

<u>No:</u>	BH2021/04068	<u>Ward:</u>	Wish
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Saxon Works Land To The Rear Of 303-305 Portland Road Hove BN3 5SE		
<u>Proposal:</u>	Demolition of existing buildings and erection of 2 to 5 storey residential building (C3) including basement vehicle parking and 3 storey commercial building comprising flexible Class E floorspace, with associated cycle and bin storage, landscaping and associated works. (For information: proposal is for 26no. residential units and 219sqm of commercial floorspace).		
<u>Officer:</u>	Russell Brown, tel: 293817	<u>Valid Date:</u>	17.11.2021
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	16.02.2022
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Guy Dixon Savills Mocatta House Trafalgar Place Brighton BN1 4DU		
<u>Applicant:</u>	Martin Homes Portland Road Ltd C/O Savills		

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 amended plans improving the accessibility of the commercial premises; 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 **8th July 2023** the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 14.1 of this report:

Section 106 Head of Terms:

Affordable housing:

- Late stage review

Transport:

- Monitoring fees for travel plans

Employment and training opportunities:

- £11,100 contribution towards skills needs on site, pre-employment training for new entrants to the industry on site and apprentice placements
- Employment and Training Strategy
- Strategies for the demolition and construction phases

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location and block plan	A.001		17 November 2021
Proposed Drawing	D.01	N	13 October 2022
Proposed Drawing	D.02	N	13 October 2022
Proposed Drawing	D.03	N	13 October 2022
Proposed Drawing	D.04	N	13 October 2022
Proposed Drawing	D.05	O	19 October 2022
Proposed Drawing	D.06	O	19 October 2022
Proposed Drawing	D.08	M	05 October 2022
Proposed Drawing	D.09	M	05 October 2022
Proposed Drawing	D.10	N	13 October 2022
Proposed Drawing	D.020	M	05 October 2022
Proposed Drawing	D.021	N	13 October 2022
Proposed Drawing	D.022	O	19 October 2022
Proposed Drawing	D.023	N	13 October 2022
Proposed Drawing	D.024	M	05 October 2022
Existing Drawing	Layout	A	11 January 2022
Existing Drawing	001	A	11 January 2022
Existing Drawing	002	A	11 January 2022
Existing Drawing	003	A	11 January 2022
Existing Drawing	004	A	11 January 2022
Existing Drawing	005	A	11 January 2022
Existing Drawing	006	A	11 January 2022
Existing Drawing	007	A	11 January 2022
Report/Statement	Air Quality Assessment	V1	17 November 2021
Arboricultural Report	Arboricultural Impact Assessment, Method Statement and Tree Protection Plan		17 November 2021
Report/Statement	Archaeological Desk-Based Assessment	001	28 April 2022
Report/Statement	BREEAM Pre-assessment report	V1	17 November 2021
Report/Statement	Drainage Statement	A	28 April 2022
Report/Statement	Ecological Assessment		28 April 2022
Report/Statement	Land Contamination Preliminary Risk Assessment	Rev 0	17 November 2021

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

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

3. The commercial premises hereby permitted shall only be used for a use within Use Class E(a), (c) and (g) 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 for no other purpose. 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 amenities of the neighbouring occupiers, the capacity and safety of the local highways network, and to comply with Policies CP9 of the Brighton & Hove City Plan Part One and DM20 and DM33 of the Brighton & Hove City Plan Part Two.

4. No development above ground floor slab level of the commercial block shall take place until details to demonstrate how it would be flexible and adaptable, details of the standard of internal fit out and details of the marketing strategy have been submitted and approved in writing by the Local Planning Authority. The scheme and marketing shall be implemented in accordance with the agreed schemes.

Reason: To demonstrate that the commercial premises is appropriate to meet the likely needs of a range of potential end users and to ensure its successful take up in compliance with Policy DM11 of the Brighton & Hove City Plan Part Two.

5. No development above ground floor slab level of any part of the development hereby permitted shall take place until details relating to materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including:
 - a) photos and product specifications of all brick (including mortar, bonding and pointing), roof coverings, lintels and finials;
 - b) 1:20 scale plan and section drawings of the chalk grassland green roof, including depth of substrate and seeding mix;
 - c) product specifications of all the hard landscaping materials;
 - d) product specifications of the proposed window, door and terrace balustrades treatments (including the opaque panels); and
 - e) 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, to deliver the biodiversity benefits of the development and to comply with Policies CP10, CP12 and CP14 of the Brighton & Hove City Plan Part One and DM18 and DM37 of the Brighton & Hove City Plan Part Two, as well as SPD17.

6. No development shall take place until an Ecological Design Strategy (EDS) addressing retention and protection of existing habitats during construction, habitat removal and reinstatement, provision for wildlife corridors and habitat connectivity, reptile rescue and translocation, and creation of new wildlife features (including green roofs, bird and bat boxes) 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 in compliance with Policies CP10 of the Brighton & Hove City Plan Part One and DM37 of the Brighton & Hove City Plan Part Two, as well as SPD11.

7. Prior to any demolition works, an endoscope survey of the two potential bat roost features shall be carried out and a report containing its findings shall be submitted to and approved in writing by the Local Planning Authority. Any works necessary shall be carried out in accordance with the approved details and shall be retained in that manner thereafter.

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 CP10 of the Brighton & Hove City Plan Part One and DM37 of the Brighton & Hove City Plan Part Two, and SPD11.

8. Prior to the first occupation of the development hereby permitted, a scheme for landscaping in compliance with drawing no. D.10 Rev I received on 7 June 2022 shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:

- a. schedule detailing sizes and numbers of all proposed trees including details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, including some food-bearing plants, as well as the sustainable drainage system used shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby permitted.
- b. Details of all boundary treatments to include type / design, position, dimensions and materials shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby permitted.

Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become, in the opinion of the Local Planning Authority, seriously damaged or diseased, shall be replaced 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 CP10, CP12 and CP13 of the Brighton & Hove City Plan Part One, DM18, DM22 and DM37 of the Brighton & Hove City Plan Part Two, as well as SPD06, SPD11 and SPD16.

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

Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with Policies CP8 and CP11 of the Brighton & Hove City Plan Part One and DM43 of the Brighton & Hove City Plan Part Two, as well as SPD16.

9. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), the fencing specified in Appendix 4 of the Arboricultural Impact Assessment, Method Statement and Tree Protection Plan (PJC Consultancy Ltd, dated 15 October 2021) shall be carried out in strict accordance with the approved plan and retained as such during the implementation works.

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 CP12 and CP13 of the Brighton & Hove City Plan Part One and DM22 of the Brighton & Hove City Plan Part Two, as well as SPD06.

10. 26 (twenty six) swift bricks shall be incorporated within the external walls of the development hereby approved and shall be retained thereafter.

Reason: To enhance the biodiversity of the site and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and DM37 of the Brighton & Hove City Plan Part Two, as well as SPD11.

11. A bee brick shall be incorporated within the external walls of the residential and commercial buildings hereby approved and shall be retained thereafter.

Reason: To enhance the biodiversity of the site and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and DM37 of the Brighton & Hove City Plan Part Two, as well as SPD11.

12. The windows annotated with frosted glass to their lower half on the south and east-facing elevations of the development hereby permitted shall be implemented as such prior to the first occupation of the residential building and thereafter permanently retained as such.

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with Policy DM20 of the Brighton & Hove City Plan Part Two.

13. The use of the commercial building hereby permitted shall not be carried out except between the hours of 08:00 and 18:00 on Mondays to Saturdays and between 10:00 and 16:00 Sundays, including Bank or Public Holidays.

Reason: To safeguard the amenities of the neighbouring occupiers and to comply with Policies DM20 and DM40 of the Brighton & Hove City Plan Part Two.

14. The development hereby permitted shall not be occupied until full details of external lighting being installed, including levels of luminance, hours of use / operation and details of maintenance, are submitted to and approved in writing by the Local Planning Authority. The predicted illuminance levels shall be tested by a competent person to ensure that the illuminance levels are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels.

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 comply with Policies DM20 and DM40 of the Brighton & Hove City Plan Part Two.

15. The development hereby permitted shall not exceed ground floor slab level until a written scheme to address ventilation and overheating has been submitted to and approved in writing by the Local Planning Authority. It shall demonstrate how and where ventilation will be provided to each flat within the development including specifics of where the clean air is drawn from and ensure that the residential units do not suffer from overheating. The approved scheme shall be implemented before occupation and thereafter retained.

