within BRE guidelines.*
- 8.143. *For many of the houses the residual levels of daylight would not be far below the BRE recommendations. The windows are mostly fairly large, and there are similar houses elsewhere in Brighton with higher levels of obstruction.*

- 8.144. *Loss of daylight to nineteen windows at The Courtyard, a block of flats across the railway line to the south, would be outside the BRE guidelines. This is assessed as a minor adverse impact, in most cases the daylight levels with the new development in place would be only just below the recommended value. Loss of sunlight would not be an issue for these windows as they face north.*
- 8.145. *There are no other dwellings that could be significantly affected.”*
- 8.146. As set out above the BRE review indicates that the proposed development will result in harm to the amenity of a number of properties on the western side of Sackville Road in respect of a loss of daylight and sunlight. Of these properties there are 9 specifically which would have a moderate adverse loss of daylight and a further 16 with a minor adverse impact. Three properties would have a moderate adverse loss of sunlight.
- 8.147. Whilst the loss of daylight and sunlight for the affected properties on Sackville Road it is acknowledged these properties currently have very limited impediments to light, with low rise buildings to the east across the highway. They generally also have large windows and also benefit from rooms to the rear with outlook onto gardens to the west. Whilst the loss of light will be clearly noticeable for some properties the overall daylight and sunlight provision would still be considered reasonable for an urban location and overall the harm is not considered so significant as to warrant the refusal of the application.
- 8.148. The Courtyard is a purpose built block of flats to the south of the railway line. The majority of the flats in the building have aspects to the south with communal corridors running to the north of the buildings. Loss of daylight to the Courtyard would be relatively minimal and the application is considered to be acceptable in this regard.
- 8.149. There would be a degree of overlooking from the proposed residential units fronting Sackville Road towards the properties on the western side of the road, opposite the site. There would though be sufficient separation from the development and these properties across a busy public road and it is not considered that the proposal would result in any significant loss of privacy to the neighbouring occupiers. Similarly, whilst there would be views afforded from Blocks D, E and F towards properties to the south of the site, the separation distances involved, which also includes the railway line is such that again, any loss of privacy to neighbouring occupiers would not be considered significant and the application is acceptable in this regard.

- 8.150. The separation distances between the development and neighbouring residential properties, both to the west over Sackville Road or across the railway line to the south in conjunction with the spacing between the taller blocks is such that the proposal is not considered to result in a detrimental enclosing or overbearing impact or result in a loss of outlook to neighbouring occupiers.
- 8.151. All other residential properties south of the railway and those to the north on Old Shoreham Road are considered to be sited sufficient distance away for there to be any significant loss of amenity as a result of the proposed development.
- 8.152. Noise and disturbance from the proposed development, be it from future occupiers or transport related impacts can be controlled via either a Servicing and Delivery Plan and a Noise Management Plan to be secured via the legal agreement or relevant condition and it is not considered that neighbouring properties will be significantly impacted in this regard.
- 8.153. Noise and dust during the construction of the scheme will be controlled by a Demolition and Environmental Management Plan (DEMP) and Construction and Environmental Management Plan (CEMP).
- 8.154. Impacts in respect of the loss of daylight and sunlight to the neighbouring commercial occupiers to the northern and eastern boundaries of the site have not been assessed by the applicant. Due to the height and siting of the built form adjacent to these boundaries there will be some degree of impact in respect or loss of sunlight, daylight and outlook and in some cases a somewhat overbearing impact. It is considered though that for commercial premises, which have a lower level of protection than for residential properties that any harm to amenity would not be so significant as to warrant refusal.
- 8.155. Concerns have been raised by adjoining commercial operators that siting residential development in close proximity to commercial uses could result in noise complaints which could threaten the ongoing viability of their businesses. It is considered that a condition for further acoustic testing will identify which parts of the proposed development will require upgraded sound insulation and as such this approach is considered to provide mitigation in respect of this concern.
- 8.156. Notwithstanding the above, consideration must be given to the councils future aspirations for the site, which includes a significant amount of residential development. It is acknowledged that any redevelopment scheme aiming to maximise the capacity of the site is likely to include residential

development in relatively close proximity to adjoining commercial occupiers and as such the proposed arrangement is considered acceptable in this regard.

Standard of accommodation

Built to rent

- 8.157. Whilst the Local Planning Authority does not have adopted space standards, for comparative purposes the Government's Technical Housing Standards – National Described Space Standards March 2015 document sets out recommended space standards for new dwellings.
- 8.158. The proposed units have been designed to accord with the Nationally Described Space Standards other than the standard one bedroom units which average 45.6sqm rather than the 50sqm set out in the standards. The applicant submission sets out that these units have been designed to be open plan, without a central hallway and set out that these units would have a larger habitable space than a standard 52sqm one bedroom unit. The proposed layout inevitably has led to some compromises, for example the bathroom is only accessed from the bedroom. Overall this approach is considered acceptable in this instance and the accommodation throughout all of the units sizes provides acceptable standards in respect of size, layout and circulation space.
- 8.159. The submitted a daylight and sunlight report (and a subsequent addendum reviewing the amendments) for this element of the scheme sets out that there are good levels of daylight and sunlight throughout. This includes 95% of the scheme achieving the required Annual Daylight Factor (ADF). The built form is generally orientated from north to south which minimises the number of north facing units with the taller elements of the scheme especially are largely uninterrupted from the impacts of adjoining buildings. The information has been reviewed by the BRE who are satisfied that the modelling is robust and that the scheme will provide good levels of daylighting for a high density scheme of this type and also reasonable levels of sunlight throughout.
- 8.160. Concerns were raised with the application as originally submitted in respect of compliance with Local Plan Policy HO5 which requires private useable amenity space in new residential development. The revised scheme includes additional private balconies increasing the provision from 18% to 33% throughout and whilst these alterations are welcomed the overall level of private amenity space is relatively low. It is acknowledged that amenity offer also includes a number of communal roof terraces and other communal amenity areas within the site that do add to the overall amenity offer. Overall though, considering the scale and density of the scheme the level of private amenity space provision in its totality (including balconies, communal roof

terraces and semi-private amenity areas) is disappointing and whilst the need to maximise the potential of the site is acknowledged this does weigh against the scheme.

