

<u>No:</u>	BH2017/01065	<u>Ward:</u>	Regency Ward
<u>App Type:</u>	Full Planning and Demolition in CA		
<u>Address:</u>	Baptist Tabernacle Montpelier Place Brighton BN1 3BF		
<u>Proposal:</u>	Demolition of existing church and erection of 24no residential units (C3), comprising terrace of 5no four storey houses, five storey block of 14no flats and three storey block of 5no flats. Creation of non-residential unit (D1) to ground floor of five storey building and associated car parking and landscaping.		
<u>Officer:</u>	Sonia Gillam, tel: 292265	<u>Valid Date:</u>	10.04.2017
<u>Con Area:</u>		<u>Expiry Date:</u>	10.07.2017
<u>Listed Building Grade:</u>		<u>EOT:</u>	07.10.2017
<u>Agent:</u>	Crowther Associates Architects Brighton BN1 4ET	Pelham House	25 Pelham Square
<u>Applicant:</u>	Mortar Nova Developments LLP	95 Ditchling Road	Brighton BN1 4ST

1. RECOMMENDATION

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

S106 Heads of Terms

- 21% affordable housing - 3 affordable rent units (Units 15, 16, and 19), 2 shared ownership units (17 and 18). 1 no. unit to be wheelchair accessible (Unit 15).
- The S106 will include a Review Mechanism to reassess the viability of the scheme close to completion in order to, where possible, secure up to policy compliant level of affordable housing via an off-site financial contribution.
- A contribution of £8,200 towards the Council's Local Employment Scheme,
- A Construction Training and Employment Strategy including a commitment to using a minimum 20% local employment during the demolition and construction phases of the development,
- A contribution of £16,400 towards sustainable transport infrastructure improvements within the vicinity of the application site. This will be allocated to accessibility improvements to public transport facilities in the local vicinity of the site which could include the provision of accessible kerbs and/or real time passenger information signs to the Park Royal North and Southbound bus stops on Montpelier Road.
- A scheme of Travel Plan measures which should include:

- Details of pedestrian and cycle routes in the local area;
 - Public transport timetable/maps;
 - 2 years membership to City Car Club; and
 - Bus 12 month season ticket for Brighton & Hove buses.
- A contribution of £74,720.26 towards recreation, open space and indoor sport provision.
 - A contribution of £68,635 towards local Education provision

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	08) 002		28 March 2017
Existing Elevations	(08) 003		28 March 2017
Site Layout Plan	(08) 005	A	14 July 2017
Streetscene elevation proposed	(08) 011	North and west	28 March 2017
Elevations Proposed	(08) 012	South and east	28 March 2017
Floor Plans Proposed	(08)009	Fourth and roof	28 March 2017
Streetscene elevation proposed	(08)010	South and east	28 March 2017
Sections Proposed	(08)014		6 April 2017
Location and block plan	(08)001		28 March 2017
Elevations Proposed	013	A North and west	7 July 2017
Sections Proposed	015	A	7 July 2017
Floor Plans Proposed	008	A Second and Third	11 July 2017
Floor Plans Proposed	006	B	14 July 2017
Floor Plans Proposed	007	B GF and FF	

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

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

- 3 No extension, enlargement, alteration or provision within the curtilage of the of the dwellinghouses as provided for within Schedule 2, Part 1, Classes A - E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.
Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD14 and HE6 and QD27 of the Brighton & Hove Local Plan.
- 4 The first, second and third floor bathroom windows (serving flats 4, 8 and 12 as shown on drawing 006B received on the 14/07/2017) and the hall windows in the northern elevation (directly adjacent to the Abbey Hotel) of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
- 5 No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.
Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policy QD14 and HE6 of the Brighton & Hove Local Plan and CP12 and CP15 of the City Plan Part One.
- 6 The D1 use hereby permitted shall not be operational except between the hours of 08:00 and 20:00 on Mondays to Sundays, including Bank and Public Holidays.
Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 7 No waste collections relating to the commercial unit shall occur at the premises except between the hours of 07:00 and 20:00 on Mondays to Fridays and 08:00 and 18:00 on Saturdays, Sundays, Bank and Public Holidays.
Reason: To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 8 If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the Local Planning Authority. The remediation measures shall be carried out as approved and in accordance with the approved programme.

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

- 9 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.
- 10 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 City Plan Part One.
- 11 The Party Ceilings, Floors and Walls between the ground floor commercial unit and the first floor residential flats 1, 2, 3, and 4, and House 5 to the south, as shown on drawing (08)007revB received on 14 July 2017, should be designed to achieve airborne sound insulation values of at least 5dB higher and impact residual sound values of at least 5dB lower than Building Regulations Approved Document E performance standards, for airborne and structural sound insulation for floors of purpose built dwelling-houses and flats.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 12 No development, other than the demolition of the existing building, 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.
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.
- 13 No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
- a) Samples of all brick, render and tiling (including details of the colour of render/paintwork to be used)
 - b) Samples of all cladding to be used, including details of their treatment to protect against weathering
 - c) Samples of all hard surfacing materials

- d) Samples of the proposed window, door and balcony treatments
- e) Samples of all other materials to be used externally

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

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD14 and HE6 of the Brighton & Hove Local Plan and CP12 and CP15 of the City Plan Part One.