Reason: To safeguard the amenities of the occupiers of the development, to deliver the sustainability benefits of the development and to comply with Policies CP8 of the Brighton & Hove City Plan Part One and DM1 and DM20 of the Brighton & Hove City Plan Part Two.

16. The three disabled car parking spaces for the residential occupants of the development hereby approved shall be provided in full and made available for use prior to the first occupation of the residential building and shall thereafter be retained in perpetuity.

Reason: To ensure that the development provides for the needs of disabled residents in compliance with Policy DM36 of the Brighton & Hove City Plan Part Two, as well as SPD14.

17. Notwithstanding the site layout and parking plan shown on the approved basement plan, no residential units shall be first occupied until details of the motorcycle parking facilities for the occupants of the development hereby approved shall be 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 residential building and shall thereafter be retained for use at all times.

Reason: To ensure that satisfactory facilities for the parking of motorcycles are provided in accordance with Policies CP9 of the Brighton & Hove City Plan Part One and DM36 of the Brighton & Hove City Plan Part Two, as well as SPD14.

18. Notwithstanding the details hereby approved, the development hereby permitted shall not be occupied until details of secure and inclusive cycle parking facilities, including a revised basement plan, for the occupants of, and visitors to the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with Policy DM33 of the Brighton & Hove City Plan Part Two, as well as SPD14.

19. The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with Policies CP8 of the Brighton & Hove City Plan Part One, WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan and DM20 of the Brighton & Hove City Plan Part Two.

20. Within three months of the date of first occupation of the development hereby approved, the following shall have been submitted and approved in writing by the Local Planning Authority:
- a) A Residential Travel Plan
 - b) A Commercial Travel Plan

The Travel Plans shall include details of the co-ordinator, objectives, targets, monitoring and remedial measures. They shall thereafter be fully implemented in accordance with the approved details.

Reason: To ensure the promotion of safe, active and sustainable forms of travel and comply with Policies CP9 of the Brighton & Hove City Plan Part One and DM35 of the Brighton & Hove City Plan Part Two.

21. No development, including demolition, shall take place until a Demolition Environmental Management Plan (DEMP) has been submitted to and approved in writing by the Local Planning Authority. It shall include:
- (i) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of demolition progress and how any complaints will be dealt with reviewed and recorded (including joining the details of considerate constructor scheme);
 - (ii) a scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management, vibration, site traffic and deliveries to and from the site;
 - (iii) details of hours of construction including all associated vehicular movements;
 - (iv) a plan showing construction traffic routes;
 - (v) details of any site entrances and their management, construction compound and offices;
 - (vi) details of any Department for Transport Abnormal Load Notification and/or Order; and
 - (vii) details of where staff will park when the site is under construction.

The demolition works shall be carried out in accordance with the approved DEMP.

Reason: As this matter is fundamental to the protection of neighbouring amenity, highway safety and managing waste throughout demolition works and to comply with Policies CP8 and CP9 of the Brighton & Hove City Plan Part One, DM20, DM33 and DM40 of the Brighton and Hove City Plan Part Two and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013, as well as SPD03.

22. No development, apart from demolition, shall take place until a Construction Environmental Management Plan (CEMP) have been submitted to and approved in writing by the Local Planning Authority. They shall include:
- (i) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints

- will be dealt with reviewed and recorded (including details of joining the considerate constructor scheme);
- (ii) a scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management, vibration, site traffic and deliveries to and from the site;
 - (iii) details of hours of construction including all associated vehicular movements;
 - (iv) a plan showing construction traffic routes;
 - (v) details of any site entrances and their management, construction compound and offices;
 - (vi) details of any oversailing of the highway construction, falsework, formwork and scaffolding;
 - (vii) details of the use of any cranes, lifts, escalators and lifting vehicles;
 - (viii) details of any Department for Transport Abnormal Load Notification and/or Order; and
 - (ix) details of where staff and buses will park when the site is under construction.

The demolition and construction works shall be carried out in accordance with the approved CEMP and no part of the development hereby approved shall be occupied until the approved highway works have been carried out in accordance with the agreed details.

Reason: As this matter is fundamental to the protection of neighbouring amenity, highway safety and managing waste throughout development works and to comply with Policies CP8 and CP9 of the Brighton & Hove City Plan Part One, DM20, DM33 and DM40 of the Brighton and Hove City Plan Part Two and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013, as well as SPD03.

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

Reason: To ensure that the development is sustainable and makes efficient use of water to comply with Policies CP8 of the Brighton & Hove City Plan Part One and DM44 of the Brighton and Hove City Plan Part Two.

24. The development hereby permitted shall not exceed ground floor slab level until details, including a revised Energy & Sustainability Statement and product specifications, of the Air Source Heat Pumps (ASHPs) have been submitted to and approved in writing by the Local Planning Authority. The ASHPs shall then be installed in accordance with the approved details.

Reason: The Exhaust ASHPs proposed are not considered an optimal solution as they may require additional heat sources, are likely to have a high power demand and are expensive to run. As such, details are required to deliver the sustainability benefits of the development, to ensure the provision of heating and hot water for each residential unit and to comply with Policies CP8 of the

Brighton & Hove City Plan Part One and DM1 and DM20 of the Brighton & Hove City Plan Part Two.

25. Within three months of first occupation of the non-residential development hereby permitted, a Post Construction Review Certificate issued by the BREEAM Building Research Establishment confirming that the non-residential development built has achieved a minimum BREEAM New Construction rating of 'Very Good' shall be 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 Policies CP8 of the Brighton & Hove City Plan Part One and DM44 of the Brighton & Hove City Plan Part Two.

26. Provision within the development hereby approved shall be made to ensure the site can be connected to a district heating system in the future, including securing and safeguarding a route onto the site from the highway for a connection.

Reason: To ensure the development helps the city to achieve its ambition of becoming carbon neutral by 2030 and to comply with Policies SA6 and CP8 of the Brighton & Hove City Plan Part One and DM46 of the Brighton & Hove City Plan Part Two.

27. No development, including demolition and excavation, shall commence until a whole-life carbon assessment 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 ensure the development helps the city to achieve its ambition of becoming carbon neutral by 2030 and to comply with Policy CP8 of the Brighton & Hove City Plan Part One, as well as SPD17.

28. 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.

- 29.
- i) The development hereby permitted shall not be commenced until a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority.
 - ii) The development hereby permitted shall be brought into use or occupied until the archaeological site investigation and post-investigation assessment

(including provision for analysis, publication and dissemination of results and archive deposition) has been completed and approved in writing by the Local Planning Authority. The archaeological site investigation and post-investigation assessment will be undertaken in accordance with the programme set out in the approved written scheme of investigation.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with Policies CP15 of the Brighton & Hove City Plan Part One and DM31 of the Brighton & Hove City Plan Part Two.

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

Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with Policy DM1 of the Brighton & Hove City Plan Part Two.

31. Other than demolition works and works to trees the development hereby permitted shall not be commenced until the following has been submitted to and approved in writing by the Local Planning Authority:
- i) The supply of a detailed drainage design including the details and sizes of all pipes, pits and tanks proposed.
 - ii) A CCTV survey of the existing sewerage system.
 - iii) Written agreement from Southern Water for the connection to the Southern Water sewer.
 - iv) Provision of exceedance routes in case of an exceedance event

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: As this matter is fundamental to the acceptable delivery of the permission to prevent the increased risk of flooding, to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with Policies CP11 of the Brighton & Hove City Plan Part One and DM40, DM42 and DM43 of the Brighton & Hove City Plan Part Two, as well as SPD16.

- 32.
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 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 1075:2011+A22017;
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,
 - (b) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. 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 part 1b that any remediation scheme required and approved under the provisions of part 1b has been implemented fully in accordance with the approved details. The verification report shall comprise:
- (a) built drawings of the implemented scheme;
 - (b) photographs of the remediation works in progress;
 - (c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Reason: To safeguard the health of future residents or occupiers of the site and to comply with Policy DM41 of the Brighton & Hove City Plan Part Two.

33. Access to the flat roofs other than the terraces hereby approved shall be for maintenance or emergency purposes only and the flat roofs shall not be used as a roof garden, terrace, patio or similar amenity area.

Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with Policy DM20 of the Brighton & Hove City Plan Part Two.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant 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.

