

<u>No:</u>	BH2016/05312	<u>Ward:</u>	Hove Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	65 Orchard Gardens Hove BN3 7BH		
<u>Proposal:</u>	Demolition of existing buildings and erection of a 5no storey building and basement comprising a mixed use development of offices (B1) on the Ground floor and 23no one, two and three bedroom flats (C3) on the upper floors, 23no car parking spaces (including 3 Disability Spaces), cycle storage and associated landscaping.		
<u>Officer:</u>	Jonathan Puplett, tel: 292525	<u>Valid Date:</u>	02.02.2017
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	04.05.2017
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Mr Paul Burgess 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Messrs J & P Chambers 65 Orchard Gardens Hove BN3 7BH		

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 **REFUSE planning permission** for the following reasons:

In the absence of a completed s106 Legal Agreement the proposed development:

- Fails to provide an appropriate affordable housing provision;
- Fails to address the additional impacts upon sustainable transport infrastructure which the proposed development would cause;
- Fails to address the additional impacts upon educational provision which the proposed development would cause;
- Fails to address the additional demand for open space which the proposed development would cause;
- Fails to contribute to the Council's Local Employment Scheme; and
- Fails to provide an appropriate Artistic Component.

- 1.2 The proposed development is therefore contrary to Policies SA6, CP2, CP5, CP7, CP9, CP13, CP16, CP18 and CP20 of the Brighton and Hove Local Plan.

2. CONSIDERATIONS & ASSESSMENT

- 2.1 This application sought consent for the demolition of the existing buildings and erection of a 5 storey building with basement comprising a mixed use development of officers and 23 one, two and three bedroom flats.

2.2 Members voted to approve the application at the committee meeting of the 21st of June 2017 (see Committee Report set out in Appendix 1 below) subject to the completion of a s106 Legal Agreement to secure the following:

- 40% affordable housing (55% affordable rent (5 units) and 45% shared ownership (4 units)), comprising 5x 1-bedroom and 4x 2-bedroom units),
- A total contribution of £38,429 towards the cost of providing primary (£14,851), secondary (£20,192), and sixth form (£3,386) education provision,
- A contribution of £7,500 towards the Council's Local Employment Scheme,
- A Construction Training and Employment Strategy including a commitment to using 20% local employment during the demolition and construction phases of the development,
- A contribution of £11,000 towards sustainable transport infrastructure improvements within the vicinity of the application site.
- A Residential and Employee Travel Plan, to include Residential and Employee Travel Packs, to be provided for all first occupiers of the residential development, and all employees of the office use,
- A contribution of £63,604 towards open space and indoor sport provision.
- Provision of an Artistic Component / public realm improvements to the value of £18,600.

2.2 Since the committee meeting the Local Planning Authority has sought to progress the Legal Agreement forward to completion. Unfortunately in this case the Applicant has not been able to complete the Legal Agreement. There have been extended periods of inactivity, and no clear reasons for the lengthy delays incurred have been provided.

2.3 The Local Planning Authority cannot keep the application under consideration indefinitely and therefore the application is returned to committee.

2.4 In the absence of a Legal Agreement to secure necessary measures in regard to affordable housing, sustainable transport infrastructure, the Local Employment Scheme, education provision, and open space provision, and an appropriate artistic component, the proposed development does not comply with Local Planning Policies and would not mitigate from the impact resulting from the development. Refusal is therefore recommended.

Appendix 1- Report to Planning Committee Meeting of the 21st June 2017

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<u>Agent:</u>	Mr Paul Burgess 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Messrs J & P Chambers 65 Orchard Gardens Hove BN3 7BH		

1. RECOMMENDATION

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

S106 Heads of Terms

- 40% affordable housing (55% affordable rent (5 units) and 45% shared ownership (4 units)), comprising 5x 1-bedroom and 4x 2-bedroom units),
- A total contribution of £38,429 towards the cost of providing primary (£14,851), secondary (£20,192), and sixth form (£3,386) education provision,
- A contribution of £7,500 towards the Council's Local Employment Scheme,
- A Construction Training and Employment Strategy including a commitment to using 20% local employment during the demolition and construction phases of the development,
- A contribution of £11,000 towards sustainable transport infrastructure improvements within the vicinity of the application site.

- A Residential and Employee Travel Plan, to include Residential and Employee Travel Packs, to be provided for all first occupiers of the residential development, and all employees of the office use,
- A contribution of £63,604 towards open space and indoor sport provision.
- Provision of an Artistic Component / public realm improvements to the value of £18,600.

Conditions:

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

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

Plan Type	Reference	Version	Date Received
LOCATION PLAN	EX01	A	25/11/2016
PROPOSED LOCATION AND BLOCK PLAN, AND CONTEXTUAL ELEVATIONS	PL20	F	25/11/2016
PROPOSED GROUND FLOOR PLAN	PL21	F	25/11/2016
PROPOSED FIRST FLOOR PLAN	PL22	F	25/11/2016
PROPOSED SECOND FLOOR PLAN	PL23	F	25/11/2016
PROPOSED THIRD FLOOR PLAN	PL24	F	25/11/2016
PROPOSED FOURTH FLOOR PLAN	PL25	F	25/11/2016
PROPOSED ROOF PLAN	PL26	F	25/11/2016
PROPOSED EAST AND SOUTH ELEVATIONS	PL28	F	25/11/2016
PROPOSED WEST AND NORTH ELEVATIONS	PL27	F	25/11/2016
PROPOSED SECTION A-A AND B-B	PL29	F	25/11/2016

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. Other than the terrace and balcony areas hereby approved, access to the flat roofs of the development hereby approved shall be for maintenance or

emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

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

4. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including:
 - a) Samples of all external wall finishes including brick, render and cladding (including details of the colour of render/paintwork to be used);
 - b) Full details of all hard surfacing materials;
 - c) Full details of the proposed window, door and balcony treatments;
 - d) Full details of the proposed vehicle access shutter.

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

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

5. Prior to first occupation of the development hereby permitted, a scheme for landscaping shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:
 - a) Details of all hard surfacing;
 - b) Details of all boundary treatments;
 - c) Details of all proposed planting to all communal areas and/or all areas fronting a street or public area, including numbers and species of plant, and details of size and planting method of any trees.

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

6. All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to first occupation of the development. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

7. The development hereby permitted shall not be first occupied until a scheme to enhance the nature conservation interest of the site has been submitted to

and agreed in writing by the Local Planning Authority. The scheme shall accord with the standards described in Annex 6 of SPD 11 and shall be implemented in full prior to the first occupation of the development hereby approved and thereafter retained, other than any planting which shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is the sooner. Any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

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

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

9. A minimum of 10% of the affordable housing units and 5% of the total of all of the residential units hereby approved shall be built to wheelchair accessible standards. The wheelchair accessible dwellings shall be completed in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings) prior to first occupation and shall be retained as such thereafter. All other dwelling(s) hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

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

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

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

11. None of the residential units hereby approved shall be occupied until each residential unit built has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.
Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton and Hove City Plan Part One.
12. Unless otherwise agreed in writing by the Local Planning Authority, within 4 months of the date of first occupation of the non-residential development hereby approved, a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM New Construction rating of 'Very Good' has been submitted to, and approved in writing by, the Local Planning Authority.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy CP8 of the Brighton and Hove City Plan Part One.
13. Prior to first occupation of the development hereby approved, full details of the photovoltaic array hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The photovoltaic array shall be installed in accordance with the approved details prior to first occupation of the development hereby approved.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and has an acceptable appearance and to comply with policies CP8 and CP12 of the Brighton & Hove City Plan Part One.
14. No dwelling shall be occupied until all the car parking areas have been constructed and provided in accordance with the approved plans. The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved.
Reason: To ensure that adequate parking provision is retained and to comply with policy CP9 of the Brighton & Hove City Plan Part One.
15. The development hereby permitted shall not be first occupied until full details of disabled car parking provision for the occupants of, and visitors to, the development has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.
Reason: To ensure the development provides for the needs of disabled staff and visitors to the site and to comply with policy TR18 of the Brighton & Hove Local Plan and SPD14: Parking Standards.
16. The development hereby permitted shall not be commenced until details of electric vehicle charging points within the car parking area hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for

use prior to the first occupation of the development hereby permitted and shall thereafter be retained for use at all times.

Reason: To encourage travel by more sustainable means and seek measures which reduce fuel use and greenhouse gas emissions and to comply with policy CP9 of the Brighton & Hove Brighton & Hove City Plan Part One and SPD14: Parking Standards.

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

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

18. Prior to first occupation of the development hereby permitted, details of external lighting shall have been submitted to and approved in writing by the Local Planning Authority. No external lighting shall be installed other than that which is in accordance with the approved details unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a highway safety risk is not cause, to protect the amenities of the occupiers of adjoining properties, and to comply with policies TR7, QD25 and QD27 of the Brighton & Hove Local Plan.

19. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. The Rating Level and existing background noise levels are to be determined as per the guidance provided in BS 4142:2014.