- 8.161. There will be a significant level of mutual overlooking between the windows and balconies of the respective blocks and the external communal areas. Whilst this will impact the privacy of future residents there will inevitably be a certain degree of overlooking in a scheme of this density and overall the scheme is considered to be acceptable in this regard. Whilst there are a number of ground floor units and units adjacent to raised terraces / amenity areas that have the potential to be compromised in respect of privacy and noise disturbance there is sufficient space for acceptable boundary treatments and or screening to ensure an acceptable standard of amenity will be provided for and this will be secured via the landscaping condition.

Care Community

- 8.162. This element of the scheme as revised is made up of 260 units set around an inner courtyard opening onto Sackville Road and containing the entrance to the scheme and a larger amenity space enclosed on three sides. The units all exceed the nationally described minimum space standards and are considered acceptable in respect of size and circulation space.
- 8.163. The applicant submitted a daylight and sunlight report with the original scheme which was assessed by the BRE. The BRE response set out concerns with the applicant's assessment which they stated overestimated reflectance levels within the scheme and overall they considered that there would be a poor level of daylight provision, especially given the relatively limited site constraints.
- 8.164. The scheme has been revised significantly during the life of the application to address design and amenity concerns. These alterations included a reduction in units accessed via long corridors and an increase in the number of dual aspect units throughout the scheme and this is welcomed.
- 8.165. A revised sunlight and daylight study was submitted taking into account the revised scheme. In this study all the living areas were assessed against a target ADF of 1.5 regardless of whether they contained a kitchen (which would normally be assessed against an ADF of 2). The partially enclosed kitchens were assumed to be non daylit for the purpose of assessment.
- 8.166. The submitted assessment set out that, extrapolated out across the scheme 84% of the rooms (and an estimate of 80-85% of the living areas) would meet the British Standard target with the rooms failing the target situated on the lower floors (0-3 inclusive). Whilst this is an improvement on the originally

submitted scheme the BRE still considered that this was poor standard of daylighting, especially considering the scheme is for older people who are likely to be spending more time indoors than occupiers of regular housing.

- 8.167. Further revisions to the design including altering windows to some of the bedrooms have improved daylight in these rooms whilst a number of kitchens have been revised to include windows into corridors to benefit from borrowed light and these alterations are welcomed.
- 8.168. In respect of sunlight provision the relatively high number of single aspect north facing units has impacted on the 'overall compliance' rate for Annual Probable Sunlight Hours (APSH) which for the entire scheme stands at 51%. This is not considered a particularly good level of sunlight provision considering the limited existing constraints of the site.
- 8.169. Whilst residents of the care community are afforded a number of communal facilities in which they can use the LPA do not consider that this adequately mitigates the daylight and sunlight concerns outlined above.
- 8.170. The main external amenity will inevitably be overshadowed to some degree due to the height of proposed built form, though from spring to autumn it is considered to have reasonable levels of sunlight. The proposed woodland amenity area to the northern boundary of the site, whilst providing a useful buffer with the development to the north will be shaded for most of the year and is considered to have limited amenity value.
- 8.171. It is noted that the level of balcony provision in the care community scheme has decreased (in comparison to the original scheme) although this is mitigated to some extent by the addition of two further roof terraces.
- 8.172. It is noted that the ground floor units on the west and south facing elevations of the scheme are single aspect with frontages onto Sackville Road and the entrance to the site. This is not ideal in respect of privacy and noise and disturbance and landscaping / screening will have to be carefully considered to ensure acceptable living conditions for future occupiers.
- 8.173. Similar to the certain elements of the BTR development there will be a level of mutual overlooking and loss of privacy between some of the units. It has been noted that some of the internal layouts of the units have been designed to provide some mitigation in reducing direct views. Further details will be required to be provided via the landscaping condition to ensure that there is adequate screening built into amenity spaces (including the raised terraces) to ensure that there is sufficient privacy afforded to future occupiers.

- 8.174. Overall, the attempt to maximise the quantum of development of the site has resulted in some deficiencies in the amenity for future occupiers. This includes a high quantum of single aspect units throughout and a relatively low proportion of private amenity space. For the BTR scheme in particular the high level of surface car parking has been at the expense of usable private amenity areas for future occupiers.
- 8.175. For the care community specifically this has resulted in poor daylight and sunlight levels for a number of the units (predominantly on the lower floors of the scheme) and overall these concerns do weigh against the scheme.
- 8.176. Whilst the deficiencies in private amenity space and sunlight and daylighting are noted they have to be considered in the context of the wider public benefits and the need to provide a deliverable scheme and as such are not so significant as to warrant the refusal of the application.