3. The applicant is advised of the possible presence of bats on the development site. All species of bat are protected by law. It is a criminal offence to kill bats, to intentionally or recklessly disturb bats, damage or destroy a bat roosting place and intentionally or recklessly obstruct access to a bat roost. If bats are seen during construction, work should stop immediately and Natural England should be contacted on 0300 060 3900.
4. The applicant is advised that advice regarding permeable and porous hard surfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens'.
5. Swift bricks can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height above 5m height, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting them above windows or doors.
6. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
7. The applicant is advised that the application of translucent film to clear glazed windows does not satisfy the requirements of Condition 13.
8. The applicant is advised that the details of external lighting required by Condition 14 should comply with the recommendations of the Institution of Lighting Engineers (ILE) 'Guidance Notes for the Reduction of Light Pollution (2011)' 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. In order to be in line with Policy DM33 Safe, Sustainable and Active Travel of the Brighton & Hove City Plan Part Two 2022, cycle parking should be secure, convenient (including not being blocked in a garage for cars and not being at the far end of a rear garden), accessible, well-lit, well-signed, near the main entrance, by a footpath/hardstanding/driveway and wherever practical, sheltered. It should also be noted that the Local Highway Authority would not usually support vertical hanging racks as they are difficult for many people to use and therefore not considered to be policy and Equality Act 2010 compliant. The Local Highway Authority's preferred cycle parking is 'Sheffield' type stands, spaced in line with the guidance contained within the Manual for Streets section 8.2.22 or other proprietary forms of covered, illuminated, secure cycle storage including the Police approved Secure By Design cycle stores, "bunkers" and two-tier systems where appropriate.

10. The applicant is advised that Part L – Conservation of Fuel and Power of the Building Regulations 2022 now requires each residential unit built to have achieved a 31% reduction in carbon emissions against Part L 2013.
11. The water efficiency standard required under Condition 24 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.
12. The applicant is advised that following the simplified assessment method under Part O of the 2022 Building Regulations is unlikely to achieve the required standard. In addition, single façade flats, dwellings adjacent to noise and pollutants are unlikely to achieve the required standard of Part O.
13. The applicant is advised that details of the BREEAM assessment tools and a list of approved assessors can be obtained from the BREEAM websites (www.breeam.org).
14. The applicant is advised to contact the East Sussex County Archaeologist to establish the scope for the Written Scheme of Archaeological Investigation as required by the archaeology condition.
15. Where asbestos is found / suspected on site, it will fall under the Control of Asbestos Regulations 2012, overseen by the Health and Safety Executive. Further information can be found here: <https://www.hse.gov.uk/asbestos>

2. SITE LOCATION

- 2.1. This application relates to a site containing a single storey industrial building in use as a steel and iron workshop (Use Class B2) within the south eastern corner of the Portland Road Trading Estate, which also includes the access road to it, parking spaces and an abandoned marketing suite building to the south. Vehicle and pedestrian access to the site is from Olive Road to the east and Portland Road to the south close to the junction with Portland Villas.
- 2.2. The site is bounded to the north by the wider Portland Road Trading Estate, several commercial buildings to the east, residential properties to the east and south and a four storey converted office building to the west, which is now residential and known as Martello Lofts. The remaining context consists of a mix of commercial units and residential properties, primarily of two storeys, and the railway line further to the north.

- 2.3. The site is not within a conservation area, nor is it a listed building or in the vicinity of one. However, the site is part of a Protected Employment Led Mixed Use designation and mostly within Controlled Parking Zone (CPZ) L.

3. RELEVANT HISTORY

- 3.1. Pre-application advice (**PRE2019/00282**) was sought for the demolition of existing buildings and construction of two blocks with new business floorspace (B1) and 48 residential units (including 19 affordable units) together with landscaping, parking and cycle parking. Advice was issued on 9 April 2020
- 3.2. **BH2018/01622**: Outline application for demolition of existing 6no dwellings (C3) to facilitate a mixed-use redevelopment comprising of the erection of 1no four storey building and 1no three storey building incorporating up to 1650sqm of commercial space (B1) and up to 47no dwellings (C3) with associated basement level vehicular and cycle parking with landscaping to include layout, scale and access (appearance and landscaping to be reserved matters). Refused 2 October 2020 for the following reasons:
1. 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 CP7 and CP9 of the Brighton and Hove City Plan Part One.
 2. 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.
 3. 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.
 4. 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 policy CP7 of the Brighton and Hove City Plan Part 1 and the City Council's Developer Contributions Technical Guidance.
 5. 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.
 6. 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.

- 3.3. **BH2016/02053:** Erection of 2no three storey buildings, first building comprising of 3no one bedroom flats and 1no two bedroom flat. Second building comprises of six office spaces with cycle stores and associated works. Granted 20 July 2017
- 3.4. Of relevance at Martello Lofts:
- 3.5. **BH2023/00103:** Approval of Details reserved by Condition 2 (Car Parking) of application BH2015/00278. Under consideration
- 3.6. **BH2016/06335:** Creation of additional floor to provide 2no one bedroom flats and 2no two bedroom flats (C3). Granted 20 July 2017
- 3.7. **BH2015/00691:** External alterations to all elevations including to layout of doors and windows, installation of French doors, balconies and new entrance door and other associated works in association with prior approval application. Granted 19 June 2015
- 3.8. **BH2015/00278:** Prior approval for change of use from offices (B1) to residential (C3) to form 28no units. Prior Approval Required Approved 25 March 2015

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the demolition of the existing buildings and the erection of a 2 to 5 storey residential building of 26 units (Use Class C3) including basement vehicle parking and a 3 storey commercial building comprising 219sqm of flexible Class E floorspace, with associated cycle and bin storage, landscaping and boundary treatment.
- 4.2. Changes have been made during the course of the application to the mix and number of dwellings (32 to 26), number of storeys / height of the building (reduction from part 3, part 6), siting on the plot (moving further away from the southern boundary), layout, access, elevational treatment, the commercial building, cycle parking and the landscaping / public realm.

5. REPRESENTATIONS

- 5.1. **Sixty one (61) objections**, were received raising the following concerns:
Land use
- This is a re-zoning of commercial land for primarily residential use.
 - Loss of employment floorspace and of employment land.
 - The application site is not allocated for development in the City Plan.
 - Conditions should be imposed on the Class E building restricting its use.
 - The loss of local businesses on this estate would be such a shame.
 - More commercial / retail space is not needed as there are several empty premises on Boundary Road and competition already on the trading estate.

- There is no need for the development on this site given there are plenty of vacant sites and ones allocated in the City Plan to develop instead.
- The proposal should be employment-led.

Affordable housing and viability

- Affordable housing is sorely needed, the expected requirement for 40% should be upheld in every case, including this. The claim that it is unviable is highly questionable when the site was bought, but is not sufficiently profitable.
- The provision of a basement car park significantly adds to development costs and is a sign that the site is being overdeveloped.

Design

- The design is poorly conceived and it would be far higher than anything in the surrounding area, being completely out of keeping and out of scale.
- Four storeys was refused so five storeys is gross overdevelopment.
- A stepped down approach to height next to houses should be enforced as per BH2018/01622, otherwise it would unduly dominate the area around it.
- This eyesore / ugly new proposal also takes the building much further forward than BH2016/02053 and ruins the line of the buildings on the road, and should match the 1930s design.
- Excessive density
- This development would totally change the character of the area.
- The design seems to be using the cheapest of materials.
- The footprint of this application is too large for the comparatively small site.
- It would be of an incongruous bulk with visual clutter.
- There is no desire for such scale of development in the area.
- No visual impact assessment on boundary and height has been provided.
- The BREEAM report shows significant concerns, scoring zero on multiple measures such as energy and carbon emissions, low carbon design, daylight, ventilation, security and safe access.
- The amended building is now even higher than before despite previous objections.
- The site does not fall within one of the defined areas for tall buildings within Hove.

Amenity

- Overlooking / loss of privacy and views
- Increased noise and pollution, including a decline in air quality
- The position of the car parking and the ramp to the basement car park would result in increased noise and disturbance.
- The combination of the length and height of the commercial building would increase the sense of enclosure to 305 Portland Road.
- Such a build would impact on the amount of visible sky.
- The proposed block is too overbearing and causes overshadowing.
- Loss of light is worrying to the houses, flats and their patio gardens. This means those affected would have to use internal lighting during the day, which is wrong in the current climate crisis.

- Should permission be granted, all reasonable restrictions on construction hours (Monday - Friday 9am - 5pm) should be placed on this site.
- The five storey building with open balconies to the south and west would allow occupiers to look straight into existing residents' houses and gardens.

Standard of accommodation

- Some of the apartments are ridiculously small.
- Disability access shown on the plans must be secured prior to occupation.