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

20. No development shall take place above ground floor slab level until a written scheme has been submitted to the local planning authority for approval which demonstrates how and where ventilation will be provided to each flat within the development including specifics of where the clean air is drawn from and that sufficient acoustic protection is built into the system to protect end users of the development. The approved scheme shall ensure compliance with Building Regulations as well as suitable protection in terms of air quality and shall be implemented before to occupation and thereafter retained.

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

21. The glazing to the West façade of the building hereby approved shall reduce noise levels by at least Rtraffic 33dB, the ventilation installed on the West façade of the property must reduce noise levels by at least Dn,e,w 36dB, the glazing to the North façade of the property must reduce noise levels by at least Rtraffic 26dB, the ventilation installed on the North façade of the property must reduce noise levels by at least Dn,e,w 30dB.
Reason: To safeguard the amenities of the future occupiers of the building and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
22. No development above ground floor slab level of any part of the development hereby permitted shall take place until a scheme for the soundproofing of the floors and walls between the commercial and residential uses hereby approved, has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the first occupation of the development and shall thereafter be retained as such.
Reason: To safeguard the amenities of future occupiers and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
23. Deliveries and waste collections associated with the commercial use hereby permitted shall only occur between the hours of 8am and 6pm on Mondays to Saturdays and 10am and 4pm on Sundays, Bank and/or Public Holidays.
Reason: To safeguard the amenities of future and neighbouring occupiers and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
24. The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority:
- a) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the submitted desk top study in accordance with BS10175:2001;
- and, unless otherwise agreed in writing by the Local Planning Authority,
- b) A detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include the nomination of a competent person to oversee the implementation of the works.
- Reason:** As this matter is fundamental to the acceptable delivery of the permission to safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.
25. The development hereby permitted shall not be occupied or brought into use there has been submitted to the Local Planning Authority verification by the competent person approved under the provisions of part (b) of condition 24 above that any remediation scheme required and approved under the

provisions of part (b) above has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise:

- a) As built drawings of the implemented scheme;
- b) Photographs of the remediation works in progress; and
- c) Certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under part (b) of condition 24 above.

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

26. If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying and assessing the risk and proposing remediation measures, together with a programme for such works, shall be submitted to the Local Planning Authority for approval in writing. The remediation measures shall be carried out as approved and in accordance with the approved programme.
Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.
27. No development, including demolition, shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include a plan showing construction traffic routes which should be from the north of the site, in order to avoid the Air Quality Management Area to the south of the site. The development shall be carried out in accordance with the approved CEMP.
Reason: To ensure that construction traffic associated with the development does not travel through the Air Quality Management Area to the south of the site, and to accord with policy SU9 of the Brighton and Hove Local Plan.
28. Unless otherwise agreed in writing by the Local Planning Authority, the central heating and hot water systems of the development hereby approved shall be electric or shall be ultra-low NOx gas boilers with emission of < 16 mg/kwh. Details of the proposed central heating and hot water systems shall be submitted to and approved in writing by the Local Planning Authority prior to installation, unless an alternative is agreed in writing by the Local Planning Authority.
Reason: To mitigate the impact of the development on air quality and to comply with policy SU9 of the Brighton & Hove Local Plan.
29. No development above ground floor slab level of any part of the development hereby permitted shall take place until a drainage strategy detailing the

proposed means of foul water disposal and an implementation timetable, has been submitted to and approved in writing by, the Local Planning Authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.

Reason: To ensure adequate foul sewage drainage/treatment is available prior to development commencing and to comply with policy SU5 of the Brighton & Hove Local Plan.

30. The development hereby permitted shall not be commenced (other than demolition works) until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods as per the recommendations of the Surface Water Drainage Strategy received 02/02/2017 has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design

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

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

Reason: Piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater in accordance with policy SU3 of the Brighton & Hove Local Plan.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. A formal application for connection to the public sewerage system is required in order to service this development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk
3. A formal application for connection to the water supply is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk
4. Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now

deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

5. Detailed design of the proposed drainage system should take into account the possibility of surcharging within the public sewerage system in order to protect the development from potential flooding.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The application site is situated on the southern corner of the junction of Orchard Gardens with Nevill Road (A2023). The site currently comprises single storey industrial buildings (Portslade Panelworks) and an enclosed yard to the northern part of the site. To the south and east of the site it is bordered by neighbouring commercial buildings comprising industrial uses (C. Dugard Machine Tools Ltd.) and a tyre and exhaust centre (Kwik Fit). Vehicular access is from the northern side of the site off Orchard Gardens. The land between the existing building and the Nevill Road pavement is within the demise of the tyre and exhaust centre and is used to park vehicles. There is an electricity substation housed in a brick faced building alongside the eastern boundary of the application site facing on to Orchard Gardens.
- 2.2 Planning permission is sought for the clearance of the site, demolition of the existing buildings, and the erection of a 4/5 storey building comprising ground floor office space (B1(a)), ground floor double height car parking area, and the provision of 23 self-contained flats to the upper floors. Nine affordable units are proposed; five as affordable rent and four as shared ownership. 23 car parking spaces are proposed, three of which are suitable for disabled access. A landscaped communal garden area is proposed to the eastern side of the site atop the flat roof of the ground floor car park.

3. RELEVANT HISTORY

- 3.1 **BH2014/03966:** *Demolition of existing buildings and erection of a part three, four and five storey building comprising a mixed use development of offices (B1) on the ground and mezzanine floors, 21no one, two and three bedroom flats (including 6 affordable flats) (C3) on the upper floors, 22no car parking spaces, cycle storage, refuse/recycling facilities, photovoltaic solar panels and associated landscaping. Application withdrawn 20/03/2015.*
- 3.2 Pre-application advice
Following the withdrawal of **BH2014/03966** pre-application advice was provided by officers.

4. REPRESENTATIONS

4.1 **46** letters have been received from residents in the vicinity of the site, objecting to the proposed development for the following reasons:

4.2 **Traffic / Highways / Parking**

- The proposed parking is insufficient for offices and 23 flats. On-street parking is already in high demand, staff from the Legal and General office, and from C Dugard, park on the streets around the site during the day. During office hours there are no spaces available for visitors and driveways are frequently blocked. The proposed development will make a bad situation worse, adding further stress and conflict to the residential streets.
- The proposed office use may employ up to 27 people but only one parking space is proposed; a disabled space. There are no spaces proposed for visitors. The proposed development will increase demand for on-street parking and no survey has been carried out to justify whether this increased demand can be accommodated.
- As part of any development Orchard Gardens should be granted a controlled parking area based on the increased traffic flow and parking issues brought about by this development.
- The proposal will cause increased traffic, congestion and pollution, and increased dangers for pedestrians. Morning traffic is already gridlocked and manic.
- Future residents may choose to park on the street rather than using the stacked parking spaces proposed.

4.3 **Neighbouring amenity**

- The proposed development, and in particular the top storey, would result in increased overlooking of neighbouring dwellings and gardens.
- The proposed building would be of an overbearing mass / height.
- The proposed development would result in increased noise and disturbance.

4.4 **Design**

- The proposed building is too tall, its bulk and size will be out of keeping with the prevailing character of the area.
- The submitted visuals are misleading and do not show the development in the context of the two storey dwellings on Nevill Road.
- A two storey development would be more acceptable.
- The proposal is an overdevelopment. If the offices were not proposed the building could be of a lower height.
- The proposed building is of poor design.
- The application site is not a landmark intersection which might justify a building of this height. The application submission does not justify the proposed height, mass and bulk.
- The approval of this scheme would set a precedent for the redevelopment of neighbouring sites to a similar scale / height.
- The proposed building is not substantially set back from the street as other buildings in the area are.
- It is not clear whether tree planting is proposed or not.

4.5 **Standard of accommodation**

- The proposal contains a disproportionate amount of single aspect dwellings, some of which are north facing. The flats may not receive adequate daylight.
- Some units will require non-openable windows and there is no indication of a ventilation system to draw in fresh air.
- An air pollution study has not been carried out.
- The proposed balconies would suffer noise disturbance and would not be usable.

4.6 **Construction works**

- The proposed development would cause disruption during its construction.

4.7 **Other matters**

- Imbalance of population density / the proposal is of a very high residential density out of keeping with the locality.
- Insufficient work has been carried out to investigate potential land contamination.
- The employment use of the site will be lost and may set a precedent for the loss of the employment uses on the adjacent sites.

4.8 **Councillor Vanessa Brown** objects to the proposal (comments attached).

5. **CONSULTATIONS**

External

5.1 **Brighton Archaeological Society:** The proposed development lies close to the location of a possible Roman site, indicated by finds of pottery and roofing tile. Hove Park has also had finds of Neolithic flintwork. The Brighton and Hove Archaeological Society would suggest that you contact the County Archaeologist for his recommendations prior to any approval of this planning application.

5.2 **County Archaeologist:** Although this application is situated within an Archaeological Notification Area, it is likely that the site has been significantly impacted by 20th century development. For this reason, I do not believe that any significant below ground archaeological remains are likely to be affected by these proposals. For this reason I have no further recommendations to make in this instance.

5.3 **Sussex Police:** In general terms I support the proposals in this application which will seek to create 2 commercial units on the ground floor, with residential apartments on the floors above. Provision for car parking has been made in the undercroft area with access controlled for both pedestrians and vehicles. The proposals also allow for secure storage of bicycles and bins. Access to the upper floor residential apartments should be controlled by communal entrance doors with appropriate access control and no trades buttons.