- 14 No development above ground floor slab level of any part of the development hereby permitted shall take place until full details including 1:10 scale elevation and section details of all windows (including reveals and cills), doors, railings, gates and planters, have been submitted to and approved in writing by the Local Planning Authority.
Reason: As this matter is fundamental to the acceptable delivery of the permission to ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the City Plan Part One.
- 15 No development above ground floor slab level of any part of the development hereby permitted shall take place until full details of the ground floor banded rustication, including 1:5 scale section details, have been submitted to and approved in writing by the Local Planning Authority.
Reason: As this matter is fundamental to the acceptable delivery of the permission to ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the City Plan Part One.
- 16 No development above ground floor slab level of any part of the development hereby permitted shall take place until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit.
Reason: This condition is imposed in order to allow the Traffic Regulation Order to be amended in a timely manner prior to first occupation to ensure that the development does not result in overspill parking and to comply with policies TR7 & QD27 of the Brighton & Hove Local Plan and CP9 of the City Plan Part One.
- 17 No development above ground floor slab level shall commence until a Scheme of Management of the vehicle parking has been submitted to and been approved in writing by the Local Planning Authority. The submitted scheme shall include details of how each car parking space will be allocated and any necessary measures to ensure that each car parking space is secured for the use of its allocated owner. The approved scheme shall be implemented prior to the first occupation of the building and thereafter retained at all times.
Reason: To ensure the development maintains a sustainable transport strategy and to comply with policy CP9 of the City Plan Part One
- 18 No development shall take place until a programme of archaeological work has been secured in accordance with a Written Scheme of Archaeological

Investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: This pre-commencement condition is imposed because it is necessary to ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policy HE12 of the Brighton & Hove Local Plan

- 19 Before any equipment, materials or machinery are brought onto the site for the purposes of development, a pre-commencement site meeting between the Tree Officer and Site Manager shall take place to confirm the protection of the three trees on the highway adjacent the site. No development shall commence until fences for the protection of trees to be retained have been erected in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. The fences shall be erected in accordance with BS5837 (2012) and shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

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

- 20 No demolition shall take place until a Demolition Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include:

- i) The phases of the Proposed Demolition including the forecasted completion date(s)
- ii) A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to Commence Development until such consent has been obtained
- iii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
- iv) A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site
- v) Details of hours of demolition including all associated vehicular movements
- vi) Details of the demolition compound
- vii) A plan showing demolition traffic routes
- viii) An audit of all waste generated during demolition works

The demolition shall be carried out in accordance with the approved Plan

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

- 21 No development, other than demolition of the existing building, shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:
- i) The phases of the Proposed Development including the forecasted completion date(s)
 - ii) A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to Commence Development until such consent has been obtained
 - iii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
 - iv) A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site
 - v) Details of hours of construction including all associated vehicular movements
 - vi) Details of the construction compound
 - vii) A plan showing construction traffic routes
 - viii) An audit of all waste generated during construction works
 - ix) The construction shall be carried out in accordance with the approved CEMP.

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

- 22 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 and soft 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.

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.

- 23 Prior to first occupation of the development hereby permitted a plan detailing the position, height, design, materials and type of the proposed high level obscure glazed screen proposed to the balcony of Flat 14, as shown on drawing 006B, shall have been submitted to and approved in writing by the Local Planning Authority. The screen shall be provided in accordance with the approved details prior to first occupation of the development and shall thereafter be retained at all times.

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.

- 24 The development hereby permitted shall not be brought into use until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 18 and that provision for analysis, publication and dissemination of results and archive deposition has been secured, unless an alternative timescale for submission of the report is first agreed in writing with the Local Planning Authority.

Reason: This condition is imposed because it is necessary to ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policy HE12 of the Brighton & Hove Local Plan.

- 25 Prior to first occupation of the residential units, the use-class D1 community unit shown on the approved plans shall be made available for use and retained as such thereafter.

Reason: To ensure the satisfactory provision of space for community use on site and to ensure the development complies with policy HO20 of the Brighton & Hove Local Plan.

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

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

- 27 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 City Plan Part One.

- 28 The new crossover and access shall be constructed prior to the first occupation of the development hereby permitted.

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

- 29 Prior to the first occupation of the development hereby permitted the redundant vehicle crossover on York Avenue shall have been converted back to a footway by raising the existing kerb and footway.

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

- 30 The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development 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.

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

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

- 32 The wheelchair accessible dwelling hereby permitted as detailed on drawing no. C-1638 (08)007 B received on 14 July 2017 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.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that the responsibility for the safe development and secure occupancy of the site rests with the developer. The local planning authority has determined the application on the basis of the information made available to it. It is strongly recommended that in submitting details in

accordance with the above/below conditions that the applicant has reference to CLR 11, Model Procedures for the management of land contamination. This is available online as a pdf document on both the DEFRA website (www.defra.gov.uk) and the Environment Agency (www.environment-agency.gov.uk) website.

