

<u>No:</u>	BH2018/02926	<u>Ward:</u>	Goldsmid Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	113 - 119 Davigdor Road Hove		
<u>Proposal:</u>	Erection of a new part 5 storey, part 8 storey building providing 894sqm of office space (B1) at ground floor level, and 52no residential flats (C3) at upper levels. Creation of basement level car and cycle park, landscaping and other associated works.		
<u>Officer:</u>	Wayne Nee, tel: 292132	<u>Valid Date:</u>	12.10.2018
<u>Con Area:</u>		<u>Expiry Date:</u>	11.01.2019
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	DMH Stallard Gainsborough House Pegler Way Crawley RH11 7FZ		
<u>Applicant:</u>	Withdean Commercial Property Ltd		

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be **MINDED TO GRANT** planning permission subject to a s106 agreement and the following Conditions and Informatives as set out hereunder, **SAVE THAT** should the s106 Planning Obligation not be completed on or before the **2nd October 2019** the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 11 of this report.

S106 Heads of Terms

- Affordable Housing: On-site provision of 5 units with a mix of 4 x 1-bed units and 1 x 2-bed units, of which all 5 will be shared ownership.
- 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.
- Recreation / open space contributions - £137,090 towards open space and indoor sport provision in the local area.
- A contribution of £57,000 towards sustainable transport infrastructure improvements within the vicinity of the application site.
- S278 highway works to repair or make alteration as required on Lyon Close and Davigdor Road
- A contribution of £19,000 towards an Artistic Component to be provided on site
- Education Contribution - £45,376.40 towards the cost of secondary and sixth form education provision most likely to be spent on Blatchington Mill and Hove Park Schools.

- Local Employment Scheme contribution - £25,140 towards the scheme to increase the employment and training opportunities for residents who wish to work in the construction industry;
- Training and Employment Strategy using minimum 20% local labour during demolition (where appropriate) and construction phase,
- Travel Plan including subsidised public/shared transport services, cyclist training, £150 cycle voucher per household, and bicycle user group.

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
Proposed Drawing	100228 - 16036-232	03	12 April 2019
Proposed Drawing	16036.203	03	12 April 2019
Proposed Drawing	16036.204	03	12 April 2019
Proposed Drawing	16036.205	03	12 April 2019
Proposed Drawing	16036.206	03	12 April 2019
Proposed Drawing	16036.207	03	12 April 2019
Proposed Drawing	190228 - 16036-231	03	12 April 2019
Block Plan	16036.101	01	4 March 2019
Proposed Drawing	16036.202	02	4 March 2019
Proposed Drawing	16036.208	02	4 March 2019
Proposed Drawing	16036.209	02	4 March 2019
Proposed Drawing	16036.211	02	4 March 2019
Proposed Drawing	16036.220	02	4 March 2019
Proposed Drawing	16036.221	02	4 March 2019
Proposed Drawing	16036.222	02	4 March 2019
Proposed Drawing	16036.230	02	4 March 2019
Proposed Drawing	16036.233	02	4 March 2019
Proposed Drawing	16036.241	02	4 March 2019

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

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

3. The development hereby permitted shall not commence until full details of existing and proposed ground levels (referenced as Ordnance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.

Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard 28 the character and appearance of the area, in addition to comply with policy QD27 of the Brighton and Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

4. Five per cent of the dwellings hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings) prior to first occupation and shall be retained as such thereafter. All other 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.
5. 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.
6. None of the new build residential units hereby approved shall be occupied until each unit as 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.
7. None of the new build residential units hereby approved shall be occupied until each new build 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.
8. The development hereby permitted shall not be occupied until a Delivery & Service Management Plan, which includes details of the types of vehicles, how deliveries servicing and refuse collection will take place and the frequency of those vehicle movements has been submitted to and approved in writing by the Local Planning Authority. All deliveries servicing and refuse collection shall thereafter be carried out in accordance with the approved plan.
Reason: In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with policies SU10, QD27 and TR7 of the Brighton & Hove Local Plan.