Noise Impacts for future occupiers

- 8.177. The site is surrounded with a number of potential noise sources. This includes busy highways to the west and north (Sackville Road and Old Shoreham Road), the railway line to the south and the commercial / industrial units which abut the site to the north and to the east.
- 8.178. There will also be a number of potential noise sources from the proposed development, eg. from plant, cycle and refuse stores, external terraces and deliveries.
- 8.179. A Noise and Vibration Assessment (dated 28/11/18) has been submitted by Vanguardia. This report outlines that in a number of locations in the proposed development that enhanced glazing (over and above standard double glazing) will be required to ensure satisfactory noise levels for future occupiers.
- 8.180. A condition is recommended requiring further noise assessment of the revised scheme and then a later assessment taking into account the potential noise sources within the development along with necessary mitigation to ensure acceptable noise conditions for future occupiers.
- 8.181. A condition requiring a noise management plan is proposed which would clearly set out how the differing uses and related external amenity areas will be effectively managed to ensure the amenity of future occupiers is safeguarded.
- 8.182. Further conditions are required in respect of deliveries / servicing, hours of use for specific commercial operations, soundproofing and noise and odour measures for plant.

8.183. Subject to compliance with the suggested conditions it is not considered that there will be any significant impact to future occupiers in respect of noise and disturbance.

Housing Mix:

8.184. Policy CP19 relates to housing mix and states it should be demonstrated that proposals have had regard to housing mix considerations and have been informed by local assessments of housing demand and need.

8.185. The scheme as originally submitted for 604 residential units and 9 live/work units had the following housing mix;

- Studios: 112 (18.5%)
- One bed: 262 (43.4%)
- Two bed: 201 (33.3%)
- Three bed: 38 (6.3%)

8.186. The applicant has set out that the nature of BTR schemes and flatted developments in general are such that a mix more in favour of smaller units is required.

8.187. Policy CP19 does not set specific requirements for housing mix, but expects developments to provide an appropriate mix of housing type, size and tenure informed by local assessments of housing demand and need, whilst having regard to the characteristics of existing neighbourhoods and communities. Compared to the overall pattern of need/demand across the city set out in CPP1 (para 4.213) the proposed mix is strongly focused towards smaller 1 and 2 bed units.

8.188. A higher proportion of smaller units could be expected given the development format and location. However it is regrettable that the scheme as original submitted proposed only 5% 3-bed units (compared against the city-wide requirement of 42% 3 and 4+ bed units in CPP1 para 4.213). Furthermore CPP1 does not set out a specific need for studio flats. It is noted that a studio lacks the flexibility of a one bed unit which can be used by a couple and overall the proposed level of studio this provision is also disappointing and there is potential conflict with Policies CP19 and SA6 which encourage developments to provide a housing mix that will help create mixed and sustainable communities.

8.189. The applicant sought to address some of the concerns in respect of housing mix and the revised scheme which consists of 581 residential units and 10 live/work units is made up of the following;

- 114 x studio (19.3%)
- 203 x one bed (34.3%)

- 241 x two bed (40.8%)
- 33 x three bed (5.6%)

- 8.190. This is an improved mix over the originally submitted scheme and does provide a higher number of two bed units (with a corresponding reduction of one bed units) and whilst this is welcomed it is still heavily weighted to smaller units with a high number of studios.
- 8.191. Notwithstanding the above, it is acknowledged that the location of the site, close to transport hubs, and the nature of flatted developments do not lend itself as well to larger family sized units. It is further noted that the addition of the care community and live / work units does broaden the types of occupiers that the overall development would support.
- 8.192. Within the care community the housing mix is as follows is made up of 241 two bedroom units and 33 three bed units. The proposed mix is predominantly for two bedroom units and the applicant has set out that they are expecting approximately 1.5 occupants per residential unit. The additional bedroom allows for a future occupier with care needs living with a spouse the flexibility to have separate bedrooms if care needs were such that this was required or otherwise would allow for a guest bedroom so family and friends were able to visit.
- 8.193. The LPA is satisfied that the mix in respect of the care community is acceptable.
- 8.194. Whilst the proposed residential housing mix, which is overly skewed towards smaller dwellings weighs against the scheme, when the proposal is assessed in its totality, with the benefits of a significant provision of housing units and consideration of the constraints on viability for this specific scheme which would be compromised further with a higher percentage of larger units it is not considered to be so significant as to warrant refusal of the scheme and as such the proposed housing mix is considered acceptable.

Sustainable Transport:

- 8.195. City Plan policy CP9 seeks to promote sustainable modes of transport and cycling and walking in particular, to reduce reliance on the private car. Local plan policy TR4 promotes the use of Travel Plans. Policy TR7 seeks to ensure highway safety. Development is expected to meet vehicular and cycle parking standards set out in SPD14.
- 8.196. It is noted that there have been a significant number of objections from local residents in the respect of increased parking pressures in the vicinity, localised traffic congestion and highway safety concerns and all of these issues have been thoroughly assessed by the Local Highway Authority.

- 8.197. The site is in a sustainable location close to services and is well located to take advantage of existing public transport links, including Hove Station.
- 8.198. In accordance with the aims of DA6 the site layout has been designed to enable future links to Newtown Road should development on the eastern boundary of the site come forward in the future.
- 8.199. The existing vehicular access off Sackville Road has been retained whilst a further pedestrian access has been added to the southern end of the site, adjacent to the railway bridge. The gradient of the site is such that this access is formed of a wide landscaped set of steps. It is not feasible to provide a ramped access due to the land level changes and as such a lift large enough to accommodate cyclists and pedestrians is proposed. This will be operational on a 24 hour basis and will be secured for use by all in perpetuity within the s106 agreement.
- 8.200. The initial transport comments raised a number of issues and asked for further information in some key areas. The main concerns raised in respect of the originally submitted application are set out below:
- Further clarification required on trip generation, distribution and modelling,
 - The potential for parking overspill from the development and the impact of this on surrounding areas,
 - The layout of the new streets and spaces within the site. Particular concerns have included how to accommodate the needs of all users given the predominantly shared space proposals, and suitable arrangements for parking and deliveries/servicing,
 - The quantity and quality of cycle parking provision,
 - The compliance of the proposed care community component with SPD14 maximum car parking standards.
- 8.201. A Transport Assessment (TA) was submitted with the original application. During the course of the application further information was submitted by the applicant in respect of transport issues. These have been captured in a TA addendum, a further document titled TA Addendum 2, revised landscape proposals, an indicative parking plan and a number of cycle parking store revisions.
- 8.202. The Transport Team are satisfied with the information submitted in respect of the trip generation, distribution and modelling. Whilst the existing trading estate is only partially in operation it is acknowledged that the site could be lawfully, fully occupied at any point in the future and as such the applicant's approach of comparing the proposed scheme against a fully occupied trading estate is accepted. A comparison between the proposed scheme and the