- 3 The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
- 4 The water efficiency standard required is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.
- 5 The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website (www.communities.gov.uk).
- 6 The applicant is advised that the scheme required to be submitted by Condition 16 should include the registered address of the completed development; an invitation to the Council as Highway Authority (copied to the Council's Parking Team) to amend the Traffic Regulation Order; and details of arrangements to notify potential purchasers, purchasers and occupiers that the development is car-free.
- 7 The applicant is advised that the proposed highways works should be carried out in accordance with the Council's current standards and specifications and under licence from the Streetworks team. The applicant should contact the Streetworks Team (01273 293366).
- 8 The planning permission granted includes a vehicle crossover which requires alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The crossover is required to be constructed under licence from the Head of Asset and Network Management. The applicant must contact the

Streetworks Team (01273 293 366) prior to any works commencing on the public highway.

- 9 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".

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The application relates to a former Baptist Church (D1), built in 1967, with associated car parking. The site has a main frontage along Lansdowne Road/Montpelier Place and is bounded by York Avenue to the west and Norfolk Terrace to the east. To the northern boundary is housing which fronts both York Avenue and Norfolk Terrace. The rectangular site measures approximately 0.14 hectares (0.35 acres).
- 2.2 The church is a single storey pale brick structure formed of two pitched gables, joined at the rear, with an internal, partially covered, recessed, gated courtyard. The building sits to the south east corner of the site with an open car park to the south west. The site is situated within the Montpelier and Clifton Hill Conservation Area, which was developed from the 1830s and is a mix of well-to-do streets of detached and semi-detached villas, set-piece developments of grand townhouses and narrower streets of smaller terraced houses.
- 2.3 The opposite side of the road, to the south, lies partly within this conservation area and, to the west, partly within the Brunswick Town conservation area, which was largely developed from the 1820s in typical Regency style with grand terraces. Montpelier Place/Lansdowne Road is a main east west route through these areas and the architecture and townscape are varied and there is a mix of residential, institutional and commercial uses.
- 2.4 There are several listed buildings within the vicinity: immediately to the north is the grade II listed Abbey Hotel. Opposite this is the grade II listed Belvedere Terrace. Opposite the site to the south is the grade II listed 14 Montpelier Place, a single house of terraced design. To the west of the site, on the corner with York Avenue, is the locally listed Mercia House.
- 2.5 The proposed scheme relates to the demolition of the church building and redevelopment of the entire site. The construction of 5 houses and 19 flats and a ground floor D1 unit (115m²) is proposed, along with 7 no. car parking spaces. The building would be a mix of three to five storeys in height. It would provide 5 x 4 bedroom houses, 7 x 1 bedroom flats (including 1 wheelchair accessible) and 12 x 2 bedroom flats
- 2.6 The scheme was subject to pre-application advice and was presented to the Design Review Panel.

3. RELEVANT HISTORY

3.1 2016: Pre-application advice was sought on the scheme.

4. REPRESENTATIONS

4.1 **Fifty three (53) letters and a Petition with 50 signatures** have been received objecting to the proposed development. The main grounds for objection are as follows:

- Loss of existing building
- Loss of church/ community use
- Non-compliance with Local Plan policy H20
- Density too high
- Add to overcrowding
- Design
- Height
- Size
- Overshadowing
- Loss of daylight and sunlight
- Potential for damp
- Loss of view
- Overlooking and loss of privacy
- Increased noise and disturbance
- Increased pollution
- Increased traffic
- Impact on highway safety
- Parking issues
- Increase in energy costs
- Shop not required
- Potential loss of earning for existing local shop
- Increased litter and lack of street bins
- Abbey Hotel is in residential use
- No end user for D1 premises
- Potential subsidence
- Affordable housing should be addressed

4.2 **Six (6)** letters has been received supporting the proposed development on the following grounds:

- Existing site is an eyesore
- Housing provided
- Appropriate brownfield location
- Appropriate scale and massing
- Appropriate design

4.3 **Montpelier and Clifton Hill Association** : Support : Proposal would preserve and indeed enhance the character of the conservation area and will sit well with the grade 2 listed buildings in the immediate vicinity.

5. CONSULTATIONS

5.1 External

Ecology: No objection The proposed development should not have an adverse impact on biodiversity and can be supported from an ecological perspective.

5.2 **County Archaeologist:** No objection In the light of the potential for impacts to heritage assets with archaeological interest resulting from the proposed development, the area affected by the proposals should be the subject of a programme of archaeological works.

5.3 **CAG:** No objection subject to details regarding design of western building portico, materials, trees, paint colour.

5.4 **Southern Water:** No objection subject to a condition relating to submission of proposed drainage system.

5.5 **Sussex Police:** No objection

5.6 Internal

Economic Development: No objection subject to the submission of an Employment and Training Strategy, and a developer contribution of £8,200 through a S106 agreement, towards the delivery of the council's Local Employment Scheme.