9. Prior to the occupation of the building hereby approved, a Car Park Management Plan outlining the management of the parking areas shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include details of the layout and parking space allocation and enforcement policies, including electric vehicle charging points and disabled parking, and details of measure of control for vehicles entering and exiting the site. The approved scheme shall be implemented prior to occupation of the building and thereafter retained at all times.
Reason: To ensure that adequate parking provision is retained and to comply with policy CP9 of the City Plan Part One
10. Within 6 months of commencement of the development hereby permitted or prior to occupation, whichever is the sooner, a scheme shall be submitted to the Local Planning Authority for approval 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. The approved scheme shall be implemented before occupation.
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 Brighton & Hove City Plan Part One and SPD14: Parking Standards.
11. 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.
12. Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities, including shower facilities for the B1 use, shall be fully implemented and made available for use prior to the first occupation of the development, shall thereafter be retained for use at all times and adhere to design guidance.
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.
13. Prior to first occupation of the development hereby permitted, full details of pedestrian routes to and through the development site shall have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.
Reason: To encourage travel by more sustainable means and seek measures which reduce fuel use and greenhouse gas emissions and to comply with policies CP9 and CP12 of the City Plan Part One.

14. 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, 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.

15. No development above ground floor slab level of any part of the development hereby permitted shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods 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 details.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policies SU4 of the Brighton & Hove Local Plan and CP11 of the Brighton & Hove City Plan Part One.

16. 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.

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

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

18. Within 3 months of first occupation of the non-residential development hereby permitted a BREEAM Building Research Establishment has issued a Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM New Construction rating of 'Excellent' and such certificate 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 & Hove City Plan Part One.

19. Prior to first occupation of the development hereby permitted, details of the external lighting of the site shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include the predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors. The lighting shall be installed prior to first occupation of the development hereby permitted, and maintained and operated in accordance with the approved details thereafter.

Reason: To safeguard the amenities of the occupiers of adjoining properties and comply with policies QD25 and QD27 of the Brighton and Hove Local Plan.

20. 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 bricks, mortar and metal cladding,
- b) details of all hard surfacing materials,
- c) details of the proposed window, door and balcony treatments,
- d) details of all other materials to be used externally,
- e) a schedule outlining all of relevant materials and external details

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

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

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

22. Prior to first occupation of the development hereby approved, details of the photovoltaic array referred to in the Energy Statement shall be submitted to and approved in writing by the Local Planning Authority. The photovoltaic array shall then be installed in accordance with the approved details.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and has an acceptable appearance and to comply with policies CP8 and CP12 of the Brighton & Hove City Plan Part One.
23. The development hereby permitted shall not be commenced 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 received on 13 November 2018 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.
24. No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any external façade.
Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policy CP12 of the Brighton & Hove City Plan Part One.
25. The commercial premises hereby permitted shall be used as an office (Use Class B1(a)) only and for no other purpose (including any other purpose in Class B of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification), no change of use shall occur without planning permission obtained from the Local Planning Authority.
Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the supply of office floorspace in the city given the identified shortage and also to safeguard the amenities of the area and to comply with policies CP3 and QD27 of Brighton & Hove City Plan Part One.
26. The offices shall only be occupied and serviced between the hours of 07:00 to 19:00 hours Monday to Friday and 08:00 to 17:00 hours Saturdays with no working or servicing on Sundays, bank or public holidays.
Reason: To safeguard the amenities of the locality and the future occupiers of the development and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

27. Other than the dedicated balconies to each flat, access to the flat roofs over the building hereby approved shall be for maintenance or emergency purposes only and the flat roofs shall not be used as a roof garden, terrace, patio or similar amenity area.

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

28. All hard surfaces hereby approved within the development site 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 site.

Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policy SU4 of the Brighton & Hove Local Plan.

29.

(i) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority:

(a) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study received on 10 July 2014 in accordance with BS 10175; And if notified in writing by the local planning authority that the results of the site investigation are such that site remediation is required then,

(b) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such a scheme shall include nomination of a competent person to oversee the implementation of the works.

(ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to, and approved in writing by, the local planning authority a written verification report by a competent person approved under the provisions of condition (i)b that any remediation scheme required and approved under the provisions of condition (i)b has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority the verification report shall comprise:

a) built drawings of the implemented scheme;

b) photographs of the remediation works in progress;

c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition (i) b

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.

30. No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:
- (i) The phases of the Proposed Development including the forecasted completion date(s)
 - (ii) A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to Commence Development until such consent has been obtained
 - (iii) A commitment to adopt and implement the Considerate Contractor Scheme (or equivalent at the time of submission)
 - (iv) A commitment to ensure that all road hauliers and demolition/construction vehicle operators are accredited to Bronze standard (or greater) of the Freight Operator Recognition Scheme;
 - (v) A scheme of how the contractors will liaise with local residents, businesses, elected members and public transport operators to ensure that they are all kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
 - (vi) A scheme of how the contractors will minimise, record and respond to complaints from neighbours regarding issues such as noise, dust management, vibration, site traffic, idling vehicles, parking by staff and contractors and deliveries to and from the site
 - (vii) Details of hours of construction and deliveries to site, including all associated vehicular movements
 - (viii) Details of the construction compound, including the proposed location, design and construction of vehicular accesses to this from the highway, associated measures to manage local traffic movements around this, including those by pedestrians and cyclists, and any associated on-street restrictions and other measures necessary to minimise congestion on the highway and permit safe access by site vehicles.
 - (ix) A plan showing construction traffic routes.
 - (x) A scheme to minimise congestion, delays and disturbances to traffic and public transport services in the vicinity of the site owing to staff and contractor car parking and site traffic. This will include the identification of areas for staff and contractor parking. The scheme shall be informed by 16 hour parking stress surveys of the streets and public car parks in the vicinity of the site. These shall be carried out in accordance with the Lambeth methodology and shall be conducted on two neutral weekdays and one Saturday. Dates and times shall be agreed in advance with the Council.
 - (xi) A scheme to minimise the impact, within Brighton & Hove, of demolition and construction traffic on Air Quality Management Areas and areas that currently experience, or are at risk, noise exceeding World Health Organisation lower limits.
 - (xii) An audit of all waste generated during construction works
- The construction shall be carried out in accordance with the approved CEMP.
Reason: As this matter is fundamental to the protection of amenity, highway safety and managing waste throughout development works and to comply

with policies QD27, SU9, SU10 and TR7 of the Brighton & Hove Local Plan, policy CP8 of the 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.

31. 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 4142:1997.
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.
32. The development hereby permitted shall not be occupied until vehicular loading restrictions, operational from Monday to Sunday between the hours of 7-10am and 4-7pm, are introduced to the northern side of Davigdor Road, extending between a point 10metres west along the road of the south west corner boundary of 113-119 Davigdor Road and another 20metres east along the road from the south east corner of the same. Reason: In the interest of highway safety and to comply with Brighton & Hove Local Plan policy TR7.