existing, under occupied site has also been carried out by the applicant for information.

- 8.203. Overall the proposal is considered to result in a reduced number of vehicular trips in comparison to the fully occupied site whilst there would be a significant increase in trips by sustainable modes (pedestrians / cyclists / public transport).
- 8.204. The likely impact of the development on various local road junctions has been modelled within the TA (and subsequent addendums). This includes the existing site access junction (with proposed changes) and the junction of Neville Road/Old Shoreham Road/Sackville Road, amongst others. Some of these are already over saturated and experience significant queues. This remains true whether or not the existing site is assumed to be partly or fully occupied. The addition of the development traffic is not forecast to exacerbate this to any significant level (again, whether or not the existing site is considered as partly or fully occupied). As such the proposal would not result in an unacceptable impact on highway safety, or a severe impact on the road network as set out in the terms of NPPF.
- 8.205. The uplift in trips (for sustainable modes) results in a sustainable transport contribution of £617,550. This has been reduced to £457,550 to allow the difference to be used to fund highway improvements that can be undertaken by the developer alongside their site junction works on Sackville Road. The remaining sustainable transport contribution may be allocated to one or more of a range of schemes to enhance sustainable movement associated with the site, including:
- Introducing advanced signals and 'early starts' for cyclists to the Neville Rd/Old Shoreham Rd/Sackville Rd junction,
 - Public realm enhancements to the local centre around the above, including repaving and decluttering works,
 - Improving the signalised junctions south of the development by introducing intelligent signal control equipment to improve journey times for sustainable modes,
 - Improvements to pedestrian access and amenity en-route to Hove Station along Clarendon Rd,
 - Improvements for pedestrians and cyclists to local schools and centres,
 - Introducing BTN Bike Share Hubs and cycle parking hangars to other local streets in the vicinity of the development,
 - A lighting and appearance scheme for the railway bridge over Sackville Rd.
- 8.206. The Transport Team originally outlined a number of concerns about access to the site from Sackville Road for pedestrians and cyclists. Amongst other things, bus stops are not close enough and a crossing is required to make

getting to/from these safe and convenient, along with associated accessibility improvements to footways. The existing road layout is unsuitable for the significantly increased number of cyclists who will be accessing the site. This can be addressed by a highway improvement scheme for Sackville Road, which should be secured as a s106 obligation.

- 8.207. Whilst the roads within the site are not proposed to be adopted it is important that the public realm is a safe place for all types of users. Some concerns have been raised as to how the proposed shared surfaces would operate and whether they would be safe for all users. Whilst some revisions have been made to the internal site layouts to address these concerns the Transport Team have set out that further alterations are required in a number of areas and these will be secured via a street design condition.
- 8.208. The applicant has set out in the TA that the site is well connected to local transport hubs and that future occupiers of the site will be encouraged to use sustainable modes. To help achieve these ends specific Travel Plans are proposed, along with two on-site car club bays and Bike share hubs. Further car club bays are proposed in the surrounding streets.
- 8.209. The following parking provision, totalling 289 spaces is proposed on the site as set out in the text within TA Addendum 2,
- C2 retirement village: 74 (staff and visitor) spaces
 - A1/A3/D1 uses: 9 spaces (including 3 dual use loading area)
 - D1 use: 4 spaces
 - B1 Office: 45 spaces
 - C3 residential: 157 (resident) spaces
- 8.210. The Transport Team have noted that not all of the parking demand profiles for all of the proposed uses is matched with appropriate on-site parking provision. The application site sits within Controlled Parking Zone R. Parking surveys indicate that neighbouring streets, including those within Zone R of the CPZ are, as existing above over-stressed during the night time, whilst streets to the north around Orchard Street are also over-stressed during the day time as well. A number of mitigation measures are required to ensure that there would not be unacceptable levels of overspill parking from the scheme within neighbouring streets and these are discussed below.
- 8.211. The entitlement for parking permits can be removed from all of the future occupiers within the care community and the BTR residences to control overspill parking and in addition visitor parking permit entitlement removed from the care community as sufficient visitor parking is provided on-site.
- 8.212. As there is no visitor parking for BTR units provided (and as such it is not considered to be acceptable to remove visitor parking permit entitlement) it is

considered that there will be visitor overspill to a total of 42 vehicles in association with this use. In addition whilst the scheme includes the maximum provision parking for the B1 office permitted in SPD14 there is considered to be a degree of overspill from this use. There would be further low level overspill from the A1 units. Some of the overspill set out above can be mitigated to a degree by introducing car clubs bays in the local vicinity as these have been shown to reduce car ownership. Of the remaining overspill, the commercial overspill can be discounted as it is considered that this would be during the day time where there is sufficient capacity in neighbouring streets within Zone R. The remaining overspill would come from visitors to the BTR residential. This is considered by the transport team to be between 23-33 spaces and without mitigation would result in an unacceptable level of overspill to the Artist's Corner area which is already significantly overstressed in the late evening / overnight.