5.7 **Education:** No objection subject to a developer contribution of £68,635.00 towards the cost of primary, secondary and sixth form provision.

5.8 **Environmental Health:** No objection subject to conditions relating to soundproofing contaminated land, hour of waste collections and provision of a Construction Environmental Management Plan (CEMP).

5.9 **Heritage:** No objection The redevelopment of the site is welcomed and there is no objection to the demolition of the existing church building. The scale of the proposed development, its footprint, height and massing, are considered to be appropriate to the site. The proposed design approach has struck an appropriate balance between achieving a distinct new development and respecting the sensitive heritage context of this prominent site.

5.10 **Housing:** Objection Only 20% of properties (5 units) are offered against the policy position of 40% - 10 properties. The unit mix is for smaller units only where the development provides a range of unit sizes. The tenure appears to be shared ownership only which is not Affordable Housing Brief compliant. Confirmation of the wheelchair tenure is required.

5.11 *Further comment after DVS recommendation for 5 Affordable units :* No objection The five units are self-contained in one block and the wheelchair accessible unit is proposed as affordable rent which is considered to be appropriate.

- 5.12 **Planning Policy:** Comment No information has been submitted setting out if use of the site for other community facilities has been investigated. It is however acknowledged that the proposal would provide a new community facility, albeit of a smaller size, although no end user has yet been identified. The provision of 24 residential units would make a valuable contribution to the City's housing requirements and would assist with the five year housing land supply.
- 5.13 **Sustainable Transport:** No objection subject to Section 106 requirements (£16,400 and travel plan measures), conditions including the reinstatement of the redundant vehicle crossing, new crossover, cycle parking scheme, car park management plan, CEMP.
- 5.14 **Sustainability:** No objection subject to conditions re energy and water efficiency.
- 5.15 **Arboriculture:** No objection provided trees are protected during construction.

6. MATERIAL CONSIDERATIONS

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

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

- SS1 Presumption in Favour of Sustainable Development
- CP1 Housing delivery
- CP2 Sustainable economic development
- CP7 Infrastructure and developer contributions
- CP8 Sustainable buildings
- CP9 Sustainable transport
- CP10 Biodiversity
- CP12 Urban design

CP13 Public streets and spaces
CP14 Housing density
CP15 Heritage
CP18 Healthy city
CP19 Housing mix
CP20 Affordable housing

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

TR4 Travel plans
TR7 Safe Development
TR14 Cycle access and parking
SU3 Surface Water Drainage
SU5 Surface water and foul sewage disposal infrastructure
SU9 Pollution and nuisance control
SU10 Noise Nuisance
QD5 Design - street frontages
QD14 Extensions and alterations
QD15 Landscape design
QD16 Trees and hedgerows
QD18 Species protection
QD27 Protection of amenity
HO5 Provision of private amenity space in residential development
HO13 Accessible housing and lifetime homes
HO20 Retention of community facilities
HE3 Development affecting the setting of a listed building
HE6 Development within or affecting the setting of conservation areas
HE12 Scheduled ancient monuments and other important archaeological sites

Supplementary Planning Documents:

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

Developer Contributions Technical Guidance (March 2017)

8. CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to the principle of the proposed development, the suitability of the site to accommodate the proposed building having regard to the amenity requirements, the effect upon the character of the conservation area and the setting of the nearby listed buildings, the impact on neighbouring residential amenity, the standard of accommodation, transport, arboriculture and sustainability issues.

8.2 Planning Policy:
Housing Provision

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

- 8.3 The site is identified in the SHLAA for approximately 20 dwellings in the 5 year supply (2015-2020) on the basis of mixed use (it is noted that the site was a former church so some replacement community facilities would be expected). The site unit capacity identified is an approximate figure. The provision of 24 dwellings would make a useful contribution towards the City's housing target as set out in Policy CP1 of the City Plan Part One and would assist with the five year housing land supply.
- 8.4 The development of the site is supported as a means of increasing housing supply and making more effective use of the site in line with the requirements of City Plan Policy CP14 (Housing Density). CP14 indicates that proposals should seek to achieve a minimum density of 50 dwellings per hectare. The proposal is for 24 residential units on a 0.12ha site which provides a density of 200dph which is satisfactory in this central urban location, subject to on site design and amenity considerations.
- 8.5 Policy CP19 requires that proposals have regard to housing mix considerations and have been informed by local assessments of housing demand and need. Usually a mix of unit sizes would be sought which reflects the housing needs of the city, albeit a flatted development in a city centre / central location would be expected to deliver a greater proportion of smaller units. The proposal would provide 5 x 4 bedroom houses, 7 x 1 bedroom flats (including 1 wheelchair accessible) and 12 x 2 bedroom flats, a mix which is considered acceptable.
- 8.6 *Retention of community facilities*
Churches/places of worship are defined as community facilities in the NPPF and Local Plan Policy HO20 relating to the retention of community facilities therefore applies. This policy states that planning permission will not be granted for development proposals, including changes of use that involve the loss of community facilities. Exceptions may apply, for example, if it can be demonstrated that the site is not needed, not only for its existing use but also for other types of community use. Where an exception applies a priority is attached to residential and mixed use schemes which may provide 'live work' and/or starter business units to meet identified local needs.
- 8.7 The church closed as a place of worship in 2012, due to a declining membership, with the congregation moving to other Baptist Churches in the local area. Since the church has become vacant it has been subject to anti-social issues, illegal squatting and vandalism and as such the building is in a poor state of repair, of poor quality for modern requirements, and is in need of

investment. It is acknowledged that a vacancy for this length of time indicates that the existing facilities, as they stand, are probably not required.