- 5.4 The Design and Access Statement failed to make any reference to crime prevention or community safety in the proposals for this development and I would encourage the applicant to consider adopting all appropriate crime prevention measures using the principles of Secured by Design and the attributes of safe, sustainable places.
- 5.5 **Southern Water:** Our initial investigations indicate that Southern Water can provide foul and surface water sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.
- 5.6 It is the responsibility of the developer to make suitable provision for the disposal of surface water. Part H3 of the Building Regulations prioritises the means of surface water disposal in the order
- a) Adequate soakaway or infiltration system
 - b) Water course
 - c) Where neither of the above is practicable sewer
- 5.7 Southern Water supports this stance and seeks through appropriate Planning Conditions to ensure that appropriate means of surface water disposal are proposed for each development. It is important that discharge to sewer occurs only where this is necessary and where adequate capacity exists to serve the development. When it is proposed to connect to a public sewer the prior approval of Southern Water is required.
- 5.8 Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors.
- 5.9 Following initial investigations, Southern Water can provide a water supply to the site. Southern Water requires a formal application for connection and on-site to be made by the applicant or developer.
- 5.10 The detailed design for the proposed basement should take into account the possibility of the surcharging of the public sewers. We request that should this application receive planning approval, the following informative is attached to the consent: "Detailed design of the proposed drainage system should take into account the possibility of surcharging within the public sewerage system in order to protect the development from potential flooding."
- 5.11 The proposed development would lie within a Source Protection Zone around one of Southern Water's public water supply sources as defined under the Environment Agency's Groundwater Protection Policy. Southern Water will rely on your consultations with the Environment Agency to ensure the protection of the public water supply source.
- 5.12 Conditions and informatives are recommended.
- 5.13 **Environment Agency:**

We have reviewed the Preliminary Ground Contamination Risk Assessment Report (Report Number: H18920/ds June 2016). A number of potential sources of contamination have been identified from the sites current use as a vehicle repair workshop, paint spraying workshop and vehicle washing facility.

- 5.14 The bedrock present beneath the site is the Lambeth Group, this is designated as a secondary aquifer but these deposits are likely to be relatively thin at this site and may be removed in the excavation of the basement. These are underlain by the Tarrant Chalk, which is designated a Principal Aquifer. The site lies within the Source Protection Zone 1 for the Goldstone groundwater abstraction which is approximately 500 north of the site.
- 5.15 **Development on land affected by contamination**
The previous use of the proposed development site as a vehicle repair workshop, paint spraying workshop and vehicle washing facility presents a medium risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is within Source Protection Zone 1.
- 5.16 The Preliminary Ground Contamination Risk Assessment Report (June 2016) submitted in support of this planning application provides us with confidence that it will be possible to suitably manage the risk posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken.
- 5.17 In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a site investigation and remediation strategy, carried out by a competent person in line with paragraph 121 of the National Planning Policy Framework. Piling Using penetrative methods, such as piling, can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways.
- 5.18 Overall, no objections to the proposed development, subject to the inclusion of the following recommended conditions relating potential land contamination and piling.
- 5.19 **East Sussex Fire Service:** No comments received.

Internal

- 5.20 **Planning Policy:**
City Plan Policy CP3.5 Employment Land relates to the protection of unallocated employment sites in the city. The purpose of the policy is to protect those sites for B1, B2 and B8 uses unless they can be demonstrated to be redundant and incapable of meeting the needs of alternative employment uses (Use Classes B1-B8). The policy does not restrict changes between the B use class. The concern will be to ensure that this mixed use redevelopment proposal represents an effective use of the site,

with uses that are compatible with adjacent uses and the re-provision of an appropriate amount, layout and design of B1a (office) floorspace that will be attractive to the market and lead to the units successful take up.

- 5.21 The proposed employment floorspace is less than the previous, withdrawn scheme and this is to be regretted. However the applicant indicates that the revised scheme addresses site constraints and provides improved access, public realm and neighbouring amenity. It is unclear whether this revision in amount of employment floorspace is also as a result of addressing concerns with the previous scheme raised by the local planning authority and this should be carefully considered by the case officer. It is acknowledged that the office units have the potential to generate a higher job density on the site than that currently. Economic Development should be consulted on this application.
- 5.22 It is important to ensure the configuration and layout of the two office units meets the needs of small growing businesses looking for business space and in particular that there is sufficient flexibility to ensure that the units will attract a range of potential end users in this location. It would be helpful to understand the how the particular demand for office space in this location has informed the configuration and layout of office units, the types of businesses that space seeks to attract and an indication of the marketing strategy that will be employed to ensure the successful take of the office units.
- 5.23 The applicant is proposing 9 x 1 bed intermediate housing. With respect to the unit size of affordable housing element of the proposal Policy CP20 indicates the preferred mix of unit size across the city – is 30 % 1 bedroom, 45% 2 bedroom and 25% 3 bedroom units and it is regretted that all of the units are 1 bedroom units. The Housing Strategy Team should be consulted on this application.
- 5.24 The applicant has indicates that the all the flats will meet the higher optional access standards set out in Building Regulations Part M(4) Category 2 but it is unclear from the design and access statement and Planning Statement if one of the units meets the higher Part M(4) Category 3 fully wheelchair accessible standard. This should be clarified by the applicant.
- 5.25 Policy CP16 sets out the open space requirements for new development. It is not clear how this has been addressed by the applicant.
- 5.26 **Air Quality Officer:** The development site is close to the boundary of the Air Quality Management Area declared in 2013. Nitrogen Dioxide above legal limits has been monitored within a few metres of the Old Shoreham Road – Sackville Road Junction.
- 5.27 The area that exceeds the annual mean air quality standard for nitrogen dioxide (human health) is likely to include the neighbouring plot to this development. That said we are satisfied that beyond all reasonable doubt the development premises is compliant with the national Air Quality Strategy. Future residents will live in good air quality. Approve of front gardens, tree

planting and the building façade set back from Nevill Road. Agree with non-residential land use on the ground floor closest to the nearest road carriageway (that has localised emissions due to the stop-start nature of the traffic).

- 5.28 The transport assessment indicates a net reduction of traffic movement. The proposal is predicted to be a benefit in comparison with the extant planning use. Therefore the emission cost calculator is not required.
- 5.29 Construction Environment Management Plan routing condition is set out below. We recommend that before surfacing the new car park wiring is in place for electromotive charging. Early 2017 electric cars represent 4% of new car sales with market share predicted to increase substantially. Users of electric and hybrid vehicles increasingly seek to charge their vehicles at their place of work or home. As this site is on the boundary of the Air Quality Management Area it is an ideal location for electromotive infrastructure.
- 5.30 It is recommended central heating and hot water systems are electric. The 2014 planning application for this site includes an array of photovoltaics. This would be one way of avoiding on-site combustion with emissions to air across the AQMA. If any combustion on site is required this should be ultralow NOx gas boilers with emission of < 16 mg/kwh.
- 5.31 **Environmental Health:**
A Noise Assessment report for 65 Orchard Gardens, Hove has been undertaken by Acoustic Associates Sussex Ltd (ref: J1537), dated the 22nd.
- 5.32 Ambient noise levels, which are dominated by traffic noise, were assessed. Additionally, industrial noise from the adjacent Kwik fit were also assessed under BS4142:2014.
- 5.33 **Ambient Noise (Traffic)**
This assessment was undertaken through unattended noise monitoring on the roof of the Panel works with a clear view of Old Shoreham Road between the 11th and 17th November 2011. I would note that a further attended measurement taken on the 10th June 2016 in order to verify that the data from 2011 was still relevant.
- 5.34 The Free-field noise readings were on average: 63dB(A) during the day and 56dB(A) during the night. The results were then fed into a noise modelling software package IMMI, which shows that for varying reasons different flats will experience different external noise level, with noise levels at the front of the build ranging from 60dB(A) to 67dB(A) during the day.
- 5.35 The proposed windows at the front façade look to attenuate noise levels by 33dB(A) and therefore, internal noise levels will be 27dB(A) to 34dB(A) during the day. If windows are open, then there is 15dB attenuation due to the façade, which means that internal levels would be 45dB(A) to 52dB(A). Therefore, in order to achieve internal noise levels according to BS8233:2014,

the windows will need to be kept shut and alternative ventilation incorporated into the building.

5.36 The report has suggested that trickle vents can be fitted provided they achieve a $D_{n,e,w}$ 36.

5.37 It is noted that noise level on balconies with a view of the road will be higher than the WHO criteria. However, it is agreed occupants of the building will have numerous quiet outdoor amenity areas within a short walk of the development (beach, Hove Park etc.) and that the alternative would be to not provide balconies.

5.38 **Industrial Noise**

The assessment under BS4142:2014 concluded that the dwellings in the proposed development will likely be exposed to an industrial noise rating level of 48dB(A) or below, with the occasional L_{Amax} reaching up to 65dB(A). According to BS4142:2014, the noise is therefore likely to have a low impact.