- 8.213. Notwithstanding the above concern, the transport team is recommending a condition whereby minimum and maximum motor vehicle parking spaces are set, including the allocation of a number of on-site visitor parking spaces for the BTR residential development. Subject to compliance with this condition it is considered that the proposed scheme would not result in harmful overspill parking within neighbouring streets and the application is acceptable in this regard.
- 8.214. Disabled parking provision is in accordance with the standards set out in SPD14.
- 8.215. Cycle parking provision has been provided for residents in stores either at ground floor level or basement level with further visitor cycle parking provision within the public realm. Concerns were raised during the application by the Transport Team in respect of the quantum and quality of this provision. Discussions between the applicant and the Council have resulted in significant improvements to the cycle parking provision now the stores contain predominantly Sheffield stands with an upper tier system of racks above. Provision has also been made for oversized and adapted bikes and increases in rack spacing and aisle widths in the stores has improved the accessibility and convenience of the offer in line with the aims of Policy TR14. Whilst it is noted that the low height of the upper tier of the racks will make them somewhat awkward to use for some users overall the changes are welcomed as significant improvements on the original proposal. Notwithstanding the above, the improvements in quality have come at the expense of the overall quantity of cycle parking provision which has now dropped below the minimum standard set out in SPD14. Whilst this is regrettable, the Transport Team have outlined that overall the quantity and quality of the cycle parking provision is considered to be acceptable.

- 8.216. A delivery hub is proposed within the site to coordinate deliveries and this is welcomed. The exact details of this and other servicing arrangement will be secured within a Delivery and Service Management Plan.
- 8.217. A Demolition and Environment Management Plan (DEMP) and a Construction and Environmental Management Plan (CEMP) will be required as part of the Section 106 obligations to ensure the demolition and construction of the scheme does not result in any adverse environmental health or transport impacts.
- 8.218. Overall, in respect the transport impacts, the application is considered to be in accordance with the development plan and in compliance with the terms of the NPPF.

Sustainability:

- 8.219. City Plan policy CP8 requires that all developments incorporate sustainable design features to avoid expansion of the City's ecological footprint, achieve significant reductions in greenhouse gas emissions and mitigate against and adapt to climate change.
- 8.220. Relevant local priorities in policy DA6 include;
- 8.221. Creative use of development to integrate new green infrastructure including green space, accessible green roofs, green walls and other features which support Biosphere objectives and for development to consider low and zero carbon decentralised energy and in particular heat networks.
- 8.222. Policy CP8 specifies the residential energy and water efficiency standards required to be met, namely energy efficiency standards of 19% reduction in carbon emissions over Part L Building Regulations requirements 2013 and water efficiency standards of 110 litres per day and conditions are proposed to secure these standards. A further condition is proposed to secure a BREEAM rating of excellent for the commercial elements of the scheme.
- 8.223. Whilst the One Planning Living approach to the development is welcomed the Sustainability Team are disappointed that green roofs and walls are not included in the scheme as these can help mitigate against the heat island effect, moderate internal temperatures as well as improve biodiversity.
- 8.224. The extensive soft landscaping, which includes a 250 trees and allotments to the north west of the site are welcomed, improving the sustainability and biodiversity credentials of the scheme.

- 8.225. Photovoltaic panels are proposed for a number of the flat roofs. The exact quantum and siting will be secured via a proposed condition.
- 8.226. Ten percent of the parking spaces on-site will have active electric charging, with a further ten percent having passive provision to allow for later introduction.
- 8.227. The applicant has indicated that the proposed development is designed in such a way that it will be able to integrate into a future district heating system and these details will be conditioned.
- 8.228. Overall, subject to compliance with the suggested conditions the proposal is considered to have an acceptable impact in respect of sustainability.

Ecology

- 8.229. There are no sites designated for their nature conservation interest that are likely to be impacted by the proposed development.
- 8.230. The site is currently predominantly covered in buildings and hardstanding and is of relatively low biodiversity value. The proposed scheme includes a significant amount of soft landscaped areas, circa 250 trees and as such will result in an uplift in respect of biodiversity.
- 8.231. An ecology plan has been submitted which includes details on bird and bat boxes. Further details of these are required by the County Ecologist and as such this will be conditioned. It is suggested that bird boxes, swift bricks, bat boxes and also bee bricks / bug boxes are provided throughout the scheme.
- 8.232. Further nature enhancements to the scheme will be secured via an Ecological Design Strategy condition and overall subject to compliance with conditions the proposal is considered to be in accordance with development plan policies in respect of ecology.

Arboriculture:

- 8.233. The existing development site is predominantly made up of hard surfacing and this has left little room for planting. The most prominent is upon the western boundary including a large area of hedging and trees above a high retaining wall, an important line of street trees, and some rowan trees to the north-west boundary. The two most prominent trees along this section, a London Plane near the entrance and an ash, further to the south are to be retained and this is to be welcomed.
- 8.234. Within the site itself there are 25 trees to be removed, none of these are worthy of a tree protection order. A landscape public realm general arrangement plan has been supplied with the application which includes over

250 trees to be planted at ground level, in addition to other planting at ground and at various altitudes, including roof levels.