- 8.8 The LPA will, where practicable, seek the reuse for community purposes of facilities no longer required by community or religious groups by another such group. It is recognised, however, that existing church buildings will not always meet the needs of other religious and cultural groups in which case they can provide a valuable resource for other community uses.
- 8.9 No information has been submitted setting out if use of the site for other community facilities has been investigated. Since purchasing the site earlier this year, the applicant has not marketed the premises with a view to retaining the existing use/building. With regard to previous marketing activity it is understood that there is not much in the way of documented evidence of activity in this respect.
- 8.10 However it is acknowledged that the proposal would provide a new community facility, albeit of a smaller size; 115m² of D1 floor space would be provided at ground floor level in the eastern corner of the site. Whilst no end user has been identified, the unit has been designed for a small doctor/dental surgery or similar use and that, whilst smaller than the existing D1 facility, it would be of higher quality and would be a more usable space. It is noted that Policy HO20 does not state that a community facility of the same size as existing needs to be retained.
- 8.11 The LPA has sought the view of NHS Brighton and Hove Clinical Commissioning Group with regard to use as an NHS GP surgery. The Group has stated that it would not support the development of an NHS general practice of 115 m² in size. This response is noted however it is acknowledged that dentists and other smaller healthcare sole practitioners tend to occupy smaller units. A letter from property agents, Flude Commercial Limited, has been submitted with the application; this states that the market for D1 premises of this size and location are in high demand in the City and that they do not anticipate a problem in finding a suitable D1 use occupier for the proposed unit.
- 8.12 To summarise, the existing building is in a poor condition and has been vacant for some years; the declining congregation has moved to other churches within the local area. It is understood that these churches have upgraded facilities, achieved through the introduction of ramps and steps to the main entrances and the inclusion of suitable facilities inside the buildings.
- 8.13 The proposed development would improve the quality of the built environment and provide 24 no. new residential units of a good standard, including 5 no. units of affordable housing and 1 no. wheelchair accessible unit. The higher quality, more accessible D1 facilities could potentially be suitable for a wide array of community uses. Given the above it is considered that, on balance, the merits of the proposed residential-led development of the site outweigh the loss of the building and reduction in D1 floorspace.
- 8.14 *Objection*

It is noted that an objection to the application has been submitted by an agent who represents an alternative religious group in the City who object to the proposed reduction in D1 floorspace and the provision of mainly market led housing. It is stated that an unconditional offer was submitted by the Group for the purchase and retention of the site in primarily D1 use with an element of affordable housing. The offer was made to the previous owners of the site; the applicant was not party to the discussions and decisions taken and is unable to provide information with regard to the proposals. Furthermore the decision by the previous owners of the Church to sell the site to the applicant rather than to the religious group is a commercial decision and not a material planning consideration.

- 8.15 It is acknowledged that the suggested alternative scheme from the Group would entail no loss of D1 floorspace on the church site with 100% affordable housing proposed on the former parking area. However no planning application, or indeed pre-application advice request, has been submitted for this scheme, and the LPA can only consider the scheme before it.
- 8.16 **Design and Appearance:**
The NPPF attaches great importance to the design of the built environment and identifies good design as a key aspect of sustainable development. This is reflected in policy CP12 of the City Plan Part One which seeks to raise the standard of architecture and design in the city. CP12 requires new development in particular to establish a strong sense of place by respecting the diverse character and urban grain of the city's identifiable neighbourhoods.
- 8.17 The existing Church building, whilst not without some architectural merit, is too low and spreading for this urban context and has no great historic interest. The wider site does not make a positive contribution to the conservation area or to the setting of the neighbouring conservation area; indeed in its vacant state and near derelict appearance it detracts from the areas.
- 8.18 The redevelopment of the site is therefore welcomed by the Council's Heritage Officer and there is no objection to the demolition of the existing church building. A residential led scheme is appropriate in terms of the character of the conservation areas and some D1 use at ground floor is welcomed in terms of the specific character of Montpelier Place and the historic use of the site.
- 8.19 The scale of the proposed development, its footprint, height and massing, are considered to be appropriate to the site. The proposed design approach has struck an appropriate balance between achieving a distinct new development and respecting the sensitive heritage context of this prominent site, which encompasses varying scales and both Regency style stucco terraces and later Victorian and Edwardian red brick buildings.
- 8.20 The vertical emphasis and rhythm of the proposed elevations is entirely sympathetic to the surrounding historic context. The variation in height and roofline across the block is welcome in reflecting the varied character of Montpelier Place and the very different townscapes of Norfolk Terrace and York

Avenue. The taller and larger scale block on the eastern corner is appropriate given the scale and grandeur of the Abbey Hotel and Belvedere Terrace.