Highways / Transport

- The development would add far more traffic to the saturated area in an unsustainable manner, although this is already the case at peak times.
- Road safety and access for vehicles and pedestrians should be paramount and is inadequate for this development given an increased risk of accidents.
- No changes have been made to the previous rejected transport report, which is inaccurate and contains errors.
- Car parking space provision is inadequate and the loss of car parking spaces would further displace car parking for residential properties.
- There are multiple inconsistencies within reports, including the height of the existing building and the number of cycle and car parking spaces. Any development should be car free.

Ecology and trees

- Trees home to several bird and mammal species are not shown to exist.
- The close proximity of the proposed building to the property line of all neighbouring gardens would damage long-established trees and shrubbery.

Other

- The proposal does not constitute sustainable development.
- Given the incomplete, unsightly and dysfunctional Martello Lofts development, any new build by the applicant would be similarly subject to lengthy delays, ongoing disruption for years to come, fail to provide promised facilities would not be of high quality.
- Lack of information about these proposals for local residents.
- The loss of even a small bit of green space is wrong.
- A greater proportion of two bed flats would ensure people would not have to move if they started a family.
- The statement of community involvement is contradictory and notification would not have reached as many members of the public as possible. It has been minimal as part of a 'tick-box' approach.
- There are no planning application notices to be seen / lack of consultation
- No account has been taken of impact on access, amenities, sewerage / water supply, doctors and schools, all of which are already over extended.
- Detrimental effect on property values.

5.2. **Twenty one (21) objections** were received following re-consultation of the application raising the following concerns:

- Because of the additional traffic
- Inappropriate height of development

- Noise
- Overdevelopment
- Overshadowing and significant loss of light
- Too close to the boundary
- Volume of traffic, increase in congestion and highways safety
- The proposed building is significantly of keeping with the area
- The proposed buildings themselves are ugly, of poor design, out of character and scale and of a bulky design that would ruin the streetscene.
- Loss of privacy from windows, terraces and balconies
- There is already empty commercial space in the area and no need for more.
- Traffic from this site would further add to the already high levels of pollution.
- There's no affordable housing in this proposed development.
- Detrimental effect on property value
- Restriction of view
- The proposed buildings would be overbearing with excessive density and would dominate the whole area.
- We do not want to live next to a buildings site for an extended period of time.
- There is still no acceptable transport assessment.
- The 3 storey commercial building is further forward than existing buildings and results in the loss of 6 car parking spaces for Martello Lofts.
- The ongoing lack of considered & proportional consultation.
- The local area infrastructure is already at breaking point.
- Residential amenity by reason of increased sense of enclosure and general reduction in quality of life
- Contrary to NPPF paragraph 134: *"permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions."*
- The proposals do not constitute an employment-led development, resulting in the loss of valuable employment floorspace and land contrary to City Plan Part One Policy CP3.
- The resulting social and financial cost would be borne by residents and Council tax payers.
- Not enough parking, plus there is no parking on Portland Road.
- Damaging trees in a neighbouring garden
- The excavation of the land will not be done with care and due consideration for existing residents.
- There is no reason for granting private parking on this development given the perfectly good bus and train links so it should, at best, be car-free.
- The proposals do not constitute sustainable development as per NPPF paragraph 11(d).

6. CONSULTATIONS

Internal:

6.1. **Air Quality:** Recommend approval with conditions

- 6.2. **Arboriculture:** No objection, subject to mitigation planting
- 6.3. **City Regeneration / Economic Development:** Mitigative steps should minimise any disruption to trade for the current business on this site. It is not considered that this redevelopment is 'employment led' as residential space outweighs the planned commercial floorspace. The provision of high quality, modern office space, which is much needed in the city, would be welcomed. Details of the proposed employment levels / density should be provided. The preferred option would be deconstruction and the reuse of existing building materials, if possible.
- 6.4. **Ecology:** Recommend for approval in principle, subject to conditions
- 6.5. **Employment and Skills:** Support, subject to employment and training strategies and a £11,100 contribution being secured by a legal agreement
- 6.6. **Environmental Health:** No objection subject to the imposition of conditions
- 6.7. **Heritage:** No comment / no impact
- 6.8. **Planning Policy:** Approve with suggested conditions
- 6.9. **Private Sector Housing:** No comments to make
- 6.10. **Sustainability:** Recommend approval, subject to conditions and further details of heating and hot water solutions, an estimate of average electricity consumption, additional BREEAM credits and anti-overheating measures / ventilation strategy
- 6.11. **Sustainable Drainage:** Recommend approval, subject to agreement to meeting conditions
- 6.12. **Transport:** Acceptable subject to conditions
- 6.13. **Urban Design:** Support / seek amendments - Design proposals present a number of positive attributes, but the proposed amenity spaces against the west site boundary would be poorly lit due to overshadowing and there is no speculative calculations or targets for embodied carbon.

External:

- 6.14. **County Archaeology:** Recommend for approval subject to a condition
- 6.15. **Designing Out Crime Officer (Sussex Police):** No major concerns, but additional measures to mitigate against any identified local crime trends and site-specific requirements should always be considered.
- 6.16. **Southern Water:**

- Foul sewerage disposal to service the proposed development can be facilitated. A formal application for any new connection to the public sewer is required.
- Limiting the surface water flow to less than (50% betterment) the existing flows into the surface water system can be permitted, if proven to be connected and ensured that there is no overall increase in flows.
- General hard standing that may be subject to oil / petrol spillages should be drained by means of appropriate oil trap gullies or petrol / oil interceptors.
- The drainage design should ensure that no groundwater and / or land drainage will enter the public sewerage network.
- An informative stating the construction should not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the LPA in consultation with Southern Water should be attached in the event of an approval.
- Water supply to service the proposed development can be facilitated. A formal application for a connection to the water supply is required.
- It is possible that a sewer now deemed to be public could be crossing the development site. An investigation of the sewer will be required to ascertain its ownership if one is found during construction works.

7. MATERIAL CONSIDERATIONS

7.1. 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.

7.2. The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016);
- Brighton & Hove City Plan Part Two (adopted October 2022);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- Shoreham Joint Area Action Plan (October 2019).

8. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SA6 Sustainable Neighbourhoods

SS1 Presumption in Favour of Sustainable Development

CP1 Housing delivery

CP2 Sustainable economic development

CP3 Employment land
CP7 Infrastructure and developer contributions
CP8 Sustainable buildings
CP9 Sustainable transport
CP10 Biodiversity
CP12 Urban design
CP13 Public streets and spaces
CP14 Housing density
CP15 Heritage
CP18 Healthy city
CP19 Housing mix
CP20 Affordable housing

Brighton & Hove City Plan Part 2:

DM1 Housing Quality, Choice and Mix
DM11 New Business Floorspace
DM18 High quality design and places
DM19 Maximising Development Potential
DM20 Protection of Amenity
DM22 Landscape Design and Trees
DM31 Archaeological Interest
DM33 Safe, Sustainable and Active Travel
DM35 Travel Plans and Transport Assessments
DM36 Parking and Servicing
DM37 Green Infrastructure and Nature Conservation
DM40 Protection of the Environment and Health – Pollution and Nuisance
DM41 Polluted sites, hazardous substances & land stability
DM42 Protecting the Water Environment
DM43 Sustainable Urban Drainage
DM44 Energy Efficiency and Renewables

Supplementary Planning Documents

SPD03 Construction and Demolition Waste
SPD06 Trees and Development Sites
SPD11 Nature Conservation and Development
SPD14 Parking Standards
SPD16 Sustainable Drainage
SPD17 Urban Design Framework

Other Documents

Urban Characterisation Study 2009 - West Hove Neighbourhood
Developer Contributions Technical Guidance - June 2020
East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan -
Policies WMP3d and WMP3e

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to:
- Principle of development

- Affordable housing
- Density
- Design
- Biodiversity, Landscaping, Trees and Ecology
- Impact on Neighbouring Amenity
- Standard of Accommodation
- Impact on Highways
- Air Quality
- Sustainability
- Archaeology

Principle of development:

- 9.2. Policy CP1 sets out the housing targets for the plan period with a provision target of 13,200 new homes for the city up to 2030. The Council's most recent housing land supply position against this minimum target was published in the SHLAA Update 2020 and shows a five-year housing supply shortfall of 342 (equivalent to 4.7 years of housing supply).
- 9.3. However, on 24 March 2021 the City Plan Part One reached five years since adoption. National planning policy states that where strategic policies are more than five years old, local housing need calculated using the Government's standard method should be used in place of the local plan housing requirement. In addition, following an amendment to the standard method set out in national planning practice guidance, from 16 June 2021 onwards Brighton & Hove is required to apply an additional 35% uplift as one of the top 20 cities in the urban centres list.
- 9.4. The Council's most recent housing land supply position is published in the SHLAA Update 2021 which shows a five-year housing supply shortfall of 6,915 (equivalent to 2.1 years of housing supply).
- 9.5. As the Council is currently unable to demonstrate a five year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 9.6. The provision of 26 units of residential accommodation would be a benefit of significant weight, making a relatively small, but important contribution towards the Council's housing target given the importance of making efficient use of sites.
- 9.7. Policy CP19 requires proposals to have considered housing mix and local assessments. The proposed unit mix is four studios (15%), 8 x 1 beds (31%), 9 x 2 beds (35%) and 5 x 3 beds (19%). A unit mix compliant with the demographic analysis mentioned in the supporting text of the policy would be 6 x 1 beds, 9 x 2 beds, 8 x 3 beds and 3 x 4 beds. It is noted that there is a higher demand for 2 and 3 bedroom properties in terms of market housing.