5.39 It is noted that the ambient noise levels are mostly due to traffic and are measured to show an L_{Aeq} of 60/67dB(A). Therefore, the dominant noise affecting the most exposed flats to industrial noise will actually be traffic noise. Whilst traffic noise will be slightly quieter when Kwik fit begin to operate in the morning at 8.00/8.30am, according to the raw data, traffic noise will still likely be higher than the rating level.

5.40 I would note that I did visit the site, and spoke to one of the Kwik fit workers while there. While they agreed in principle that air tools probably only made up a small percentage of their work, they stated that this was really dependant on the work they had in. On certain days air tools may be used for the majority of their work. Having reviewed the data, I don't believe this will significant change the findings.

5.41 The condition recommended below will expect noise levels internally to comply with BS8233:2014 and this will require both glazing and ventilation to be fitted in the most affected facades.

5.42 Therefore the flats on the front façade, which may be most affected by the industrial noise, will be protected by suitable glazing and ventilation, and provided windows are kept closed, acceptable internal noise levels should be achieved. However, there is still the possibility that future residents will leave their windows open, particularly in the summer months. Therefore the commercial operations at Kwik fit could occasionally be audible inside the future bedrooms in the mornings and in particular in the bedrooms of flats looking out the front facade.

5.43 This means that complaints could be made to the local authority and these will have to be investigated under Statutory Noise Nuisance Legislation. If complaints are found to be justified and it is judged that a Statutory Nuisance exists due to noise from Kwik Fit, then a Noise Abatement Notice would have to be served on the person responsible, which will be the business. Kwik Fit

would have to prevent noise from causing a Statutory noise nuisance in adjacent premises.

- 5.44 In this particular instance, since the windows that are most likely to be exposed to industrial noise are also very exposed to traffic noise which is directly beneath them, it is unlikely that the average person will have these windows open early in the morning. There is also an element of buyer beware: it is obvious that these flats are situated very close to a busy road junction and next to a Kwik fit. Therefore, commercial noise from Kwik Fit should not be unexpected and this would be considered when assessing any complaints under Statutory Noise Nuisance legislation. Additionally, Kwik fit's operating hours are not currently exceptionally early for a commercial location (they open at 8.30am).
- 5.45 Unfortunately, the design and location of the proposed building cannot easily design out all of the industrial noise so that its rating level is 5dB below background noise level at the worst affected flats. It is however noted that the façade immediately adjacent to Kwik Fit is sensibly designed to be mostly a brick wall with very few openings in it, and the windows to the bedrooms face out to the road.
- 5.46 It is also noted that one measure Kwik Fit could take without any costs if they received complaints about noise in the morning, is to keep the door closest to the flats closed until later in the day. This may not completely resolve any future noise complaints, but it should help and may reduce noise levels to a point whereby it does not cause a Statutory Noise Nuisance.
- 5.47 Therefore, taking the noise issues and potential resolutions into consideration, overall this plan can be recommended for approval with the noise conditions below. It should be noted that in addition to the comments above there are also conditions recommended to ensure that commercial noise from the premises planned beneath the flats do not affect future residents.
- 5.48 It is noted that lifts and stairwells have been places away from habitable rooms, managing noise levels from these sources by design.
- 5.49 **Air Quality**
Sam Rouse, the air quality specialist will comment on this. Comments about air quality may have an impact on the design required for the future ventilation of the building.
- 5.50 **Contaminated Land**
This was a Phase 1 Environmental Assessment undertaken by Gyroury Self Consulting Engineers (ref H18920/ds), dated June 2016. This report has been subsequently scrutinised to ensure that it is robust. The report identifies several source-pathway-receptor linkages, and therefore suggests that further intrusive works are necessary. It is important to note though that the current conclusion are based on the current plans, and that should soft landscaping be proposed in the future that other potential linkages will likely need to be considered.

- 5.51 **Recommendation:** Approve with conditions
- 5.52 **Housing Strategy:**
This application is for 23 properties including 40% affordable which equates to 9 properties. To meet the Affordable Housing Brief the provision should provide the 9 units as 55% Affordable Rent (5 units) and 45% shared ownership (4 units). The affordable housing is offered as 9 x 1 bed units which would not be acceptable – details of a preferred unit split is outlined below.
- 5.53 **Tenure**
The Affordable Housing Brief sets out a broad tenure split of 55% Social Rent or Affordable Rent and 45% Intermediate (e.g. Shared Ownership sale) as a citywide objective. At this scheme this equates to 5 units for affordable rent and 4 properties for shared ownership sale.
- 5.54 **Design**
Affordable housing units should be indistinguishable from market housing in the scheme's overall appearance. The scheme will need to meet Secure by Design principles as agreed by Police Architectural Liaison Officer.
- 5.55 The council requires 5% of all housing in new developments to meet wheelchair standards and 10% of affordable housing. The Council's wheelchair accessible standard requires that it meets national technical standards Part 4 M4 (3)2b at build completion (i.e. at time of letting/ sale).
- 5.56 Which flat would be wheelchair accessible at completion is not identified in the application.
- 5.57 **Affordable Unit Sizes**
To ensure that all new homes developed are of a good standard that is flexible, adaptable and fit for purpose, our Affordable Housing Brief offers support for schemes that meet the new nationally described space standards.
- 5.58 In this instance the unit sizes all exceed the minimum space standards, so space standards will be met whichever units are allocated as affordable.
- 5.59 NB: Wheelchair units have specific space standards relating to living space that should also be met but these units are not identified on the plans.
- 5.60 **Unit size/type**
Up to date assessment of housing needs shows that although greatest need (numerically) is for smaller one and two bed properties there is significant pressure on larger family sized homes, and the AHB scheme mix is based on this. To be AHB compliant this would require the following mix:

3x (30%) one bed units, 4x (45%) two bed units, 2x (25%) three + bed units

- 5.61 The unit mix offered is currently 9 x 1 beds only. In addition the one bedroom units are spread across all floors of the development which may make transfer to an RP owner difficult (although not impossible).
- 5.62 Inspection of the plans shows that division to create a separate core for the affordable housing can be achieved by dividing the building just north of the southern lift shaft.
This creates a core including the following unit mix/ % of affordable: 5x 1 beds (56%), 3x 2 beds (33%), 1x 3 beds (11%)
- 5.63 This mix does not meet the AHB requirements but would be an acceptable compromise.
- 5.64 Family housing and wheelchair housing for affordable rent are particularly welcomed.
- Housing welcomes the inclusion of the policy compliant number of units as 9 (40%).
 - Confirmation of the tenure mix is required
- 5.65 However the scheme can only be fully supported by Housing if :
- Unit type mix is adjusted to more fully reflect the Brief
 - Wheelchair housing requirements comply with the Brief.
- 5.66 **Updated comment following revisions to proposed affordable housing provision:** Awaiting comments.
- 5.67 **Economic Development:**
City Regeneration support this application as the proposed development will create much needed housing (in the form of 23 dwellings) and office space which will create indicated 27 employment opportunities, which is in line with the OffPAT Employment Density Guidance. The planned relocation of the business operation will hopefully provide continuous employment for existing staff with the potential for additional opportunities should the location and size of new premises support this. Should this application be approved, through a S106 Agreement, City Regeneration request the submission of an Employment and Training Strategy in respect of the demolition and construction phases, one month before the site goes live, with the developer committing to using an agreed percentage of local labour. It is proposed for this development that the minimum percentage of 20% local employment is expected for the demolition phase (where appropriate, due to the specific skills required) and construction phase.
- 5.68 Also, if approved, in accordance with the Developer Contributions Technical Guidance, City Regeneration requests a contribution, through a S106 agreement, towards the sustainability of the council's Local Employment Scheme and to fund training that may be required, specific to the site, in order for local residents to access opportunities on site and meet contractors' and

sub-contractors' needs. The required contribution in respect of the proposed residential development is calculated as £7500.

- 5.69 Commercial development (B1)- Gross new office space (BI) 324 sq mtrs which is under the threshold to enabling a request for developer contributions. Therefore, total developer contributions requested for whole development £7500
- 5.70 **Recommendation:** Approve
- 5.71 Subject to an Employment and Training Strategy being submitted one month prior to site commencement (including demolition) and a developer contribution for the sum of £7500 made prior to commencement of the construction phase.
- 5.72 **Sustainability:**
The residential scheme proposes 23 new dwellings. Policy CP8 sets mandatory minimum standards for energy and water efficiency for these units which these units must meet as a minimum. This standard is committed to and should be conditioned.
- 5.73 The non-residential scheme proposes office accommodation on the ground floor which will include two commercial units of 119msq and 205msq floor space (324m2 total). This falls within the 'medium' scale category and under CP8 is expected to achieve BREEAM 'very good'. (The medium scale category ranges from 236 – 1000sqm). BREEAM 'excellent' is committed to but because the standard set in policy in 'very good' this standard should be conditioned as a minimum.
- 5.74 Policy CP8 sets out issues relating to sustainability that should be addressed by applications. These include: addresses climate change mitigation and adaptation; minimisation of greenhouse gas emissions; use of renewable technologies; decentralised energy; water neutrality; improvements to existing buildings; health; use of design, orientation, form, layout, landscaping and materials (passive design) to maximise natural light and heat; reduces 'heat island effect' and surface water run-off; sustainable materials; enhance biodiversity; minimises waste and facilitates recycling, composting; reduces air, land and water pollution; ongoing improvement of building performance; encourages users to reduce their ecological footprint; is adaptable to changing needs; and encourages food growing.
- 5.75 A Sustainability Checklist submitted by the agent for this development has some erroneous and contradictory entries around energy. Entries state a SAP rating of 124 (SAP is a rating of energy efficiency in a scale that runs from 1 to 100 where 100 is zero carbon so this entry is erroneous). In addition, the data input to the checklist states that the scheme will include solar hot water panels, individual gas boilers and Gas CHP communal system, These are all heat producing technologies, and in a rational scheme, multiple different technologies would not be installed to produce heat, it would not be cost

effective or efficient. Hence it must be assumed that these entries are inaccurate.