- 8.21 The D1 use at ground floor level, with larger 'shop front type' windows, would provide ground floor animation on this corner and some sense of continuity with the commercial and institutional uses east of Norfolk Terrace. The terraced town houses would represent simplified but well-proportioned takes on the 19th century townhouses in the vicinity.
- 8.22 Greater height to the block on the western corner would have been desirable however this could not be achieved due to amenity considerations. Nevertheless it would present a fitting and attractive means of turning this corner and managing the transition from Montpelier Place to York Avenue. The use of red brick for the facing material, with stone dressings, and the deeply projecting eaves to the set-back upper floor are particularly welcome in this respect and this building would enhance the setting of the locally listed Mercia House to the west of the site.
- 8.23 The Council's Heritage Officer and the Conservation Advisory Group have no objections to the scheme.
- 8.24 **Affordable Housing:**
The City Plan Part 1 Policy CP20 requires the provision of affordable housing at 40% on-site for schemes of 15 or more net dwellings. For a scheme of 24 units this would be 9.6 affordable units; the City Council would therefore require 10 affordable units on-site to ensure the 40% requirement is met. To meet the Affordable Housing Brief these should be provided as 55% Affordable Rent (6 units) and 45% shared ownership (4 units).
- 8.25 Developers are required to prove where it is not viable for them to meet this policy provision. In this case the applicant has submitted a viability report outlining the site constraints. This, along with the LPA's policy position, was submitted to the District Valuer Services (DVS). The DVS has concluded that 5 units (21%) is the most the scheme can viably provide (3 no. units including the wheelchair accessible unit (15,16,19) as Affordable Rent and 2 no. units (17,18) as Shared Ownership).
- 8.26 Given DVS advice, it is considered that 5 affordable units is the maximum viable level of affordable housing that can be achieved on this site in compliance with CP20. The Council's Housing Officer has advised The Council's Housing Officer has advised that it is appropriate that the five affordable units are self-contained in one block and the wheelchair accessible unit is proposed as affordable rent.
- 8.27 Standard of accommodation:
Policy QD27 will not permit development where it would cause a loss of amenity to proposed residents. The Council does not at present have an adopted policy do require minimum unit sizes. Government has however published room and unit sizes which they consider to represent the minimum acceptable size for rooms and units, in the form of their 'Technical housing standards - nationally

described space standard', March 2015. Whilst the Council has not adopted these standards, they do clearly provide a useful and highly relevant reference point in assessing standard of accommodation in new residential units.

- 8.28 Overall it is considered that the proposed dwellings would provide a good standard of accommodation; units would be of acceptable size and accord with the Government recommended space standards; habitable rooms would benefit from adequate natural light and outlook. In terms of potential noise nuisance, conditions are recommended relating to soundproofing between the residential and non-residential units, and hours of waste collection.
- 8.29 Policy HO5 requires the provision of private useable amenity space in new residential developments, which is appropriate to the scale and character of the development. The 5 no. townhouses would benefit from a private rear garden, which although not large, are commensurate with gardens in City centre locations. The 2 no. ground floor flats would have courtyard gardens. The upper floor flats would have each benefit from a balcony. Bearing in mind the site location and proposed mix of units, the provision of outdoor amenity space is considered to be acceptable, and appropriate that the larger units have use of a garden area.
- 8.30 Policy HO13 requires all new residential dwellings to be built to Lifetime Homes standards whereby they can be adapted to meet people with disabilities without major structural alterations. The requirement to meet Lifetime Homes has now been superseded by the accessibility and wheelchair housing standards within the national Optional Technical Standards. These can be secured by condition.
- 8.31 Policies require all new residential development to provide refuse and recycling storage facilities. The facilities are adjacent to the parking area to the rear of the site which is appropriate. The facilities to flat 15 (wheelchair compliant) are appropriately sited by the entrance door to the unit. There are also Council provided refuse/ recycling facilities in the street.
- 8.32 **Impact on Amenity:**
Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.33 *Light*
In terms of potential loss of light, a Daylight/Sunlight Assessment has been submitted with the application. The report has used the BRE's Guide to Good Practice Layout Planning for Daylight and Sunlight and considers three amenity issues: vertical sky component (VSC) for habitable windows, annual probable sunlight hours (APSH) for habitable windows and overshadowing of amenity space. It concludes that "the proposed development at Montpelier Baptist Church will have no impact on the majority of the adjacent properties and a minimal impact to a small number of windows."