This is a relatively constrained site close to a main road and a busy industrial estate, and therefore considered unsuitable for larger family accommodation hence the absence of 4 beds. Whilst the proposal would provide more 1 beds than 3 beds, there is a limited market for larger family size units within flatted schemes such as this proposal. Furthermore, if additional larger units are incorporated into the proposal, fewer units would be delivered in total further compromising the scheme financially and jeopardising its deliverability. As such, the LPA considers the unit mix to be acceptable in this instance.

- 9.8. In terms of the provision of employment floorspace, the site is designated for employment-led (residential and employment) mixed use development, which this proposal delivers. Part 4 of Policy CP3 also states that there should be no net loss in employment floorspace unless this can be justified. 376m² of B2 floorspace would be lost through the demolition of the existing building and 219m² of flexible Class E floorspace is proposed. It has been argued that the site is constrained for a B2 commercial use; it lacks a main road frontage and prominence in the streetscene; the existing vehicular access is narrow; and it would conflict with a C3 use in a mixed use scheme insofar as it would cause amenity issues. It has also been argued that a new high quality flexible Class E employment building with good natural light would be provided; it has the potential to support the city's key employment sectors, it would repair the streetscene and remove unsightly built form thereby resulting in significant townscape improvements; it would allow cars in particular to enter the site more safely; and it would result in increased employment density. These are all factors mentioned in paragraph 4.36 of the policy that can be taken into consideration.
- 9.9. It is considered that there is an opportunity for a more effective and efficient use of the site, a need for townscape improvements, improved amenity of surrounding users and occupiers and for the proposed floorspace to be flexible. Whilst it is acknowledged that the existing amount of employment floorspace could be re-provided on site, reasonably this would need to be accommodated in the frontage building meaning that it would be much larger, which would be unacceptable on design and amenity grounds. There would be an increase in employment density from a potential nine Full Time Equivalent (FTE) jobs for the existing B2 unit (although it currently only employs two FTE staff) to 15-16 FTE jobs based on a mix of retail (approximately 100m²) and office (approximately 119m²). This would increase to 18 FTE jobs if solely office. Particularly in light of the aforementioned factors and benefits, and the desire to create adaptable floorspace to achieve suitable long-term viable use, this is considered to outweigh the loss of 157m² of B2 floorspace in this instance. As such, the loss of employment floorspace is acceptable in principle.
- 9.10. As previously mentioned, the new employment building of three storeys high on the Portland Road frontage would provide a mix of retail and office space. However, the LPA considers it reasonable to restrict it to Use Classes E(a), (c) and (g) by condition since the other uses within the class could cause adverse effects on neighbouring amenity and the local highways network. It is still important to ensure that flexible design features to provide future adaptability are incorporated for a range of uses, occupants and business sizes. It is

therefore recommended that a condition to secure these and details of the marketing strategy to ensure the successful take up of the employment floorspace be added in compliance with Policy DM11.

- 9.11. It has been demonstrated that this development would contribute towards meeting the identified housing needs of the city and it would not result in the loss of jobs. As such, the principle of the development is considered acceptable. The acceptability or otherwise of the scheme is subject to affordable housing, density, design, biodiversity, landscaping, trees, ecology, neighbouring amenity, the standard of accommodation, highways, sustainability and archaeology. These matters are discussed below.

Affordable housing:

- 9.12. Policy CP20 requires development of 15 net dwellings or more to provide 40% of the units as affordable housing. The applicant has submitted a Financial Viability Assessment Report in support of their proposal to provide no affordable housing on the basis of the development not being viable, which it is suggested would make a loss of £2,280,000 due to the Residual Land Value and Site Value Benchmark.

- 9.13. The report has been the subject of a review by the Council's independent viability consultant. They disagree with the Residual Land Value and Site Value Benchmark provided by the applicant given the differences in the Gross Development Value of the commercial element and the construction costs, but ultimately agree that the proposed development produces a deficit of £498,808 (compared to the applicant's figure of £2,280,000). As such, it is accepted that no affordable housing can be provided. However, in case the viability situation improves in terms of sales revenue values rising or base construction costs falling, a late stage review in order to secure any uplift in sales figures as a commuted sum would form part of the Section 106 Agreement.

Density:

- 9.14. The site is within the West Hove neighbourhood where the average gross density is 27 dwellings per hectare (dph), which is moderately low. Large plot sizes, wide streets, and other uses within the neighbourhood have contributed to the low figure.

- 9.15. CPP1 Policy CP14 outlines that residential development should be of a density that is appropriate to the character of the neighbourhood and be determined on a case by case basis. Development will be permitted at higher densities than those typically found in the locality subject to various criteria. To make full, efficient and sustainable use of the land available, new residential development is expected to achieve a minimum net density of 50 dph, provided it contributes positively to creating or maintaining sustainable neighbourhoods and that all of the aforementioned criteria can be satisfactorily met.

- 9.16. The site is approximately 0.14 hectares, although the part on which the residential development is located is approximately 0.117 hectares. With 26 dwellings proposed to be on site, the dph would be 222 dph. The West Hove neighbourhood's positive characteristics are its sea views, well preserved

street pattern, architecture (including fine examples of the Arts and Craft movement) and character, and each street being very individual, making the area very legible. There are some taller apartment buildings following the redevelopment of grander houses. The site is within the Portland character area, which is mainly comprised of late 20th Century public housing and commercial development close to the railway line.

- 9.17. The various criteria set out by Policy CP14 require a high standard of design and maintaining or creating a coherent townscape; respecting, reinforcing or repairing the character of the neighbourhood and contributing positively to its sense of place; the inclusion of a mix of dwelling types, tenures and sizes to reflect identified local needs; being easily accessible by sustainable transport; being well served by local services and community facilities; and providing outdoor recreation space appropriate to the demand it would generate.
- 9.18. The submitted drawings demonstrate that the design would be of a high standard and that it would maintain a coherent townscape and respect the character of the neighbourhood, thereby contributing positively to its sense of place. This has been achieved through appropriate scale and massing in relation to the urban grain and neighbouring dwellings to break down the perceived bulk; the commercial building repairing the Portland Road street frontage; contemporary and innovative materiality and appearance; high quality public realm including enhanced urban greening and biodiversity; substantial private external amenity space.
- 9.19. As previously noted, the mix of dwelling types and sizes adequately reflect identified local needs. The site is less than 10 mins walk, or three minutes cycling to Portslade train station, and 17 and 4 minutes respectively to Aldrington train station. There are also three bus stops served by seven routes within 1-2 minutes' walk of the site. As such, it is in a sustainable location. Furthermore, it is well served by local services (on Portland Road and Boundary Road a short walk away) with community facilities nearby including a nursery, Portslade Health Centre, Links Road Surgery, Portslade County Clinic, churches and schools (West Hove Infant and Hove Park Upper Schools). In terms of outdoor recreation space, all of the proposed dwellings would have external amenity space and there is additional communal space for the dwellings at fourth floor level and for the commercial building to the southern boundary of the site.
- 9.20. Special Area Policy SA6 sets out how to create and maintain sustainable neighbourhoods. Assessing the proposal against these priorities, it would have the potential to result in environmental sustainability improvements to new buildings; it provides a mix of dwelling sizes; the dwellings meet the nationally described space standards; it supports tree planting; it potentially secures good quality employment and training opportunities for residents; and would support improvements to the public realm and biodiversity. Cycle parking spaces are also proposed and the site benefits from close proximity to existing cycle infrastructure. As such, the proposed development would contribute towards creating a sustainable neighbourhood.