- 5.76 Commitment is given to achieving the minimum energy and water efficiency standards as set out in Policy CP8 of 19% reduction in CO2 emissions over Part L Building Regulations requirements 2013; and water efficiency standards of 110 litres/person/day.
- 5.77 Renewable energy is proposed as part of the scheme in the form of roof mounted solar panels. Approximately 56 panels (approximately 120msq) are shown on the roof plan. These are welcomed.
- 5.78 The above measures are the only measures referred to in the application that address policy CP8. Against other areas of sustainability, the Sustainability Checklist responses indicate that no action is being taken to address policy CP8: no passive design measures; no green walls or roofs; no food growing; no measures to minimise risks associated with flooding; no open space created; no habitats created; no site wide waste management plan.
- 5.79 The Design and Access makes just one reference to sustainability in the context of an irrigation system for planters using diverted rainwater. This is not sufficient to address policy CP8.
- 5.80 It is recommended that the applicant be asked to resubmit the Sustainability Checklist with accurate information about energy and further information that clarifies how the scheme will address policy CP8.
- 5.81 The scheme is situated adjacent to Development Area DA6. The City Plan states that: under local priority 10: Development within this area will be encouraged to consider low and zero carbon decentralised energy and in particular heat networks and to either connect where a suitable system is in place (or would be at the time of construction) or design systems so that they have capacity for future connection to a network.
- 5.82 To address this policy, a condition should be applied to ensure that if a communal heating system is installed, it should have capacity for future connection to a DA6 heat network. The proposal for a communal heating system is implied in the Sustainability Checklist by suggestion for gas CHP, but due to erroneous entries, and no clarification of energy strategy elsewhere in the application, it is not clear whether this reference is accurate or not.
- 5.83 In the event of approval, the following conditions should be applied:
- Standard condition for minimum energy and water efficiency for new dwellings
 - BREEAM 'very good' New Construction for non-residential development.
 - Condition to secure capacity to connect to a future heat network
- 5.84 **Further comments following the submission of an amended sustainability checklist:** Awaiting comments.

- 5.85 **Flood Risk Officer:**
Recommended approval as the Lead Local Flood Authority (LLFA) has no objections to this application subject to the inclusion of the condition below:
- 5.86 No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods as per the recommendations of the Sustainable Drainage Report and Flood Risk Assessment, March 2016 has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the building commencing. To ensure that the principles of sustainable drainage are incorporated into this proposal.
- 5.87 **Transport:**
Pedestrian Access It is proposed that the commercial units will be accessible primarily from Nevill Road and the residential from Orchard Road. The latter includes a direct stairwell access together with a 1.2m footway alongside the vehicle access.
- 5.88 The Highway Authority has no objections to these arrangements. Wider footway widths of 2m/ 1.5m are typically specified; however, given the purpose of the car park access, that this width is sufficient for a wheelchair to pass in accordance with the Department for Transport's Inclusive Mobility guidance and that the access will have low vehicle and pedestrian flows, no objections are raised in this instance.
- 5.89 The applicant should note however that there are currently telecommunications cabinets at the back of footway where the intention is to provide a pedestrian access into the site from Nevill Road. At least one of these will need to be relocated with the agreement of the Highway Authority and the operator of the telecommunications cabinet.
- 5.90 **Vehicle Access**
The applicant is intending to retain the existing vehicle crossover from Orchard Gardens to which the Highway Authority has no objections. The access road within the site is approximately 4.8m wide which would be sufficient for two cars to pass should they enter and exit the site at the same time.
- 5.91 The car park access appears to be gated; however, this is set back approximately 7m from the footway which would provide sufficient space for a vehicle to wait whilst gates open without obstructing the footway.
- 5.92 **Car Parking**
SPD14 states that the maximum car parking standard for a residential development in the outer area is 1 space per dwelling plus 1 car space per 2 dwellings for visitors. The standard for office space (B1) is one space per 50m². Therefore for this development of 23 residential units and 324m² of

office space, the maximum car parking standards comprise 23 residential spaces, 12 visitor spaces, and 7 office spaces (42 spaces in total).

5.93 The applicant is proposing a total of 23 parking spaces including 3 for disabled users. One disabled bay is allocated to the office space, while the remaining 22 spaces (including 2 disabled) will be provided to the residential units in a two-tier stacking system. It is recommended that the implementation and continued maintenance of this be secured by condition.

5.94 Given that the surrounding area can experience high levels of on-street parking stress, the applicant has tried to demonstrate that the proposed car parking levels will not lead to overspill car parking.

5.95 **Existing overspill parking**

The applicant has acknowledged the Highway Authority's comments on **BH2014/03966** where there was concern that current overspill parking had been overestimated and would therefore underplay the impact of the proposed development. The applicant's Transport Consultant has now made adjustments for expected mode share by current staff (as opposed to assuming all drive) in line with the Highway Authority's recommendations and the revised estimate of 8-10 vehicles is considered reasonable.

5.96 **Proposed office overspill parking**

The Highway Authority previously raised a concern in comments on **BH2014/03966** that the forecast overspill parking for the proposed office use was based on central London surveys within the TRICS database. These were not considered suitable owing to on-street parking controls and very good accessibility by sustainable modes.

5.97 The applicant has stated that although the site is outside of a Controlled Parking Zone, parking restraint would be appropriate as the site is within a sustainable location. The Highway Authority would however consider that the absence of on-street parking controls would increase the likelihood that employees will drive to work.

5.98 The applicant has estimated future parking demand based on drive-to-work rates from comparable sites at City Park and BHCC Housing Centre provided in the Highway Authority's comments on **BH2014/03966**. The proposed office space has also reduced from 621m² (34 staff) to 324m² (18 staff). As a result, additional overspill parking by approximately 10 vehicles is forecast. However, the application form and Planning Statement indicate that the site would accommodate on average 27 employees. This would suggest approximately 15 staff would be expected to drive.

5.99 The applicant's Transport Consultant has also used TRICS surveys to suggest that parking demand would be lower at approximately six vehicles based on an average peak parking accumulation of 1.89 per 100m². It should be noted however that although all the selected sites have on-site parking, two are located in Controlled Parking Zones and TRICS indicates that the

third (survey reference WK02A01) does not have access to free on-street parking.

5.100 Although the above analysis may therefore underestimate parking demand, the previous analysis based on 27 employees does suggest all employees will be on-site at any one time which would overestimate demand. Were the higher level to materialise, additional daytime demand of approximately five vehicles would be expected compared to ten for the withdrawn application.

5.101 In order to mitigate the impact of overspill parking that does occur from the permitted use, the Highway Authority had previously recommended that travel packs be provided for both the office and residential uses. The updated Transport Statement includes a Travel Plan Statement which commits to this, including the provision of taster public transport vouchers. It is recommended that these be secured as part of the S106 agreement.

5.102 On this basis, it is no longer considered that the additional on-street parking demand that is likely to arise during the day would be of a level that could be deemed to amount to a 'severe' impact and therefore warrant refusal on these grounds under the National Planning Policy Framework.

5.103 Proposed residential overspill parking

The applicant previously proposed 21 car parking spaces for 21 flats and now proposes 22 spaces for 23 flats. The ratio is therefore similar and the Highway Authority's comments remain consistent with the response to BH2014/03966. This is that analysis of 2011 Census data (Brighton & Hove lower super output area 007A) suggests demand of approximately 1.36 per household or a total of 31 in this instance. This would suggest overspill parking by approximately nine vehicles could be expected compared to seven previously.

5.104 The applicant's Transport Consultant has used the Department for Communities and Local Government (2007) Residential Car Parking Research to estimate that parking demand would not exceed 19 spaces. Whilst the census data indicates a higher level, the latter provides an area average which would be expected to be lower for flats. It is also noted that the applicant does not propose to allocate spaces to individual dwellings which will allow for a more efficient use of the parking proposed and reduce the likelihood of overspill parking.

5.105 Taking into account this analysis and the package of mitigation proposed by the applicant to include a residential travel pack and car club membership, the Highway Authority does not consider the potential overspill parking from the residential development to be material or warrant refusal in this instance. As stated above, it is recommended that the travel plan measures the applicant has committed to be secured as part of the S106 agreement.

5.106 Disabled Parking

SPD14 states that the minimum standard for disabled parking is an individual bay for each disabled employee plus 2 bays for the office and one space per wheelchair accessible unit for the residential use.