- 8.34 The adjacent Abbey Hotel, to the north of the site, now functions as self-contained bedsits for some 100 residential occupants. As noted in the submitted Sunlight/ Daylight assessment, and confirmed by the site visit, three bedsits (on the first, second and third floor) to the southern elevation of the Abbey would have notable loss of light and/ or outlook. However the LPA understands that these rooms are relatively short-lets. On balance, given that only these three rooms are affected and that there are wider benefits from the scheme, such as bringing a derelict site back into use and the improvement to the built environment which will be beneficial with regard to the current anti-social issues, the impact is considered to be acceptable.
- 8.35 Again, directly to the north of the site, the ground floor dwelling at no. 2 York Avenue would suffer a loss of daylight/ sunlight, particularly to its southern side windows. It is noted that some of these windows are secondary windows and/ or have obscured glazing, suggesting some non-habitable rooms. Furthermore the dwelling does have windows to the front and rear which would allow in light. Additionally, there would be good separation distances between no. 2 and the new development, which has been designed to be mindful of the relationship with this property by a lowered height to three storeys at this juncture.
- 8.36 It is acknowledged that a few other properties will suffer some loss of daylight/ sunlight, most notably the residential properties in Montpelier Place/ Lansdowne Road directly to the south of the site. However given the surrounding site context, the scale, footprint, height and massing of the proposed development, are considered to be acceptable. Buildings in the area are generally several storeys tall and this leads to a degree of overshadowing and mutual overlooking; this is not untypical for a city centre location. It is considered that there would be good separation distances between the proposed development and its surrounding neighbours and the relationships would be entirely appropriate for the area.
- 8.37 *Overlooking and loss of privacy*
Concern has been raised over overlooking and loss of privacy the new units may afford. With regard to the proposed northern elevation adjacent to the Abbey Hotel, only windows serving bathrooms are proposed; a condition is recommended that these are obscure glazed to prevent overlooking. There is a front balcony proposed to one of the penthouse flats which could impact upon one of the bedsits at third floor level at the Abbey Hotel, the balcony being sited very close to its window. However, screening is proposed to prevent overlooking; it is recommended that a condition is applied requesting further details of the screening.
- 8.38 There would be a potential impact from the upper floor windows directly overlooking no. 2 York Avenue to the north of the site. However these windows serve bathrooms, stairwells and bedrooms, which are not the most intensively used rooms. Given this and the separation distances of at least 10 metres between the windows in the properties, it is considered to be sufficient to overcome any concerns and significant harm to amenity is not anticipated.

- 8.39 The proposed fenestration and balconies to the front facades of the building would give views across the streets. The eastern elevation would be sited 16 metres from the front elevation of Belvedere Terrace. To put this into context, this is similar to the separation distances between the Abbey Hotel (which houses bedsits) and Belvedere Terrace, and those on either side of York Avenue to the east of the site. It is in excess of the separation distances between the properties on either side of Norfolk Road (14 metres), to the south of the site. Additionally the development would follow the building line on Montpelier Place and Lansdowne Road. The separation distances are in fact similar to those between facing front windows throughout the neighbourhood.
- 8.40 Balconies to the rear are proposed to the upper level units; however it is considered that these are sited far enough away from neighbouring properties to not cause significant overlooking or loss of privacy.
- 8.41 *Noise*
Although use of the balconies would likely be more pronounced than activity at a window it is not considered that the presence of these terraces would excessively harm the amenities of the residents opposite. Any noise associated with occupiers of the development would not be out of keeping with that generally experienced within a residential area, and would not be as potentially harmful as the current commercial use of the site.
- 8.42 There is currently no end user proposed for the commercial unit. As a D1 use class covers a variety of uses, it is considered prudent to apply restrictions on the hours of use.
- 8.43 It is noted that the driveway, car park, cycle storage and bin storage are all beneath residential units. In order to prevent noise from the non-residential units affecting residential units, the Council's Environmental Health officer has recommended a condition to secure appropriate insulation relating to the party ceilings and floors between the non-residential units and the residential units.
- 8.44 Additionally waste collection times need to be considered, due to the proximity of waste storage to residents and the noise associated with such. It is recommended that no waste collections shall occur at the premises except between the hours of 07:00 and 20:00 on Mondays to Fridays and 08:00 and 18:00 on Saturdays and Sundays. This can be secured by condition.
- 8.45 **Sustainable Transport:**
Wheelchair accessible unit and disabled car parking
The applicant is proposing a disabled car parking space on-street. Ideally the Highway Authority would wish to see on-site disabled car parking and the wheelchair accessible unit located closer to the car park area, however there are benefits of the wheelchair accessible unit having parking provision at ground floor level with level access from the street. Therefore on balance this is considered acceptable. In line with Council policy the on-street car parking would not be converted into a disabled bay until a specific request is made by a resident.