- 8.235. Two council street trees have been proposed for removal within Sackville Road to enable the development, opposite Prinsep Road. One is a small dead elm sapling T30 and the other is a London Plane T31. The arboriculture team are satisfied with the removal of these two poor specimens subject to the planting of replacement street trees within hard surfaces close to the site or within the ward if this is not possible.
- 8.236. Whilst the Arboriculture Team welcome the much improved potential tree cover over the existing situation there is a concern that a large number of trees will find it difficult to establish and thrive due to sunlight deprivation for long periods of the day caused by the proposed high-sided buildings. The most problematic areas are on the eastern and northern boundaries of the site where trees will be shaded for large periods of time during the year and directly to the north of blocks D, E and F.
- 8.237. Whilst the revised scheme provides increased variation in the height of the buildings and reduces the total shading throughout the site the 'Sun Hours on Ground Report' submitted with the revised drawings still sets out that 55 individual trees are sited in locations which receive less than 2 hours direct sunlight during the day on 21 March.
- 8.238. The Arboriculture Team have recommended further information is required by condition outlining specific trees species and planting specifications to ensure those trees in the most shaded areas are able to survive given the harsh conditions. Whilst the number of trees in shaded locations is disappointing it is acknowledged that in order to achieve sufficient development density to provide a viable scheme that this will inevitably involve taller buildings and thus impacts in respect of shading.
- 8.239. Overall, notwithstanding the reservations in respect of the shading which will impact a significant number of trees it is considered that the overall site condition in respect of trees cover would be improved significantly and subject to satisfactory conditions to ensure the trees become well established in respect of arboriculture the application is considered to be acceptable.

Contaminated Land

- 8.240. The east and south sides of the site has some history of contaminative use and this is referenced in the land contamination report by RSK of 4/8/17 submitted with the application. This report forms a desk-top study and further work is required when the cover is removed during the demolition enabling further sampling and surveys would be required to fully evaluate potential

contaminants. The Environmental Health Team is satisfied with the information submitted at this stage. A full land contamination condition is required should planning permission be granted.

Health Impact Assessment

- 8.241. A Health Impact Assessment has been submitted as required by City Plan Policy CP18 for strategic scale developments. The HIA has used a recognised methodology and as such the different dimensions expected to be assessed have been included. Based on the evidence submitted, it is noted that there are potential beneficial effects with regards to active travel including cycling facilities for residents and visitors, intergenerational connections and interactions, and opportunities for social cohesion, opportunities for food growing and the employment opportunities the proposed development may create. Overall it is considered the application scheme adequately addresses policy CP18.

Sustainable Urban Drainage / Flood Risk

- 8.242. Policy CP11 in the City Plan Part One sets out that the council will seek to manage and reduce flood risk and any potential adverse effects on people or property in Brighton & Hove, in accordance with the findings of the Strategic Flood Risk Assessment (SFRA). Saved policies SU3, SU5 and SU11 in the B&H Local Plan relates to water resources and their quality, surface water and foul sewage disposal infrastructure and Polluted land and buildings.
- 8.243. A Drainage Impact Assessment by Nolan Associates was submitted in support of the application. In addition, further information was submitted during the life of the application in response to consultation responses by relevant internal and external consultees.
- 8.244. The Local Lead Flood Authority is satisfied that the proposal would not result in an unacceptable flood risk and subject to the imposition of a condition requiring a management and maintenance plan for surface water and further information detailing how the coal yard currently infiltrates do not object to the proposal.
- 8.245. Southern Water had initially raised concerns that the proposal would be built over an existing public sewer and water main and that the proposal would increase the risk of surface water flooding. The applicant has set out that the existing sewerage system on the site will be divested and removed as part of the scheme.
- 8.246. Southern Water has now confirmed that the additional foul sewerage flows from the proposed development will not increase the risk of flooding in the

existing public sewerage network. Southern Water can hence facilitate foul sewerage disposal to service the proposed development.

- 8.247. Southern Water do not object subject to the imposition of a number of specific conditions.
- 8.248. The previous use of the proposed development site as a railway yard and industrial site presents a high risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is within a source protection zone 1 and, as well as being located upon a principal aquifer.
- 8.249. The site rests upon superficial head deposits (Secondary A Aquifer) which are underlain by the Tarrant Chalk Member (Principal Aquifer). The site is located within Source Protection Zones 1 and 2 associated with the Goldstone Public Water Abstraction. This abstraction is located 640m North of the site. The Environment Agency sets out that the applicant's submission assumes that groundwater flow (within Principal Aquifer) is southerly, however, the abstraction will have a significant influence on groundwater flow. Furthermore the EA states that 'given the unpredictable and heterogeneous secondary porosity and permeability of chalk aquifers we feel that there is an appreciable risk to the Goldstone Abstraction.'
- 8.250. The Environment Agency response sets out that further information is required before they are satisfied that development can commence in order to protect the integrity of the aquifer from potential contamination. The Environment Agency has not objected to the proposed development subject to this further information being submitted and agreed prior to commencement and as such relevant condition are proposed to be attached to any grant of planning permission.

Air Quality

- 8.251. Policy SU9 of the Local Plan relates to pollution and nuisance control. The policy states that development that may be liable to cause pollution and/or nuisance to land, air or water would only be permitted where human health and safety, amenity and the ecological well-being of the natural and built environment is not put at risk; when such development does not reduce the Local Planning Authority's ability to meet the Government's air quality; and other sustainability targets and development does not negatively impact upon the existing pollution and nuisance situation.