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 parking permits scheme required to be submitted by Condition 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 of the restrictions upon the issuing of resident parking permits.
3. The applicant is advised by Southern Water that a formal application for connection to the public sewerage system is required in order to service this development. A formal application for connection to the water supply is also 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. Please read the New Connections Services Charging Arrangements documents which have now been published and is available to read the website: <https://beta.southernwater.co.uk/infrastructurecharges>.
4. The applicant is advised by Southern Water that 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. The applicant is advised by UK Power Networks that should the excavation works affect their Extra High Voltage equipment, please contact UK Power Networks to obtain a copy of the primary route drawings and associated cross sections.
6. The applicant is advised that the above condition on land contamination has been imposed because the site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer. To satisfy the condition a desktop study shall be the very minimum standard accepted. Pending the results of the desk top study, the applicant may have to satisfy the requirements of part (b) and part (c) of the condition above. It is strongly recommended that in submitting details in accordance with this condition the applicant has reference to Contaminated Land Report 11, Model Procedures for the Management of Land Contamination. This is available on both the DEFRA website (www.defra.gov.uk) and the Environment Agency website (www.environment-agency.gov.uk).
7. The applicant is advised that the lighting installation should comply with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (2011,) for zone E, or similar guidance recognised by the council. Prior to occupation, the predicted illuminance levels shall be tested by a competent person to ensure that the illuminance levels agreed are achieved. Where these levels have not been met, a report should be submitted to demonstrate what measures have been taken to reduce the levels to those agreed.
8. The Highways Authority advises the applicant that an additional B1 use disabled bay is required from the general use and advised that the disabled car parking spaces should be designed in accordance with Department for Transport produced Traffic Advisory Leaflet 5/95 Parking for Disabled People. This requires a 1.2m clear zone to both sides of the bay.
9. The Highways Authority advises the applicant that all cycle parking provision will need to meet design guidance. Sheffield stands should meet guidance as outlined in the "Manual for Streets", while for two-tier racks please address "London Cycle Design Standards" and sufficient space will need to be allowed in aisle to access parking and for passing other users. At least one shower will need to be provided, with appropriate lockers and changing facilities.
10. The Highways Authority advises the applicant that that this planning permission does not override the need to go through the Highway Authority's Approval in Principle (AIP) process for all necessary works adjacent to and within the highway and gain any appropriate licences, prior to the commencement of any construction works. The applicant is further advised that they must contact the Council's Civil Engineering team

(transport.projects@brighton-hove.gov.uk 01273 294570) and Streetworks team (permit.admin@brighton-hove.gov.uk 01273 290729) for further information at their earliest convenience to avoid delay.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application site, located on the northern side of Davigdor Road, is currently vacant. It previously consisted of a 1990s built two storey building comprising 700sqm of office accommodation, associated parking located to the west side and rear of the site, with access from Lyon Close to the rear.
- 2.2. The site is bordered to the east by the seven storey currently unoccupied P&H office building 106-112 Davigdor Road (granted Prior Approval under application BH2017/03873 to convert to residential but not implemented) and three storey office building Preece House situated further to the east. At the end of the block on the corner of Montefiore Road is the locally listed Montefiore Hospital.
- 2.3. To the west is the recently constructed Artisan 121-123 Davigdor Road development, a new part five, seven and eight storey (plus basement) building comprising 47 no. one, two and three bedroom flats (approved under application BH2015/02917).
- 2.4. A number of one/two storey retail warehouses and trade counters sit across Lyon Close to the north (Peacock Industrial Estate), with the mainline railway beyond which separates the industrial estate from the line of semi-detached houses on Lydhurst Road. Part of the land within the industrial estate to the north is subject to a planning application Minded to Grant subject to a s106 (BH2018/01738) to redevelop the site comprising of 4 no. buildings between 6 and 8 storeys to provide 152 dwellings and 938sqm of office accommodation.
- 2.5. A mix of two, three and four storey residential houses and flats sit opposite to the south on Davigdor Road. The site is opposite the junction of Somerhill Road, and so the approach on this street is a key view of the site. This street leads to the locally listed park, St Ann's Wells Gardens.
- 2.6. Planning permission is sought for the erection of a new part 5 storey, part 8 storey building providing 894sqm of office space (B1) at ground floor level, and 52no residential flats (C3) at upper levels. Also the creation of basement level car and cycle park, landscaping and other associated works.
- 2.7. The 52 flats comprise:
 - 22 x 1-bed flats
 - 27 x 2-bed flats
 - 3 x 3-bed flats
- 2.8. During the application, plans were submitted to amend the scheme as follows:

- Reduce the height of the scheme from nine storeys to eight;
 - The number of units revised from 56 to 52;
 - Alterations to landscaping;
 - Alterations to ramp access;
 - Enlarged glazing and addition of 3 no. rooflights to the ground floor office;
 - West elevation windows altered to include angled glazing;
 - Balcony railings changed to obscure glazing;
 - External detailing to building altered on east elevation;
 - Additional submission of light/daylight study.
- 2.9. The application submission originally indicated that 18% (10 units) affordable housing provision was proposed, subject to the consideration of a submitted viability assessment. Following amendments to the scheme and a report from the District Valuer Service (DVS), the proposal is now for 10% (5 units) affordable housing provision.
- 2.10. Pre-application advice: The development has been influenced by pre-application feedback from officers. The application has not been presented to the Design Panel.