- 9.21. CPP2 Policy DM19 requires compliance with Policy CP14 as well as opportunities for an appropriate mix of uses to be maximised and an efficient use of the site in terms of building layouts, design, open space, amenity space, access and car parking.
- 9.22. As previously discussed, the proposal is for a mixed use development and the quantum of residential and commercial is considered acceptable. Building layouts, design, amenity space, access and car parking are discussed in more detail in the following sections, but they are considered acceptable. In terms of open space, there is none currently on site such that there is a requirement to re-provide any, but landscaped areas are provided to the south and east of the residential building as well as in front of the commercial building.
- 9.23. As such, the density of the proposed development is considered acceptable because it would contribute positively to creating or maintaining sustainable neighbourhoods and meet the criteria in Policies CP14 and DM19.

Design and Appearance:

- 9.24. The existing building is not of any historic or architectural merit. As such, its demolition to make way for a replacement building is considered acceptable. The sustainability implications of this will be discussed later in this report.
- 9.25. The subject site is almost shaped like an S-bend with a strip of land running north to south along part of the private access road to the trading estate. The topography of the site and that of Olive Road and the trading estate access road involves a gradual change in level up towards the railway line to the north. Neighbouring building heights vary from the 5-8m high warehouse buildings to the north and the east to the four storey residential block known as Martello Lofts on the adjacent land to the west and the two storey semi-detached dwellinghouses fronting Portland Road.
- 9.26. The built footprint of the proposed residential block makes efficient use of the site, which is supported. As previously noted, the density is relatively high and this means that meaningful amenity space and the quality of public realm areas are of even greater importance. The proposed ground floor layout locates family dwellings to the south so that they benefit from larger garden spaces, which is considered appropriate. The public realm prioritises the pedestrian as much as possible with a dedicated and clearly legible pedestrian footway from Portland Road to the residential entrance via a covered colonnade and a dedicated crossing point over the vehicular access, thereby successfully generating a public realm 'gateway' into the site. This is further enhanced by the commercial building fronting Portland Road, the proposed footprint of which positively reflects the rhythm of urban grain on this frontage. As such, the public realm areas are of high quality and function well.
- 9.27. The proposed site layout is considered to optimise the environmental orientation, positioning the bulk of ground level amenity space and planting to the south, and minimising the north-facing façade by means of the L-shaped building footprint.

- 9.28. 3D contextual views taken from Olive Road and Portland Road as well as from the rear gardens of 295 and 305 Portland Road have been provided to support the proposed design. This has been amended during the course of the application process from four storeys high at 7m away from the southern site boundary and six storeys at the northern end of the site such that two storeys are proposed at 9.2m away and five storeys are proposed respectively. The reduction to two storeys is necessary for neighbouring amenity reasons, but would also create a more comfortable visual relationship to the Portland Road properties. The reduction in height is welcomed since the fourth storey sits below the height of the adjacent Martello Lofts residential building whilst the fifth storey would only be 1.88m higher. The direct steps in height are considered to successfully break down the mass and perceived bulk of the building with the southern parapet partially masking the fourth storey, again in views from the Portland Road properties, but also reducing the visual impact on the streetscene and in wider views. As such, whilst there is still some concern regarding the scale of the development, it is considered that the scheme can be supported in this instance.
- 9.29. The presence of the proposed commercial building on Portland Road is considered to help mask the scale of the proposed residential block in views from the public realm to the south and takes the opportunity to close the existing open frontage of the site, which is supported.
- 9.30. The general design and massing of the commercial building has been revised such that it would now respond well to the established rhythm of the urban grain evidenced in the adjacent semi-detached dwellings, retaining equal spacing between built form over ground floor and matching existing ridge heights. The gradual stepping at the rear of this building is considered to be the most sympathetic response in terms of direct visual impact to neighbouring dwellings and site constraints.
- 9.31. In terms of materiality, the prevailing materials on Portland Road and Olive Road are overwhelmingly red brick with white accents and red clay tile. However, the industrial / commercial uses on this site present a light buff brick stock and a more utilitarian appearance. Given the back land context of the site, the proposed residential building successfully references the industrial heritage through its materiality (light buff brick and concrete sills), which is also considered to be high quality as demonstrated in the indicative brick detailing and concrete sills. Further details of all materials are recommended to be secured by condition.
- 9.32. An interesting, layered elevational composition that generates shadow, texture and contrast is shown in the rendered elevations, bay studies and 3D views submitted of the residential building. This is added to by the semi-recessed terraces on the south elevation and the stepped effect as the building line steps in at second, third and fourth floor levels. The material composition on the proposed south and north elevations has been improved with additional concrete lintel layers and textured brickwork.

- 9.33. The proposed materiality of the commercial building of brick in different bonding and patterning, copper sprayed aluminium framed fenestration and projecting balconies and expressed fair faced concrete lintels would complement the prevailing red brick of Martello Lofts and adjacent semi-detached properties, which is considered an acceptable approach. Its proportions to the front elevation also reflect those of the neighbouring semi-detached properties. Following revisions, all elevations of the commercial building are as well-detailed as the front. As such, its appearance is considered acceptable.
- 9.34. The Council's Urban Designer has reviewed the scheme twice and following amendments considers it generally acceptable subject to a whole-life carbon assessment with associated calculations being secured by condition and the external amenity spaces of the west-facing one bed units at ground, first and second floors being well-lit. This is dealt with in paragraph 9.54.
- 9.35. As such, the proposal would make an efficient use of an existing site and be contextually appropriate design in compliance with City Plan Part One Policies CP12 and CP13, City Plan Part Two Policy DM18, SPD17 and paragraphs 130 and 134 of the NPPF that require developments to add to the overall quality of the area through being visually attractive as a result of good architecture, layout and landscaping; to be sympathetic to local character and the surrounding built environment while not preventing increased densities; to optimise the potential of the site to accommodate an appropriate amount of development; to reflect local design policies; and raise the standard of design more generally in an area where they fit in with the overall form and layout of their surroundings.

Biodiversity, Ecology, Landscaping and Trees:

- 9.36. The submitted biodiversity checklist demonstrates that there are no indicators of (nesting) birds, owls, bats, reptiles, slow worms, stag beetles, badgers or Great Crested Newt, or that coastal vegetated shingle and much open rough grassland would be affected. Given the low base value, there is the potential for high biodiversity net gain values to deliver the minimum uplift of 10% that will be required by Part 6 of the Environment Act. A minimum 10% BNG will not be mandatory until November 2023 and whilst BHCC has declared a Biodiversity Emergency, Policy DM37 just requires a net gain in biodiversity on site. Measures to improve the ecology outcomes on the site in accordance with Policies CP10 and DM37 as well as SPD11 are proposed to include the chalk grassland green roof, native hedge and tree planting, inserting bee bricks and installing swift and bat boxes. An Ecological Design Strategy is recommended to be secured by condition to show the soft landscape species, the number and location of swift and bat boxes, and the species composition of the chalk grassland green roof. Separate conditions are recommended to secure 26 (twenty six) swift bricks and a bee brick for each block of development.
- 9.37. The site is considered to have low ecological value. The building proposed for demolition offers two roost features both of low potential, the emergence surveys found no evidence of roosting bats and there is little suitable foraging habitat on site. However, it is necessary to condition surveys of the two

potential roost features to be conducted immediately prior to demolition of the building, which would have to be between April and October. An informative would be added to advise that it is a criminal offence to disturb nesting wild birds, their nests and eggs. The proposed development would result in the loss of two lime trees, an area of scrub and the majority of the rough grassland. This loss is acceptable provided it is compensated through a landscape scheme.

9.38. The landscaping proposed includes at least 24 new trees of five different species, numerous hedges of three different mixes and five different varieties of shrubs. This is welcomed and has been accepted by the Council's Arboriculturalist and would sufficiently compensate the loss of the existing soft landscaping comprised of an area of scrub and the majority of the rough grassland. It is noted that the planting species are either on the RHS Perfect for Pollinators List or in SPD11 Table 7.2 (Native plants of local provenance and other plants suitable for landscaping schemes in Brighton & Hove), which is supported. Further details of the landscaping, such as the size of the trees and food growing, can be secured by condition prior to first occupation. The detailed landscape proposals must also demonstrate that SuDS have been fully considered. Any hard surfacing is recommended to be conditioned as permeable and / or porous.

9.39. There are three trees located off site within neighbouring properties. The proposed development would have the potential to impact on their Root Protection Areas (RPAs), although the tree protection plan would be sufficient to prevent this subject to the proposed fencing specified in Appendix 4 of the Arboricultural Impact Assessment, Method Statement and Tree Protection Plan being conditioned to be installed prior to commencement.