- 8.252. Since 2013 an Air Quality Management Area (AQMA) has been designated in Brighton Hove. The AQMA takes in Sackville Road and part of Old Shoreham Road, including the junction between these roads.
- 8.253. Since 2018 Hove's ambient air quality is within national limits and complies with the Air Quality Assessment Levels (AQAL) for nitrogen dioxide (NO₂) and particulate matter (PM). This includes Hove Park Tavern and the northern end of Sackville Road. Sustained improvement in NO₂ levels at this site is required in order to revoke the Air Quality Management Area (AQMA) across Hove. The development's contribution to local pollution has been assessed at the worst case location in the vicinity.
- 8.254. Given the proposed size of the development with potential to introduce road traffic emissions and residential in an extant AQMA, the applicant has submitted an Air Quality Report with their planning application. Traffic generation is relatively low given the number of residential units. The site is close to public transport links and has a number of sustainable travel initiatives.
- 8.255. The air quality report assesses air quality at the development site and potential impacts on the nearest Air Quality Management Area (AQMA) including along Sackville Road and the junction with Old Shoreham Road.
- 8.256. Based on the traffic generation figures verified, the air quality consultant predicts that the developments contribution to NO₂ and particulate across the local area are negligible.
- 8.257. Subject to suggested conditions in regard to boiler emissions, electric charging points for car parking and adequate flue termination / siting and a CEMP that includes measures in relation to air quality the proposal is considered to be acceptable in respect of air quality. CHECK

Wind Microclimate

- 8.258. The application includes a Wind Microclimate Study and a further Supplementary Statement by BMT which takes into consideration later revisions to the scheme.
- 8.259. The wind tunnel study has enabled the pedestrian level wind environment at the site to be quantified and classified in terms of suitability for current and planned usage, based on the industry standard Lawson criteria for pedestrian comfort and safety. The study considers the proposed development in the context of existing surrounds and approved future surrounds.

- 8.260. The study sets out that the proposed development without mitigation would result in a deterioration of the wind microclimate, with several assessment locations failing to meet the criteria for safety and comfort around the site.
- 8.261. The study set out that with the introduction of soft landscaping proposals and wind mitigation measures in place the safety criteria and all met and comfort levels improve considerably.
- 8.262. The council appointed an external consultant RWDI Consulting Engineers and Scientists to independently assess the applicant's Wind Microclimate Study (and subsequent further information). It is considered that the impact of the development in terms of wind speeds has been robustly assessed. RWDI raised a number of questions in respect of the assessment which applicant adequately responded to.
- 8.263. It is noted that whilst the proposed mitigation ensures a safe development some of the outdoor amenity areas have relatively poor comfort levels for occupiers wishing to spend longer periods sitting outside. Given the importance of the outdoor amenity areas given the limited amenity space of the site a condition is required to revisit the landscaping / screening with a view of achieving higher comfort levels in some of the key areas within the site.

Police Infrastructure

- 8.264. It has been noted that there has been a request from the Office for the Police and Crime Commissioner (PCC) for Sussex for a contribution of £72,642.00. The request sets out that these funds would be used for the future purchase of infrastructure to serve the proposed development.
- 8.265. Currently there is no detailed policy basis and as such there is no evidence of impacts generating an increased need for Police staff. The restrictions on S.106 means it is not possible to place ad-hoc tariff charges on developments simply for revenue costs to staff that do not exist. It remains that s106 developer contributions may now only be secured for specific infrastructure measures identified as being necessary to make development acceptable in planning terms and being directly related to development.
- 8.266. For the present circumstances preventing crime through design is a current policy objective successfully implemented through the use of appropriate policy and planning conditions and there is established practice in seeking any necessary contributions towards crime prevention measures through design and community safety measures across the city. That continued aim for designing out crime from advice from the Police Crime Prevention Design Adviser could compensate and therefore mitigate on-site as part of the

development proposal. The current situation for Police staffing will continue through local taxation. This has recently been demonstrated in a Police press notice publicising new officers being recruited through increase in local taxation secured through the growing population

- 8.267. For progressing matters in the longer term the council is progressing a Community Infrastructure Levy (CIL) for funding strategic city wide infrastructure. Identified in its Draft Charging Schedule that includes potential for funding Police provision from future CIL receipts that I understand is supported from the consultation responses as welcomed by the Police Service. In progressing a CIL to adoption and in providing further justification and evidence to the Police service that provision will be further detailed in the next update of the Infrastructure Delivery Plan planned for this year 2019 and a refreshed Developer Contributions Technical Guidance once a CIL is adopted.

Conclusion and planning balance

- 8.268. Paragraph 11 of the NPPF makes it clear that planning application decisions should apply a presumption in favour of sustainable development. Furthermore, it sets out that where relevant development policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 8.269. As noted previously the Council is currently unable to demonstrate a 5 year housing supply and as such the relevant planning policies relating to housing delivery are considered to be out-of-date and the tilted balance of paragraph 11 much be applied.
- 8.270. When assessing the scheme before us, in applying the planning balance, there are a number of factors which weigh both for and against the scheme.
- 8.271. As set out previously, whilst the application does provide for modern and flexible office floorspace the proposed development is not an employment focussed scheme which fully accords with the level of employment provision set out in policy DA6. Notwithstanding this shortfall it is recognised that any further increase in employment floorspace would likely have to come at the expense of residential floorspace, thus further eroding the viability of the scheme. Furthermore, it is noted the modern floorspace proposed is of a significantly higher employment density and quality than existing whilst the other non-residential uses proposed will increase the overall employment offer and add variety and vitality to this mixed use scheme.
- 8.272. The proposed housing mix, which is still skewed towards smaller units, including a high number of studios is also noted, whilst the deficiencies in the

standard of accommodation in respect of sunlight and daylight provision within the care community and the somewhat limited private amenity space throughout the scheme also weigh against the scheme. In addition, the detrimental impact on neighbouring amenity in respect of the loss of light and sunlight for a number of properties on Sackville Road has been highlighted as another concern.