3. RELEVANT HISTORY

- 3.1. BH2014/02308 Demolition of existing building and construction of a new part 4no, part 5no, part 7no and part 8no storey building providing 700sqm of office space (B1) at ground floor level and 68no residential units (C3) to upper levels. Creation of basement level car and cycle parking, landscaping, boundary treatments and other associated works - Approved 05/11/2015
- 3.2. The existing building has recently been demolished, and therefore works in relation to BH2014/02308 are considered to have commenced.
- 3.3. 3/95/0769(F)- New office building and associated parking. Approved 04/09/1996.
- 3.4. 3/84/0055- New seven storey office building and underground parking with associated ancillary facilities. Approved 18/01/1985.
- 3.5. 121-123 Davigdor Road:
BH2015/02917 Demolition of existing building and erection of a new part five and seven and eight storey (plus basement) building comprising a total of 47 one, two and three bedroom residential units (C3) with balconies, roof terraces (2 communal) to storeys five, six and seven, community space on the ground floor (D1) together with associated parking, cycle storage, recycling facilities and landscaping - Approved 05/02/2016
- 3.6. Palmer & Harvey House 106-112 Davigdor Road:
BH2017/03873 Prior Approval for change of use from offices (B1) to residential (C3) to form 57no flats - Prior Approval Required Approved 07/02/2018

BH2014/03006 Prior Approval for change of use from offices (B1) to residential (C3) to form 57no flats - Prior Approval Required Approved 20/10/2014

- 3.7. Land at Lyon Close:
BH2018/01738 Demolition of existing buildings (B8) to facilitate a mixed use development comprising of the erection of 4no buildings between 6 and 8 storeys to provide 152 dwellings (C3), 2 live/work units (sui generis) and 697sqm of office accommodation (B1) with associated car and cycle parking, landscaping and other related facilities - Minded to Grant subject to s106.

4. REPRESENTATIONS

Original Consultation:

- 4.1. Cllr Jackie O'Quinn objects to the application, a copy is attached to the report.
- 4.2. Thirty eight (38) letters of representation have been received objecting to the proposed development for the following reasons:
- Overdevelopment of the site
 - Development out of scale and out of character
 - Attempt to increase value of land by gaining planning permission
 - Development minimal benefit to Brighton and Hove
 - Accumulation of flats on this and neighbouring sites would cause overcrowding
 - Will not provide affordable housing despite a shortage
 - Proposal does not confirm amount of affordable housing
 - Flats are not needed, the area needs family housing with gardens
 - Very few affordable family accommodation which does not make a mixed community
 - Won't help with housing shortage, flats are not affordable for the vast majority of local residents
 - The site is not allocated in the local plan for delivery of residential or commercial targets
 - Artisan Building not fully occupied
 - Nearby offices are empty and so more office space here is questionable
 - Lack of demand for offices will lead to future application to convert to residential use
 - No additional service provision, schools and medical centres already overstretched
 - Policing, public transport and health centres also overstretched
 - Detrimental effect on drainage and sewerage
 - Provision of parking inadequate, further pressure on street parking
 - Inadequate space of parking spaces
 - Lack of parking for deliveries and visitors
 - Exacerbate gridlock on nearby streets
 - Effect on local traffic dangerous for pedestrians
 - Height is excessive and out of keeping with neighbouring buildings