Impact on Neighbouring Amenity:

9.40. Paragraph 130 of the NPPF outlines that planning decisions should ensure that developments create places that promote health and well-being, with a high standard of amenity for existing and future users.

9.41. Policy DM20 of City Plan Part 2 states that planning permission for development including change of use will be granted where it would not cause unacceptable loss of amenity to the proposed, existing, adjacent or nearby users, residents, occupiers or where it is not liable to be detrimental to human health.

9.42. The main properties that would be affected by the proposed development would be 299, 301, 303 and 305 Portland Road to the south, 2 and 4 Olive Road to the east and Martello Lofts to the west.

9.43. The Portland Road properties are two storey with front and rear gardens. Being to the south of the proposed residential block prevents any adverse impact in respect of sunlight and overshadowing. In the case of nos. 299 and 301, there would be no noticeable reduction in daylight and sunlight, which also applies to 2 and 4 Olive Road.

- 9.44. Based on the original scheme, the living room of no. 303 would have experienced a noticeable reduction to the No Sky Line (NSL) of 27.27% given it should be no less than 0.8 times its former value. Since the room is greater than 5m deep, an adverse reduction in sky view is unavoidable even with a 'modest' development, but it is worth noting that proposed development has been reduced in scale and massing since. All but one of its three windows would be compliant with BRE recommended values for Vertical Sky Component (VSC) and it would have an acceptable Average Daylight Factor (ADF) of 2.24%, above the required figure of 1.5%. The overall impact is therefore considered acceptable.
- 9.45. The living / kitchen / dining room of 305 Portland Road is dual-aspect and served by five windows so a more noticeable reduction to window W2 in respect of VSC is considered acceptable as the room would still receive sufficient daylight with a NSL figure of 95% and an ADF of 2.34%. It is also noted that the massing of the proposed commercial building has been amended to be sited off the boundary at first and second floor levels.
- 9.46. Martello Lofts is a four storey (with incomplete fifth storey) residential block with the windows that would be affected facing north and east. Some of the living / kitchen / dining rooms have external overhanging balconies which already restrict views of the sky from the window of the room below. One of the northern-most ground floor units (marked as R8 to the northern end of the east-facing elevation) additionally has an existing canopy above three living / kitchen / dining room windows, which restrict daylight. Therefore, with it removed, all the windows would satisfy the BRE guidance and it is not the proposed development that causes a loss of daylight. Good levels of daylight and sunlight would be retained with the proposed development in place. It should be noted that the Daylight, Sunlight and Overshadowing Report was undertaken for a previous, larger version of the proposal and therefore the current amended version would cause less of an impact than assessed by the report.
- 9.47. The proposed development has been set back from the boundary with 299-305 Portland Road by 9.2m and from 2 and 4 Olive Road by 6.5m. This compares to 7m to the former as originally submitted, and additionally the proposal was for four storeys close to these properties without less of a stepped arrangement. In the views provided, it is considered not close enough to 299-305 Portland Road or 2 and 4 Olive Road to cause a significant reduction in outlook or create an excessive sense of enclosure. The stepped arrangement to the proposed building from two to three to four to five storeys, and a reduction from five storeys as originally submitted to two storeys towards the southern boundary is considered to alleviate any concerns about it being overbearing.
- 9.48. It is noted that existing land levels including spot heights as part of a topographical survey have been submitted to ensure that the land levels are taken into consideration in the design of the proposed buildings. These would be conditioned as part of the drawings to be approved.

- 9.49. Regarding overlooking, there are windows to all elevations and terraces to all but the north elevation, but those to the east and north would not provide any direct views into the windows of neighbouring buildings. Apart from a single inset terrace at first, second and third floors, all the other terraces have been removed from the south elevation and also moved further to the north on the eastern elevation. It should be noted that 54 windows / doors were initially proposed to the southern elevation and 40 to the eastern elevation compared with 34 and 27 respectively, but Officers sought amendments to address privacy concerns. Combined with privacy measures in the form of eight 5-6m tall evergreen bay trees planted on the southern and eastern boundaries (which the Council's Arboriculturalist is satisfied with), frosted glass to the lower half of the southern elevation windows (and three on the east elevation) and opaque powder coated mild steel panels behind fins to the south eastern-most terraces, it is considered that the overlooking to the nearby residential gardens would not warrant a reason to refuse this application.
- 9.50. In terms of the impact from the proposed commercial building, its design and massing has been revised as previously noted such that it would be the most sympathetic response in terms of direct visual impact to neighbouring dwellings given the gradual stepping at the rear. The first floor level would not significantly extend beyond the rear building line of 305 Portland Road such that it would cause loss of sunlight, overshadowing or be overbearing. A condition is recommended to be added preventing its use being a restaurant, gym or creche / day nursery, which could cause an adverse impact on residential amenity, particularly of no. 305.
- 9.51. As such, the overall impact on neighbouring amenity would be considered acceptable, subject to conditions on the trees, terrace treatment and frosted glass, and is therefore considered to comply with CPP2 Policies DM20 and DM40.

Standard of Accommodation:

- 9.52. The 'Nationally Described Space Standards' (NDSS) were introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments. These space standards have been formally adopted into the Brighton and Hove City Plan Part 2 Policy DM1 and can now be given full weight.
- 9.53. Four studios, 8 x one bed two person, 9 x two bed four person, 4 x three bed 5 person and a three bed six person dwelling are proposed. The Gross Internal Areas (GIAs) for each residential unit are at least compliant with if not in excess of the figures in the NDSS. All the bedrooms would also be compliant with the NDSS. Internal floor to ceiling heights on the ground, first, second, third, fourth and fifth floors would be approximately 2.46m. As such, they are acceptable.
- 9.54. Six of the 26 flats (23%) would be single aspect, but none solely to the north. The rest would be at least dual aspect providing future occupiers with sufficient outlook, natural light and cross-ventilation. Subject to adequate ventilation being installed to the south-facing single aspect flats (details of which are

recommended to be conditioned), this is considered acceptable and unavoidable. Those flats would otherwise benefit from sufficient outlook, natural light and ventilation. The boundary treatment of 1.8m high 'hit and miss' fencing is considered to allow adequate outlook.

- 9.55. The provision of external amenity space in the form of patios for all the ground floor flats and terraces for the upper floor flats is supported, and whether it is a terrace or a garden they are considered of an adequate size to be useable. Concern was raised by the Council's Urban Designer about units U01, U05, U12 and U17 being well-lit. Given the orientation and the balconies being stacked on top of each other, it is not possible for these to be as well-lit as the other external amenity spaces that serve the larger, family-sized units. Given the orientation and constraints of the site, this is condoned and it is considered preferable to provide external amenity spaces than not to.
- 9.56. As such, the proposed development is considered to offer acceptable living conditions for future occupiers, compliant with CPP2 Policy DM1.

Impact on Highways:

- 9.57. The site is considered to be in a sustainable location given that the site is less than 10 mins walk, or three minutes cycling to Portslade train station, and 17 and 4 minutes respectively to Aldrington train station. There are also three bus stops served by seven routes within 1-2 minutes' walk of the site. However, it is within an 'Outer Area' of the city as set out in SPD14. In these areas, SPD14 permits a maximum of one car parking space per dwelling plus one space per two dwellings for visitors, totalling 39 spaces for this proposal. 22 residents' spaces are proposed at basement level and three visitor spaces behind the commercial building, which therefore gives a shortfall of 14 spaces. In these situations, it must be demonstrated that there are sufficient spaces on surrounding roads by way of a parking survey. This has been carried out and demonstrates that there is an average capacity of 71-75% (equivalent to 39-44 vehicles), which is sufficient to allow additional users to park on them even with the development in place. Added to on-street parking being prevented 11:00-12:00 and 18:00-19:00 by CPZ L, it is considered that there would not be an adverse impact from overspill parking on the highway network.
- 9.58. No parking spaces would be provided for future occupiers of the commercial building, which is considered acceptable given the average capacity of the surrounding roads and the proximity of public transport nodes. All of the spaces would be provided with an electric vehicle charging point, which is supported. Three of the car parking spaces would be for blue badge holders, which is considered an appropriate amount and compliant with SPD14.
- 9.59. It is noted that the development would result in the loss of six car parking spaces that it has been alleged pertain to some of the occupiers of flats within the Martello Lofts building. Evidence in the form of leases and the plans within demonstrate that none of these flats have a legal right to use these spaces. Whilst these parking spaces were secured by condition as part of the permission to change the use of the Martello Lofts building from office to residential, they existed prior to that application and appear not to have ever

been formally associated or used by those flats. As such, their loss is considered acceptable and would also not lead to an adverse impact on the highway network from overspill parking.