5.107 The applicant is proposing 3 disabled parking spaces (2 for the residential and 1 for the office development). This level of provision for the office development is below the minimum standard contained within SPD14; however, it accords with advice contained within the Department for Transport produced TAL 5/95 Parking for Disabled People. This guidance document suggests 5% of the total car parking should be set aside as disabled bays at business premises. In light of this, the Highway Authority has no objections to the proposed number of disabled bays for the office.

5.108 It is also important that a 1.2m clear zone is provided to both sides of each bay as outlined in TAL 5/95. The disabled car parking layout details should be provided by condition. In the case of the proposed stacking system, it would be important to ensure sufficient level clearance at the point that vehicles are accessed.

5.109 **Electric Vehicles**

Since the applicant's original submission, SPD14 has been adopted which includes a requirement for electric vehicle charging points. For residential uses, this requires 10% provision plus 10% 'passive' provision whereby the facilities are in place for additional points to be provided as future demand requires. The proposed development would therefore require a minimum of 3 charging points plus 3 passive charging points. It is recommended that further details be obtained by condition.

5.110 **Cycle Parking**

SPD14 states that a minimum of 1 cycle space is required for every 1-2 bedroom unit plus 1 space per 3 dwellings for visitors. For the 3 bedroom units, 2 spaces are required per unit for residents with an additional one space per 3 units for visitors.

5.111 The minimum standard for B1 office space is 1 space plus 1 space per 100m² plus an additional space per 500m². Therefore, for this development minimum cycle parking requirements are as follows:

- 20 cycle spaces for 1-2 bedroom units
- 6 cycle spaces for 3 bedroom units
- 8 visitor spaces for those visiting residents
- 5 staff cycle spaces
- 2 visitor cycle spaces for the office units

5.112 The minimum cycle parking requirement for this development is therefore 41 cycle spaces. The proposals detail 42 cycle spaces as follows:

- 24 resident
- 6 office
- 12 visitor

- 5.113 The cycle parking provision meets minimum cycle parking standards; however, the Highway Authority would seek further clarity as to the nature of the stands.
- 5.114 The applicant should be advised that in order to be in line with Policy TR14 of the Brighton & Hove Local Plan, cycle parking must be secure, convenient, well lit, well signed and wherever practical, sheltered. The Highway Authority's preference is for the use of Sheffield type stands spaced in line with the guidance contained within Manual for Streets section 8.2.22. Vertical or semi-vertical racks are not accepted.
- 5.115 **Deliveries and Servicing**
There is forecast to be a reduction in the level of servicing associated with the proposed development when compared with the existing land use of a vehicle repair garage. Servicing could either take place from within the on-site car parking area of on-street adjacent to the site.
- 5.116 **Trip Generation**
The applicant has forecast that there will be an increase in total person trips as a result of this development, forecasting an increase from 179 to 219 trips. The reduction in forecast trips for the proposed development compared to the withdrawn application is not unexpected given the reduction in size of the office element; however, the justification for the increase in existing trips (and reduced net impact) is unclear. In the absence of daily surveys for the existing site (peak vehicle surveys are provided), the previously submitted figure of 146 person trips has been used for the purposes of assessment. This would suggest an increase of approximately 73 person trips across the day.
- 5.117 **S106**
To comply with the Brighton & Hove City Plan Part One policies CP7 and CP9 and the council's Guidance on Developer Contributions, the applicant is expected to make a financial contribution of £11,000.
- 5.118 **Recommendation:** Recommended approval subject to the following S106 agreement and necessary conditions.
- 5.119 **Ecology:**
Designated sites and Protected Species
1. The biodiversity checklist submitted with the application was negative for all indicators, indicating that the proposed development is unlikely to have any significant impacts on biodiversity.
 2. There are no sites designated for their nature conservation interest that are likely to be impacted by the proposed development.
 3. The site is unlikely to support any protected species and therefore no specific mitigation is required. If protected species are encountered, work should stop and advice should be sought on how to proceed from a suitably qualified and experienced ecologist.

5.120 Mitigation Measures/Enhancement Opportunities

4. The site offers opportunities for enhancement that will help the Council address its duties and responsibilities under the NERC Act and NPPF. Opportunities include the use of species of known wildlife value within the landscape scheme, green (biodiverse) roofs and/or walls, and the provision of bird boxes which should target species of known conservation concern. Advice on appropriate species can be found in the Council's SPD 11, Annex 7 Notes on Habitat Creation and Enhancement. Where possible, native species of local provenance should be used.

5.121 Summary

In summary, provided the recommended mitigation measures are implemented, the proposed development should not have an adverse impact on biodiversity and can be supported from an ecological perspective. The site offers opportunities for biodiversity enhancements that will help the Council address its duties and responsibilities under the NERC Act and NPPF.

- 5.122 **Public Art:** Adopted City Plan Policy CP5 supports investment in public realm spaces suitable for outdoor events and cultural activities and the enhancement and retention of existing public art works; CP7 seeks development to contribute to necessary social, environmental and physical infrastructure including public art and public realm; and CP13 seeks to improve the quality and legibility of the city's public realm by incorporating an appropriate and integral public art element.

5.123 Type of contribution-

To safeguard the implementation of these policies, it is important that instances in which approval/sign off from the council is needed is clearly identified and secured.

5.124 Level of contribution-

This is arrived at after the internal gross area of the development (in this instance approximately 2,387sqm) is multiplied by a baseline value per square metre of construction arrived at from past records of Artistic Component contributions for this type of development in this area. This includes average construction values taking into account relative infrastructure costs.

- 5.125 It is suggested that the Artistic Component element for this application is to the value of £18,600.

- 5.126 To make sure that the requirements of Policies CP5, CP7 and CP13 are met at implementation stage, it is recommended that an Artistic Component schedule be included in the section 106 agreement.

- 5.127 **Education:** Attached are two spreadsheets which show the level of contribution towards education infrastructure that would be expected if this development was to proceed and the number of pupils that are likely to be

generated by the development. In the spreadsheet which calculates the contribution I have included all the units as private housing in line with the agreement on this matter. The second spreadsheet, which calculates the number of pupils likely to be generated by the development, uses the correct split between private and affordable units. This is for information only and does not affect the outcome of the calculation for the contribution.

5.128 The calculation of the developer contribution shows that we would be seeking a contribution of £38,430.00 towards the cost of primary, secondary and sixth form provision if this development was to proceed. The primary provision would be likely to be spent at Aldrington CE Primary, Brighton and Hove Bilingual Primary, West Hove Infant and Junior Schools, St Andrews CE Primary, or Goldstone Primary School as they are the closest primary's to the development. These schools currently offer a total of 3,315 places and there are currently 3,540 pupils on roll at these schools. This offers a surplus of just 9% (the majority of which is in the junior year groups) which is required to allow for parental preferences and in year admissions. It is expected by the DfE that we should maintain between 5% and 10% surplus places to allow for parental preference. A development of residential units will have a serious impact on the school places issue in this part of the city and parents will have no choice whatsoever.

5.129 With regard to the secondary provision the development is currently in the catchment area for Blatchington Mill and Hove Park Schools. Both of these schools are currently full and therefore it is entirely appropriate to seek a contribution in this respect.

5.130 **City Clean:** No comments received.

5.131 **City Parks:** No comments received.

5.132 **Sports Facilities and Development:** No comments received.

6. MATERIAL CONSIDERATIONS

6.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report

6.2 The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016)
- Brighton & Hove Local Plan 2005 (retained policies March 2016);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
- East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only - site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.

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

7. **POLICIES**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

- SS1 Presumption in Favour of Sustainable Development
- CP1 Housing delivery
- CP3 Employment Land
- CP7 Infrastructure and developer contributions
- CP8 Sustainable buildings
- CP9 Sustainable transport
- CP10 Biodiversity
- CP11 Flood risk
- CP12 Urban design
- CP13 Public streets and spaces
- CP14 Housing density
- CP15 Heritage
- CP16 Open space
- CP17 Sports provision
- CP18 Healthy city
- CP19 Housing mix
- CP20 Affordable housing

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

- TR4 Travel plans
- TR7 Safe Development
- TR14 Cycle access and parking
- TR18 Parking for people with a mobility related disability
- SU3 Surface Water Drainage
- SU5 Surface water and foul sewage disposal infrastructure
- SU9 Pollution and nuisance control
- SU10 Noise Nuisance
- SU11 Polluted land and buildings
- QD5 Design - street frontages
- QD15 Landscape design
- QD25 External lighting
- QD27 Protection of amenity
- HO5 Provision of private amenity space in residential development
- HO13 Accessible housing and lifetime homes

Supplementary Planning Documents:

- SPD11 Nature Conservation & Development
- SPD14 Parking Standards

Supplementary Planning Guidance:

8. CONSIDERATIONS & ASSESSMENT

8.1 Background

The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. The Inspector emphasised that this minimum requirement would meet only 44% of the objectively assessed need for new housing and that this was "a very significant shortfall which has important implications for the social dimension of sustainable development". It was also recognised in the Inspector's report that there was a "considerable need" for affordable housing in the City. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually.