- Using lift shaft of P&H House as precedent is selective and spurious
- Height contrary to Tall Buildings policy
- Tall buildings in general are unpopular with tenants and neighbours
- Visual impact is detrimental to skyline
- Design is poor/unimaginative
- Design similar to the ugly, out of character Artisan development
- Split heights and raking elevations are inappropriate and untidy in the setting
- Clumsy impression of two separate buildings
- The building is visually unappealing
- Bulky and over-massing
- Poorly conceived design modelled on restricted covenant
- Use of brick is relentless and unsuitable for development of this scale
- Development is overbearing for neighbouring properties
- Overshadowing of neighbouring properties
- Increased overlooking and loss of privacy
- Increase in noise (creation of noise tunnel) and disturbance
- Increase light pollution
- Loss of outlook, views and skylight to properties north of railway line
- Detrimental impact on neighbouring property value
- Insufficient number of bikestands
- Difficult access to bins stores
- Limited green spaces and landscaping
- Increase in pollution
- Concerns developer will back out of s.106 commitments
- Planning department will not enforce agreed payments and conditions
- Loss of local employment
- Adverse effect on wildlife

4.3. Eighteen (18) letters of representation have been received in support of the proposed development for the following reasons:

- Will provide much needed first class office space
- Good mix of development
- There is already planning permission for offices and flats on the site
- Will provide many jobs for the local area
- High contribution to local economy
- Retain a successful local employer in the area
- Provides a growing local business with adequate space to expand
- Existing derelict property is a blight on the neighbourhood and is unused
- Proposed building is attractive and sympathetic to its surroundings
- Developers have been mindful of the local environment
- Improvement in design on the previously approved building
- Massing is well considered, the upper stories are stepped back from the road
- City is in need of new housing stock
- Provides affordable housing in central area
- Underground parking is a good idea
- Efficient vertical development as well as maximising the footprint

- 4.4. RSPB have commented on the applications as follows:
- Installing integral swift bricks would contribute to the objectives of the NPPF and demonstrate the commitment of Brighton and Hove City Council to protecting and enhancing biodiversity.
 - The developer is urged to provide swift nest sites integral to the new buildings as a biodiversity enhancement to this major development.

Second Consultation:

- 4.5. Seven (7) further letters of representation have been received objecting to the proposed development for the following reasons:
- 8 storeys is far too high and not appropriate for the character of the area
 - high rise developments are having a negative impact on the aesthetics of the area
 - does not meet the target of 40% affordable housing
 - area needs more houses with gardens for families rather than flats
 - Burden put on local roads
 - Burden to already overstretched local services
 - Office will lie empty and then be turned into flats

5. **CONSULTATIONS**

5.1. **Children And Young Peoples Trust: Comment** Revised scheme

In this instance the team will not be seeking a contribution in respect of primary education places as there are sufficient primary places in this part of the city and the city overall.

- 5.2. The calculation of the developer contribution shows that the team will be seeking a contribution of £45,376.40 towards the cost of secondary and school sixth form provision if this development was to proceed.

- 5.3. With regard to the secondary provision, the development is in the current catchment area for Blatchington Mill and Hove Park schools. At the present time there is no surplus capacity in this catchment area. Secondary pupil numbers in the city are currently rising and it is anticipated that all secondary schools will be full in a few years' time, any funding secured for secondary education in the city will be spent at Hove Park and / or Blatchington Mill schools

Original scheme

- 5.4. The calculation of the developer contribution shows that the team will be seeking a contribution of £49,809.20 towards the cost of secondary and school sixth form provision if this development was to proceed.

5.5. **Sustainability: Objection** Revised scheme

The residential parts of the proposals are expected to meet Energy efficiency standards of a 19% reduction in CO2 emissions over Part L Building

Regulations requirements and Water efficiency standards of 110litres/person/day.

- 5.6. This site is classified by Brighton and Hove City Council as a major development so the non-residential development is expected to meet BREEAM excellent. The applicant is only committing to BREEAM very good so it does not meet the standard set out in CP8 of City Plan Part One
- 5.7. There is no ventilation strategy. A clear ventilation strategy is required for both unit types to control overheating and maintain a comfortable indoor air temperature and healthy indoor air quality. Design that allows for natural cross ventilation and secure night time ventilation is preferred.
- 5.8. The site does not demonstrate delivery of the One Planet Principles of Sustainability across the site. The site also does not demonstrate the City's UNESCO Biosphere Reserve Objectives successfully integrated across the site.
- 5.9. The application would benefit from an in-depth energy feasibility study looking at different LZC technologies including ground source heat pumps and ASHP. This should include predicted site wide heating loads for hot water and heating. Carbon savings using these different technologies and how these technologies can be used in conjunction with solar technologies to further reduce site wide carbon emissions should be included. This study must include an appraisal of a site wide communal heating system. As a minimum the development should be 'network ready' to connect to another heat network.