- 8.273. Whilst it is disappointing that the very high density of the scheme has contributed in part to some deficiencies in amenity for future occupiers and some harm to neighbouring residents the LPA is mindful of the need to maximise this important brownfield site and achieve a viable and deliverable scheme and these impacts must also be weighed against the positive benefits of the scheme which are set out later in the conclusion. In respect of the housing mix the provision of a greater proportion of larger flats would again further negatively impact on the viability and thus the deliverability of the scheme.
- 8.274. Whilst the heritage harm to the setting of the listed Hove Station, the Hove Station Conservation Area and the locally listed Dubarry building also weighs against the scheme, as set out earlier in the report the public benefits associated with the redevelopment of this brownfield site, including a significant delivery of housing are considered to outweigh the heritage harm identified and the proposal is considered acceptable in this regard.
- 8.275. Outlining the positives of the scheme, the public benefits include the contribution of 581 residential units towards the City's housing target of 13,200 new homes over the plan period within a development area (DA6) that has been allocated through CPP1 for higher density, mixed use development. It is further acknowledged that the Council is currently unable to demonstrate a 5 year housing land supply and as such the proposed housing would make a very significant contribution towards this shortfall and this weighs strongly in favour of the scheme. Notwithstanding that the scheme has been independently assessed as being unable to viably provide affordable housing the applicant has agreed to provide for 58 affordable homes, equivalent to 10% of the total provision and this also weighs in favour of the scheme. In addition to the 581 residential units the scheme provides for 10 live/work units and 260 care community units, creating a total of 851 residences, catering for a range of different tenures, occupiers and age groups.
- 8.276. The redevelopment of the site will also result in the creation of active frontages along Sackville Road and within the site, improved public realm, including a public square, significant tree planting and a number of

commercial and community uses all accessible to the public and this is considered a further positive benefit of the scheme.

- 8.277. The design of the scheme has evolved positively during the application. Whilst some design conflicts still remain, when the application is assessed holistically, considering the need to maximise the potential of the site and the significant public benefits of the proposed housing, the overall design approach is found to be acceptable.
- 8.278. Subject to the proposed conditions and obligations the Local Highway Authority are satisfied that the proposal will have an acceptable impact on the local road network, would support the use of sustainable modes and would not result in highway safety concerns or any significant parking stress within the surrounding area.
- 8.279. Other factors including impacts relating to ecology, sustainability, arboriculture, landscaping, flood risk, land contamination, wind and air quality have been assessed and have been considered acceptable.
- 8.280. Overall it is considered that the public benefits of the scheme as a whole which includes the provision of a significant amount of housing are such that they outweigh the planning policy conflicts, heritage harm and the limited harm to the amenity of neighbouring occupiers.
- 8.281. The proposed development will make a significant contribution towards sustainable development in the City and thus complies with the NPPF and contributes towards meeting the objectives of City Plan Part One Policy CP1 and approval of planning permission is therefore recommended subject to the completion of a s106 planning legal agreement and to the conditions recommended above.

9. EQUALITIES

- 9.1. Access to the site for disabled users and less mobile users has been accommodated. This includes an accessible pedestrian / cyclist lift from the southern end of Sackville Road. Wheelchair accessible housing (5%) and disabled car parking is to be incorporated throughout.

10. S106 AGREEMENT

- 10.1 In the event that the S106 agreement has not been signed by all parties by the date set out above, the application shall be refused for the following reasons:

1. The viability of the scheme and subsequent level of affordable housing has been based on the scheme being Build To Rent and in the absence

of any Section 106 Agreement mechanisms which covenant the housing as Build to Rent only, and which secure an element of affordable housing, the development fails to satisfactorily meet the identified housing needs in the city or provide satisfactorily mixed balanced housing scheme, contrary to policies CP7, CP19 and CP20 of the Brighton and Hove City Plan Part One.

2. The proposed development fails to provide appropriate mitigation of the transport impacts of the development or promote sustainable transport modes contrary to policies TR7 of the Brighton & Hove Local Plan and DA4, CP7 and CP9 of the Brighton and Hove City Plan Part One.
3. The proposed development does not include an appropriate artistic element commensurate to the scale of the scheme and therefore fails to address the requirements of CP5, CP7 and CP13 of the Brighton and Hove City Plan Part One.
4. 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 policies DA4 and CP7 of the Brighton and Hove City Plan Part 1 and the City Council's Developer Contributions Technical Guidance.
5. The proposed development fails provide a financial contribution towards the City Council's Local Employment Scheme secured via Section 106 Agreement to support local people to employment within the construction industry contrary to policies DA4 and CP7 of the Brighton and Hove City Plan Part 1 and the City Council's Developer Contributions Technical Guidance.
6. The proposed development fails to provide a financial contribution towards the improvement and expansion of capacity of local schools required to meet the demand for education created by the development, contrary to policy CP7 of the Brighton and Hove City Plan Part 1 and the City Council's Developer Contributions Technical Guidance.
7. The proposed development fails to provide a financial contribution towards the enhancement of open space to meet the demand created by the development contrary to policies CP7 and CP16 of the Brighton and Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
8. The proposed development fails to provide a mechanism in the legal agreement whereby a specified level of access to the identified community resource with the care community is secured or fails to provide for an acceptable eligibility criteria, or minimum care package to ensure the care community operates in accordance with a C2 use class, contrary to policy HO19 of the Brighton and Hove Local Plan and policies CP19 and CP20 of the Brighton and Hove City Plan Part One.