- 8.46 *Cycle parking and access*
The applicant is proposing 37 long stay spaces (covered) and 5 short stay (uncovered). The cycle parking layout would provide two separate internal stores; this is considered appropriate. The location of the cycle store access is separate from the vehicular access on Norfolk Terrace which is acceptable.
- 8.47 *Pedestrian access*
The proposed access points of the residential units are in locations that will create active frontages onto the surrounding streets which would enhance the street scene and may improve both perceived and actual safety in the area. The applicant has provided a delineated pedestrian access within the car park by using a contrasting paving material; this is welcomed by the Highway Authority.
- 8.48 *Car Parking*
The applicant has proposed 7 car parking spaces for the development. This is within the maximum standards according to SPD14 and is acceptable. The site is within a Controlled Parking Zone (CPZ) in a city centre location, with good public transport and access links. Therefore, to prevent further parking pressures within the vicinity, it is recommended that occupiers of the units within the development have no entitlement to a resident's parking permit. This can be secured by condition.
- 8.49 *Car Park management plan*
The Council's Highways team has advised that car parking spaces on-site should be for residents only and not patrons of the D1 use who should be encouraged to walk, cycle or public transport to promote sustainable travel and prevent and discourage journeys by car. Allocation of the spaces should be indicated in a car park management plan; this is can be secured by condition.
- 8.50 *Financial contribution*
The proposed development would result in additional trip generation and therefore improvements to sustainable transport infrastructure in the immediate vicinity of the site are required to mitigate the impact of the proposed development. These are recommended to be secured by legal agreement as set out in section 10 below.
- 8.51 **Sustainability:**
Policy CP8 sets out residential energy and water efficiency standards required by new development; to achieve 19% above Part L Building Regulations requirements 2013 for energy efficiency, and to meet the optional standard for water consumption of 110 litres/ person/day. This can be secured by condition. The commercial unit is 115m² which falls below the threshold where a BREEAM assessment would be required.
- 8.52 **Arboriculture:**
There are street located trees in the pavements of Montpelier Place, Lansdowne Road and York Avenue. These trees, principally elms, contribute to the local street scene and provide valuable green relief. The proposal should have minimal impact on the existing off site trees but it is necessary to protect these

council owned trees with hoarding during the construction period. This can be secured by condition.

8.53 The trees do have a close relationship with the neighbouring proposed building, and the Council's Arboriculture officer has suggested that this conflict is lessened by having the building line pulled back. However this is not deemed necessary as the trees are not large and the Council should be able to resist calls for excessive pruning in terms of loss of view and light.

8.54 **Archaeology:**

The site does not lie within an Archaeological Notification Area, however, it was once the site of an earlier church (Emmanuel Church) clearly shown on the 19th century 1st Edition Ordnance Survey sheet. There is potential for buried archaeological remains associated with the earlier church to survive on site. In the light of this, the County Archaeologist has recommended that the area affected by the proposals should be the subject of a programme of archaeological works. This will enable any archaeological deposits and features to be either preserved in situ or, where this cannot be achieved, adequately recorded in advance of their loss.

8.55 **Other Considerations:**

There is a vast amount of construction proposed, in very close proximity to local residents. Construction by its very nature does have noisy phases and will inevitably be noticeable at various stages to various individuals throughout the build. It is therefore recommended that a Demolition Management Plan and a Construction Environmental Management Plan (CEMP) is requested via condition.

8.56 The application has identified land as potentially contaminated, therefore a contaminated land discovery condition is recommended.

8.57 Neighbour concerns about potential subsidence are not a material planning consideration. The structural side of the build is a Building Regulations issue.

8.58 Neighbour concerns regarding the impact on property values, potential loss of earnings of the existing local shop, increased damp and energy costs from reduction in natural light, and loss of views are noted, however are not material planning considerations.

9. EQUALITIES

9.1 The scheme provides 21% affordable housing (affordable rent and shared ownership). Conditions are recommended to secure 1 unit (affordable rent tenure) as wheelchair accessible; the remaining units to be constructed to optional Building Regulations access standards.

9.2 **Developer Contributions**

Sustainable Transport: Based upon the current adopted Developer Contributions Technical Guidance and established formulae, the securing of a

£16,400 contribution to sustainable transport infrastructure to be allocated towards the following:

- Accessibility improvements to public transport facilities in the local vicinity of the site which could include the provision of accessible kerbs and/or real time passenger information signs to the Park Royal North and Southbound bus stops on Montpelier Road.

9.3 Open space and indoor sport: Based upon the current adopted Developer Contributions Technical Guidance and SPGBH9, £74,720.26 towards the following:

For Children's play £1906.32:

St Anne's Well Gardens And/Or St Nicholas, Kings Road

Parks elements inc Amenity, Natural Semi Natural £40,334.27:

St Anne's Well Gardens And/Or St Nicholas, Pavilion Gardens

Outdoor Sports £18033.48:

St Anne's Well Gardens And/Or Dyke Park

Indoor Sport £11,858:

Prince Regent Swimming Complex And/Or King Alfred Leisure Centre, Withdean Sports Complex

Allotments £2588.19:

Craven Vale And/Or Waterworks, Weald, North Nevill

9.4 Local Employment scheme: Based upon the current adopted Developer Contributions Technical Guidance, £8,200 plus a commitment to 20% local employment for the demolition and construction phases.

9.5 Education: Based upon the current adopted Developer Contributions Technical Guidance, £68,635 towards the cost of primary, secondary and sixth form provision