Original scheme

- 5.10. The residential parts of the proposals are expected to meet Energy efficiency standards of a 19% reduction in CO2 emissions over Part L Building Regulations requirements and Water efficiency standards of 110litres/person/day. The non-residential parts of the scheme are expected to meet BREEAM Excellent as part of a major development. TER and BER have been submitted for the non-domestic development as part of the sustainability checklist, however the domestic TER/DER information refers to a 'Sustainability Report', which has not been submitted. It is therefore difficult to comment fully on the application's sustainability and further information should be requested.
- 5.11. The Sustainability Checklist indicates that the development will only achieve BREAM Very Good for the non-domestic part of the development. This falls short of the BREEAM Excellent requirement under CP8 for major developments and should be sought for the development. BREEAM pre-assessments have not been submitted for the non-residential part of the scheme. It is recommended that a pre-commencement condition be applied in this case securing the Design stage certificate, demonstrating that the required standard can be met.

- 5.12. The team are unable to comment further due to the absence of an Energy Strategy of Sustainability Report, both of which are referenced in the documentation submitted.
- 5.13. **County Archaeology: Comment**
Although this application is situated within an Archaeological Notification Area, based on the information supplied, the County Archaeologist does not believe that any significant archaeological remains are likely to be affected by these proposals. For this reason there are no further recommendations to make in this instance.
- 5.14. **UK Power Networks: Comment**
Should the excavation works affect their Extra High Voltage equipment, please contact UK Power Networks to obtain a copy of the primary route drawings and associated cross sections.
- 5.15. **SGN Gas: Comment**
The mains record shows the low/medium/intermediate pressure gas main near the site. There should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system. The applicant should, where required confirm the position using hand dug trial holes.
- 5.16. Safe digging practices in accordance with HSE publication HSG47 "Avoiding Danger from Underground Services" must be used to verify and establish the actual position of the mains, pipes, services and other apparatus on site before any mechanical plant is used. It is the applicants responsibility to ensure that this information is provided to all relevant people (direct labour or contractors) working on or near gas pipes.
- 5.17. **Planning Policy: Comment**
Revised scheme
The principle of the redevelopment of the site for mixed office and residential use has already been established through the extant permission (BH2014/02308) and also complies with the emerging Policy SSA3 and CPP2.
- 5.18. The proposed provision of 52 flats would contribute towards the City Plan housing requirement and the 5-year housing supply. Although the proposed level of housing would be less than the extant permission for 68 units on the site, this would be compensated by the increased amount of employment floorspace. The overall potential for housing across all the sites at Davigdor Road/Lyon Close is still expected to exceed the minimum 300 dwellings set in Policy SSA3.
- 5.19. Generally the proposed mix of housing would meet the requirements of Policy CP19 and would contribute positively to the achievement of mixed and sustainable communities in line with Policies SA6 and CP14. The application does not meet the 40% affordable housing requirement set out in Policy CP20 due to viability issues which have been subject to independent review

by the DVS. It is understood that the applicant is currently offering 10% affordable units as shared ownership or an equivalent commuted sum. The views of Housing Strategy officers will be needed on these options and also on the size mix of the units (if onsite provision is preferred). As the Policy CP20 requirement cannot be achieved, it would be appropriate to include a viability review mechanism in any S106 agreement to ensure that any future uplift in development values will provide for an improved affordable housing contribution.