8.2 The most recent land supply position was published in the 2016 SHLAA Update (February 2017) which demonstrates a supply of 4386 units over five years which equates to a 5.6 year supply position. The Council can therefore demonstrate an up to date housing supply position in accordance with the NPPF. The Agent for the application disputes this position and the methodology which the Council uses to calculate its housing targets. It is however the view of the council that his methodology is appropriate and a 5 year supply can be demonstrated.

8.3 Principle of Development

The loss of the existing employment use to be replaced with a mixed use development must be considered having regard to policy CP3 of the Brighton and Hove City Plan Part One which states that the loss of unallocated sites or premises in, or whose last use was, employment use (Use Classes B1-B8) will only be permitted where the site or premises can be demonstrated to be redundant and incapable of meeting the needs of alternative employment uses (Use Classes B1-B8). Where loss is permitted the priority for re-use will be for alternative employment generating uses or housing (in accordance with CP20 Affordable Housing).

8.4 The application proposes the demolition of the existing buildings on the site which in conjunction with the enclosed yard form a panelworks business / vehicle repairs (Use Class B2). The proposed building incorporates employment use at ground floor as 324m² office space (Use Class B1), with a ground floor car park and residential units above. There would be a loss of 321 sq. m of employment floorspace (currently 645m sq. m B2 general industrial floorspace consisting of yard, workshops and office space). The office floorspace is proposed to be provided in the form of 2 units of 119 sq. m and 205 sq.m floorspace accessed from Orchard Gardens and Nevill Road. The application submission sets out that the current use has 12 employees and that the proposed office use has the potential to accommodate 27 employees.

- 8.5 The existing use is not redundant; the site is in active use at present, has good transport links and access. The application submission indicates that the current business is seeking to relocate.
- 8.6 Whilst the development would result in the loss of the existing employment use, the proposed building would include the provision employment floorspace in the form of two office units. The application submission indicates that this employment space could accommodate 27 employees. Therefore, whilst the employment use of the site as a whole will be diluted, the office space proposed has the potential to deliver a net uplift in jobs. On this basis, and on the basis that the existing business is to relocate, the Economic Development Team support the application.
- 8.7 Furthermore, whilst the existing use (B2) is not incompatible with the neighbouring residential uses, it is of a nature which is more likely to generate noise disturbance than the proposed office use would be.
- 8.8 The Planning Policy Officer sought confirmation that the proposed office units have been designed in a way which responds to current market demands, to ensure that the proposed office units will be viable and will be likely to be occupied. A letter of support from a local surveyor / property agent has been submitted which sets out a view that the proposed office units would be likely to be in high demand so long as they are priced at market levels.
- 8.9 In addition to the proposed office use, residential units are proposed which include 40% affordable housing provision and a mix of unit sizes. The provision of new housing units is welcomed and would make a valuable contribution towards meeting the city's housing needs and targets.
- 8.10 Overall, whilst it is acknowledged that the proposed development will dilute the existing employment use of the site, the proposal would deliver a replacement employment provision along with 23 residential units. The principle of development is considered to be acceptable.
- 8.11 **The proposed employment use**
As detailed above, the proposed building would contain two office suites at ground floor level. The units would have a street frontage presence and would be well served by the existing road network and public transport links in the form of buses (nos. 5, 5A, 5B and 56) and train via Hove Station which is a 13 minute walk away (0.6 miles). The proposed offices would only benefit from one off-street parking bay in the form of a disabled space in the proposed ground floor car park. The lack of further off-street parking could discourage some potential future occupiers, however given the location of the application site it is considered that adequate public transport links exist to address this issue. The potential impacts of overspill parking are of concern; this matter is addressed further below.
- 8.12 The letter of support from a local surveyor / property agent indicates that the proposed office units would be attractive in the current market, and overall the provision of office space is considered appropriate for the location.

8.13 The proposed residential use / standard of accommodation

The proposed building would comprise twenty three self-contained units from first floor up. The mix of units proposed is 9x 1-bedroom (39%), 11x 2-bedroom (48%) and 3x 3-bedroom (13%), which compares to the overall needs of the city as set out in Policy CP19 as 24% 1-bedroom, 34% 2-bedroom, and 42% 3-bedroom or more. The proposed mix of units in itself is not therefore reflective of the needs of the city as a whole, however as a flatted development close to the centre of the city it would be expected that the scheme would deliver a greater proportion of smaller units. A greater proportion of larger units would be expected in a more outlying development of a lesser density, such schemes considered cumulatively will work towards delivering an appropriate mix of units across the city.

8.14 Nine units are proposed as affordable dwellings with a policy compliant tenure mix (5 units for affordable rent and 4 properties for shared ownership sale).

The proposed mix of affordable units has been amended during the course of the application from 9 1-bedroom units and is now proposed as 5x 1-bedroom (55%) and 4x 2-bedroom (45%) compares with a policy compliant mix of 3x 1-bedroom, 4x 2-bedroom, 2x 3-bedroom units. The applicant has stated that no 3-bedroom units have been proposed as affordable due to viability concerns, a detailed viability case has not however been submitted.

8.15 Whilst a policy compliant mix of unit sizes has not been agreed as affordable provision, which is regrettable, it is again noted that a scheme of this ilk is to be expected to deliver more smaller size units, and furthermore that 40% affordable units and an appropriate tenure mix have been agreed through discussions with the applicant. Overall it is considered that the mix of unit sizes and the proposed affordable housing provision are acceptable in this case.

8.16 In regard to unit size and layout, it is noted that all of the units proposed exceed the minimum size standards set out by Government (Technical Housing Standards – Nationally Described Space Standard, published March 2015). The units would provide good room sizes and circulation space. Representations received raise concerns in respect of the light levels which some of the units may receive; all units are however considered acceptable in this regard as set out in the submitted sunlight and daylight report. All of the units would benefit from the use of a balcony area and a landscaped communal garden area is proposed atop the ground floor car park to the eastern side of the site.

8.17 Future residents would be subjected to noise from traffic and the neighbouring commercial uses (and potentially the proposed office use), air pollution from traffic on Nevill Road and Old Shoreham Road is also a concern. A noise report has been submitted and the Environmental Health Officer and Air Quality Officer have commented on the submitted information. It is concluded that noise nuisance could be successfully addressed through sound insulation measures and in respect of noise and air pollution it would be necessary to install a ventilation system to ensure that future residents do not need to open

windows to receive fresh air. Sound insulation measures and details of a ventilation system are recommended to be secured by condition.

- 8.18 Future occupiers would benefit from off-street parking provision (22 spaces including two disabled spaces), secure cycle parking, and access to the second floor communal garden.
- 8.19 In regard to accessibility, it is proposed that Flat 18 (one-bedroom flat on the third floor) would be wheelchair accessible which represents 10% of the affordable housing provision and 5% of the overall number of housing units proposed. The remainder of the units are recommended to be secured by condition as compliant with Optional Building Regulations Standards.
- 8.20 Subject to the recommended conditions set out above, it is considered that the proposed units would deliver an acceptable standard of accommodation.
- 8.21 It is noted that there is an electricity substation immediately to the east of the site fronting on to Orchard Gardens, enclosed in a brick building. The substation would be sited alongside the car park area of the building; the substation would be unlikely to have a substantial negative impact upon neighbouring amenity.
- 8.22 **Design / visual impact**
N.B. For the purposes of local planning policy and guidance (SPGBH15, published 2004), the proposed building does not constitute a 'tall building' as it is below 18 metres in height.
- 8.23 The proposed building is five storeys in height with the top floor set back from the main building frontages. The building is set back from the boundary with the public highway to the west and north elevations, low boundary walls and planting is proposed including tree planting. To the southern end of the west elevation the parking area associated with Kwik fit sits in front of the proposed building, a wall / landscaping buffer is proposed behind this area. To the Nevill Road frontage the building presents a glazed office frontage at ground floor and a residential façade above. To the Orchard Gardens elevation a similar appearance is presented however a double height vehicular access is proposed with a shuttered entrance.
- 8.24 The proposed brick faced finish with rendered detailing takes some inspiration from the Kwik Fit building alongside and would also be in keeping with the finishes of the dwellings on Nevill Road and Orchard Gardens. The proposed design is considered to be of a good standard with considered structure, detailing form, and relief. A building of this scale will stand in contrast to surrounding development, and in particular to the dwellings on Nevill Road and Orchard Gardens which are of domestic scale. The commercial development to the south of Orchard Gardens is however already of a contrasting commercial character, albeit at a smaller scale than is proposed.
- 8.25 It is considered that the proposed building will link visually with the larger more commercial scale of buildings which front on to the Old Shoreham

Road and overall, whilst the proposed building will certainly be of prominence and contrasting scale, the building will have a positive impact upon the street scene. The proposed development successfully addresses the design challenges of the site.

8.26 Transport and Parking

As detailed above, the site is well served by public transport in the form of buses and Hove Railway Station. Twenty three parking spaces are proposed on site; all allocated to the proposed flats other than one of three disabled spaces which would be allocated to the office use. Vehicular access would be from Orchard Gardens as it is at present.

8.27 Cycle parking (42 spaces) is proposed within the ground floor car park and it is recommended that full details of this provision be secured by planning condition.