- 9.60. Following negotiations, spaces has been allocated for two motorcycles within the basement. This is also compliant with SPD14 and further details are recommended to be secured by condition.
- 9.61. In terms of cycle parking spaces, 40 are proposed at basement level and this is in excess of the long and short stay minimum requirement in SPD14 of 39 spaces. Five spaces (three long stay and two short stay) for the commercial development are also likely to be required, but details are recommended to be secured by condition since staff numbers is not yet known.
- 9.62. As regards trip generation, a total of 24 additional trips per day are expected to take place as a worst case scenario as a result of the proposed development, which is considered insufficient to have a material impact on the surrounding highway network. Equally, delivery and servicing associated with the residential and commercial uses on the site is predicted to generate seven trips throughout the day with Officers reaching the same conclusion.
- 9.63. Delivery and servicing would take place on Portland Road Trading Estate access road, which is considered acceptable given that the proposal would not generate a significant number of deliveries. Smaller delivery vehicles can turn and manoeuvre at basement level if required, but this would be exclusively for residents of the proposed dwellings with a traffic light system to manage entries and exits so this is considered unlikely to occur.
- 9.64. Refuse vehicles would collect bins Portland Road Trading Estate access road and which would be stored within 25m of it. This is considered acceptable. The installation of the refuse store prior to first occupation and retention is recommended to be secured by condition.
- 9.65. Portland Road Trading Estate access road itself is approximately 6.5m wide with a pedestrian footway on the western side measuring between 1.0-1.9m. Following amendments, the proposed pedestrian footways would be a minimum of 1.2m wide to allow for a wheelchair to pass along, which is welcomed. It has been clarified that the gradient of the ramp into the basement would be 1:10, which would allow it to be suitable for both vehicles and cyclists.
- 9.66. It is considered necessary to secure a Travel Plan and it is recommended that this be achieved by condition. Additionally, both a Construction Environmental Management Plan (CEMP) and Demolition Environmental Management Plan (DEMP) are recommended to be conditioned. These would address concerns about safety, amenity, noise and construction traffic.
- 9.67. As such, subject to the imposition of suitable conditions, the impact on highways would be acceptable.

Air Quality:

9.68. No objections are raised on this matter given energy provision is electric, there are no proposed gas or biomass boilers on site and the vehicle trip generations into the nearest Air Quality Management Areas (AQMAs) are not sufficient to justify a detailed air quality assessment. However, it is considered necessary that construction vehicles potentially servicing this site in the future avoid all AQMAs, and this must be factored into the CEMP as should emission standards for non-road mobile machinery and monitoring for particulate matter, dust and nitrogen dioxide before and during demolition and construction.

Sustainability:

9.69. City Plan Part One Policy CP8 requires new development to demonstrate a high level of efficiency in the use of water and energy and for it to achieve 19% above Part L for energy efficiency in addition to meeting the optional standard for water consumption. Part L – Conservation of Fuel and Power of the Building Regulations 2022 now requires each residential unit built to have achieved a 31% reduction in carbon emissions. Therefore, an informative is recommended to ensure the development meets that standard.

9.70. It is noted that the proposed reduction in carbon emissions is 44%, 42% of which would be from Air Source Heat Pumps (ASHPs). This is above the aforementioned requirement and is therefore supported. However, since it is such a large proportion, it is important to ensure the type is appropriate. The Exhaust ASHPs proposed are not considered an optimal solution as they may require additional heat sources (e.g. an immersion heater), are likely to have a high power demand and are expensive to run. Further details of the ASHP to provide heating and hot water for each unit is therefore recommended to be required by condition.

9.71. In terms of BREEAM, the non-residential element of this proposal qualifies as 'non-major' and is therefore required to meet the 'Very Good' rating. A score of 55.3% is targeted, which is just 0.3% above the threshold and to ensure the building still meets the 'Very Good' rating if some slippage occurs during construction, the additional credits identified by the BREEAM report to increase the score by approximately 5% should be applied. Compliance with the 'Very Good' rating is recommended to be secured by condition.

9.72. To comply with Policy SA6, it is recommended to add a condition to ensure the site can be connected to a district heating system in the future, including securing and safeguarding a route onto the site from the highway for a connection. This would help to deliver significant carbon savings during the plan period in line with the Council's Sustainable Community Strategy to reduce the city's carbon emissions by 80% by 2050.

9.73. Other sustainability measures include a timber frame for the building (from a sustainable source), improved building fabric, improved glazing u-values, providing a biodiversity net gain, 40 cycle parking spaces and EV charging to all 25 car parking spaces. However, it is recommended to secure a whole-life carbon assessment by condition to ensure that the proposal is committed to low embodied carbon and is wholly compliant with Policy CP8.

9.74. It is recommended that a Site Waste Management Plan (SWMP) condition be imposed to ensure that the demolition of the existing building would not be unsustainable development with materials being salvaged and reused where possible.

9.75. All the proposed dwellings would be at least single aspect with none solely to the north. 18 (69%) of the dwellings would be dual aspect. It is considered that generally the proposals have sufficiently incorporated the principles of passive design to minimise the need for artificial heating and lighting, which is welcomed.

Archaeology:

9.76. Whilst not being within an Archaeological Notification Area, the site contains ample evidence of past human activity from the prehistoric period onwards, including Palaeolithic hand axes and Neolithic and Early Bronze Age struck flint having been found in the wider vicinity, which also contains a few cemeteries and a known post-medieval farm complex. In addition, medieval and later settlement of Aldrington is located to the south.

9.77. Therefore, an Archaeological Desk-Based Assessment has been submitted. Officers are satisfied that archaeological remains of national significance are unlikely to exist within the site. However, remains of local or regional significance may be present and would unavoidably be impacted by the proposed development, particularly by the substantial basement parking area. As such, it is recommended that a pre-commencement condition be added to ensure that a programme of archaeological works commensurate with a written scheme of investigation is submitted and approved prior to any works commencing, including demolition.

10. CONCLUSIONS

10.1. The proposal would provide 26 dwellings and new flexible commercial floorspace as part of a mixed use development on a brownfield site in Hove, provide sustainability and biodiversity improvements, and it would generate some economic activity during construction work and from the spending in the local economy of the future occupiers, which are relatively significant benefits of the proposal. The application would result in a high quality design of the building, which would not have a significantly adverse impact on neighbouring amenity or on highways safety whilst providing an acceptable standard of accommodation. The proposal is therefore recommended for approval, subject to conditions and a legal agreement.

11. COMMUNITY INFRASTRUCTURE LEVY

11.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. It is estimated that the amount of CIL liability for this application

is £412,444.64. The exact amount will be confirmed in the CIL liability notice which will be issued as soon as it practicable after the issuing of planning permission.

12. EQUALITIES

- 12.1. Access to the proposed buildings from Portland Road would be level and a minimum of 1.2m wide to allow for a wheelchair to pass along. Three of the parking spaces would be for disabled vehicle users, which is supported. A lift will be provided in the basement to provide step-free access from them to all floors meaning that any of the proposed residential units would be accessible for those with a mobility-related disability. The development would be subject to a condition ensuring that one of the residential units would be designed to meet M4(3) standards. All other dwellings would be conditioned as being designed to meet M4(2) (accessible and adaptable dwellings) standards. In terms of the commercial building, the entrance door would be power operated under manual or automatic control; the minimum effective clear width of doors would be 800mm; and stairlifts would be provided to the staircases. Amended plans are expected at the time of writing the report to include this. This would meet the aims of Strategic Objective SO20 in CPP1. The development does not meet the criteria to provide any children's play space.

13. CLIMATE CHANGE / BIODIVERSITY

- 13.1. The site has good links to facilities including shops, is well served by public transport, and cycle parking is proposed, reducing reliance on cars. It also makes a more efficient use of brownfield land with the proposed building being well orientated thereby providing sufficient daylight and sunlight to the new dwellings. A detailing landscaping / planting plan, details of the chalk grassland green roof as well as bee bricks and swift bricks are recommended to be secured by condition.

14. S106 Agreement

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

employment within the construction industry, contrary to Policy CP7 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.

3. The proposed development fails to provide a mechanism by which to secure affordable housing, or a financial contribution towards it in the city, in case of the viability situation improving, contrary to Policies CP7 and CP20 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.