8.28 The applicant's submission sets out that the existing commercial use results in overspill parking of 8-10 vehicles, although this would be difficult to confirm given that a large part of the site at present is an enclosed yard where parking for staff may often be available. It is estimated that the proposed office use could generate demand for on-street parking of 15 staff vehicles plus visitors, although this is based upon all 27 employees being on site at the same time, which is unlikely to always be the case. The proposed residential use could result in an overspill of 9 vehicles, this last figure may however also be an overestimate as the development primarily comprises 1 and 2-bedroom flats rather than larger dwellings.

8.29 Representations received set out that on-street parking during the day is in extremely high demand from residents and their visitors and also from staff employed by surrounding businesses such as Legal and General and C. Dugard. It is noted that whilst a Transport Statement has been submitted, the applicants have not carried out any daytime parking surveys to demonstrate whether there is adequate capacity for the uplift in demand which would result.

8.30 Notwithstanding the absence of parking surveys, the Transport Team have commented upon the application submission and consider that subject to securing Travel Plan measures such as employee / resident travel packs consider that the potential overspill parking which would result is not at a level which warrants the refusal of planning permission.

8.31 On this basis, subject to compliance with the conditions set out above, the proposed development is considered to be acceptable in highways / transport terms.

8.32 Neighbouring amenity

The proposed building is of a considerable scale and therefore has the potential to have an overbearing and overshadowing impact upon neighbouring residential properties. There will however be a substantial spacing from residential properties as there is road between the application

site and these dwellings. To the west of the site the properties on Nevill Road are set approximately 24 metres away from the proposed building, to the north no. 1 Nevill Road and no. 32 Orchard Gardens are set away by approximately 14-15 metres.

- 8.33 Given these distances, whilst the proposed building would substantially alter the outlook from these neighbouring properties, it is considered that an overbearing impact would not result.
- 8.34 In respect of overshadowing, a detailed Sunlight and Daylight has been carried out on behalf of the applicant in accordance with BRE guidance. The report sets out that some impact in respect of loss of daylight / sunlight will occur, but the resulting situation and change in circumstance would be within acceptable limits as set out in BRE guidance (Littlefair, P (2011) *Site layout planning for daylight and sunlight: a guide to good practice*). Having regard to the findings of this report is considered that significant harm would not be caused by overshadowing and that the application does not warrant refusal on such grounds.
- 8.35 In regard to privacy, the proposed building will cause additional overlooking of neighbouring dwellings and gardens from the windows and balconies of the proposed building. Again however it is noted that spacing between the building and neighbouring dwellings would be retained as they are sited over the road from the application site. In this context it is considered that the harm to neighbouring privacy which would be caused does not warrant the refusal of planning permission; the resultant relationship would be of an acceptable nature.
- 8.36 Representations received raise concerns in respect of noise disturbance. The proposed development would however see the removal of the existing use which is likely to generate noise disturbance, to be replaced with office and residential uses, which are in general considered to be compatible with surrounding residential uses. Use of the proposed garden area and balconies may cause some noise but the likely levels of activity are unlikely to cause significant harm to neighbouring occupiers.

Environmental Health

8.37 **Land contamination**

The site represents potentially contaminated land. A desktop study has been submitted in this regard. To address potential contamination a full site investigation and scheme of remediation should be carried out if necessary as part of the construction phase of the proposed development. It is recommended that a strategy be secured by planning condition.

8.38 **Noise disturbance to future residential occupiers**

Future residents would be subjected to noise from traffic and the neighbouring commercial uses (and potentially the proposed office use), A noise report has been submitted and the Environmental Health Officer has commented on the submitted information. It is concluded that noise nuisance could be successfully addressed through sound insulation measures and the

installation of a ventilation system to ensure that future residents do not need to open windows to receive fresh air. Sound insulation measures and details of such a ventilation system are recommended to be secured by condition.

8.39 Air quality

There is an Air Quality Management Area to the south of the site. Whilst the air quality in this location is considered acceptable for future occupiers, the ventilation system required above will draw in fresh air from locations set away from the primary road frontages which will improve air quality for future occupiers.

8.40 The Air Quality Officer has recommended that a Construction Environmental Management Plan be secured by condition which details construction traffic routes which should be to / from the north of the site to avoid the AQMA.

8.41 The Air Quality Officer has also recommended that central heating and hot water systems are electric, or that if combustion on site is required to meet the shortfall of electric and renewables this should be ultralow NOx natural gas or bio-methane fuelled boilers for temperature control and hot water. A condition is therefore recommended to secure further details of the proposed central heating and hot water system.

8.42 Water source protection and surface water drainage

The Council's Flood Officer recommends that a full surface water drainage strategy incorporating sustainable urban drainage measure be secured by planning condition. Southern Water have recommended conditions and informatives in respect of drainage and connection to mains water and sewerage. The site lies within a ground water source protection zone and the Environment Agency's comments have been sought in this regard. At the time of drafting this report these comments had not yet been received and will be reported to members at committee if available.

8.43 Environmental Sustainability

In accordance with Policy CP8 the proposed residential units are recommended to be secured as compliant with Optional Building Regulation standards for energy and water usage by planning condition. The ground floor office use would be secured as a Breeam rating of 'Very Good'. An installation of photovoltaic panels to the roof of the building; full details of this array its implementation are recommended to be secured by planning condition.

8.44 The Sustainability Officer recommends that measures should be secured to ensure that the development can connect to a future district heating system, which relates to the objective within the Hove Station development area (Policy DA6) to consider low and zero carbon decentralised energy and in particular heat networks and to either connect where a suitable system is in place (or would be at the time of construction) or design systems so that they are compatible with future connection to a network. The applicant has confirmed that they would not be in agreement to such a requirement, and as the application site is not actually within the DA boundaries (the northern

boundary runs along Old Shoreham Road) it would not be reasonable to require such measures in this case.

8.45 Landscaping / biodiversity

Local Planning policies and guidance and the NPPF require high quality landscaping and that development deliver a net gain in biodiversity terms. In this case planting is proposed to the street frontages of the development and a large communal landscaped garden is proposed. These elements provide the opportunity to deliver substantial planting including species which will deliver biodiversity gains by for example utilising native species of local provenance and attracting wildlife. Full details of landscaping and biodiversity enhancements are recommended to be secured by planning condition.

8.46 Conclusion

The proposed development would result in the loss of the existing employment use; the new building would deliver replacement employment floorspace and a potential net uplift in the number of staff which would be accommodated. The proposed residential units would provide a good standard of accommodation, 40% affordable units and an acceptable mix of unit sizes. The proposed building design would appear in contrast to the prevailing character Nevill Road street scene, but would relate well to the larger buildings fronting on to Old Shoreham Road, and overall is considered to represent a good standard of design which would have a positive impact upon the Nevill Road and Orchard Gardens street scenes.

8.47 Some increased overspill parking would result however the Transport Team consider that this overspill would not cause significant harm subject to securing other measures such as Travel Packs and infrastructure improvements.

8.48 The proposed building would result in some additional overshadowing of neighbouring properties however significant harm would not be caused as demonstrated in the submitted sunlight and daylight report.

8.49 Other matters such as sustainability measures, sound insulation, landscaping and biodiversity enhancements are recommended to be secured by condition.

8.50 Overall it is considered that the scheme would deliver substantial benefits and significant harm would not be caused. Approval of planning permission is therefore recommended subject to the completion of a s106 planning legal agreement and to the conditions recommended above.

9. EQUALITIES

9.1 The scheme would provide for 40% affordable housing. Conditions are recommended to secure 10% of affordable units and 5% of units overall as wheelchair accessible, the remaining units to be constructed to optional Building Regulations access standards.

10. DEVELOPER CONTRIBUTIONS

10.1 Sustainable Transport: Based upon the current adopted Developer Contributions Technical Guidance and established formulae, the securing of Travel Packs and an £11,000 contribution to sustainable transport infrastructure to be allocated towards the following:

- Hove Park Tavern north bound bus stop in the form of a bus shelter or Real Time Information sign and/or
- Pedestrian improvements in the immediate vicinity of the site to improve access to local facilities.

10.2 Education: Based upon the current adopted Developer Contributions Technical Guidance, £38,430 towards the cost of providing primary (£14,851), secondary (£20,192), and sixth form (£3,386) education provision.

10.3 Open space and indoor sport: Based upon the current adopted Developer Contributions Technical Guidance and SPGBH9, £63,604 towards the following:

- Parks – Hove Park and/or Hove Recreation Ground, Three Cornered Copse
- Play – Hove Park and/or Dyke Park, Hove Lagoon
- Sports – Hove Park and/or Nevill, Withdean Leisure Complex, King Alfred, Hove Recreation Ground
- Amenity/Natural Semi Natural – Three Cornered Copse And/or Hove Park, Hove Recreation Ground
- Allotments – Weald and/or North Nevill

10.4 Local Employment scheme: Based upon the current adopted Developer Contributions Technical Guidance, £7,500 plus a commitment to 20% local employment for the demolition and construction phases.

10.5 Artistic component / public realm: Based upon the current adopted Developer Contributions Technical Guidance and established formulae, that the scheme incorporates an artistic component or public realm improvements to the value of £18,600.