- 5.20. The proposed development would provide 894 sq.m B1 office space, representing a net gain of 194 sq.m employment floorspace compared to both the previous building and the extant permission (BH2014/02308). This would support the City Plan employment policies CP2 and CP3, and would meet the Council's aspirations for this site as set out in the emerging CPP2 Policy SSA3.
- 5.21. The development design includes both 5-storey and 8-storey sections. The applicant has provided a Tall Building Statement which considers the checklist of requirements in SPG15, together with a separate Daylight and Sunlight Assessment. The detailed aspects of the design will need to be assessed against relevant development plan policies, including CP12 and CP14. Potential amenity issues will need to be considered against saved Policy QD27 in terms of impacts on the proposed occupiers and neighbouring properties.
- 5.22. The development would result in the loss of a small area of amenity greenspace leading to potential conflict with Policy CP16. However, the principle of loss of the amenity greenspace has already been accepted in granting the current extant permission (BH2014/02308) and the wider benefits of the scheme in delivering housing and additional employment floorspace, and making more efficient use of the site, would potentially outweigh the loss of the amenity greenspace.

Original scheme

- 5.23. The principle of the redevelopment of the site for mixed office and residential use has already been established through the extant permission (BH2014/02308) and also complies with the emerging Policy SSA3 and CPP2.
- 5.24. The proposed provision of 56 flats would contribute towards the City Plan housing requirement and the 5-year housing supply. Although the proposed level of housing would be less than the extant permission for 68 units on the site, this would be compensated by the increased amount of employment floorspace. The overall potential for housing across all the sites at Davigdor Road/Lyon Close is still likely to considerably exceed the minimum 300 dwellings set in Policy SSA3.
- 5.25. Generally the proposed mix of housing would meet the requirements of Policy CP19 and would contribute positively to the achievement of mixed and sustainable communities in line with Policies SA6 and CP14. However, the

application includes only 10 affordable housing units, comprising only 18% of the housing which would fall well short of the 40% requirement sought in Policy CP20. The applicant has submitted a viability assessment and this will need to be assessed independently by the District Valuer or external consultants.

5.26. The proposed development would provide 894 sq.m B1 office space, representing a net gain of 194 sq.m employment floorspace compared to both the previous building and the extant permission (BH2014/02308). This would support the City Plan employment policies CP2 and CP3, and would meet the Council's aspirations for this site as set out in the emerging CPP2 Policy SSA3.

5.27. The development design includes both 5-storey and 9-storey sections. The applicant has provided a Tall Building Statement within the Design & Access Statement, which considers the checklist of requirements in SPG15, together with a separate Daylight and Sunlight Assessment. The detailed aspects of the design will need to be assessed against relevant development plan policies, including CP12 and CP14. Potential amenity issues will need to be considered against saved Policy QD27 in terms of impacts on the proposed occupiers and neighbouring properties.

5.28. The development would result in the loss of a small area of amenity greenspace leading to potential conflict with Policy CP16. However, the principle of loss of the amenity greenspace has already been accepted in granting the current extant permission (BH2014/02308) and the wider benefits of the scheme in delivering housing and additional employment floorspace, and making more efficient use of the site, would potentially outweigh the loss of the amenity greenspace.

5.29. **Heritage: Comment**
Original scheme

The proposal is for the demolition of existing buildings onsite and construction of a nine-storey building containing office space at ground floor with residential above and car parking to the basement.

5.30. Due to the proximity of the site with the Willett Estate conservation area and the proposed height of the development, the proposal has the potential to cause harm to the setting of the nearby conservation area and a number of locally listed heritage assets and as such is assessed under HE6 of the Local Plan.

Montefiore Hospital:

5.31. The most prominent view of the former Hannington's Depository is from the eastern approach along Davigdor Road (no visual analysis provided from this location). As discussed above, the domed corner turret makes a prominent local landmark. It is unlikely that the proposal will have any significant impact on the setting of the locally listed building due to the existing height of the Hannington's Depository and the separation of the subject site with Hannington's Depository by Preece House. However, the taller element of

the proposal may be visible from the corner of Davigdor Road and Montefiore Road.

Willett Estate CA:

- 5.32. Unfortunately, no strategic views have been provided from within the conservation area. However, due to the existing development to the immediate south-west of the site, it is unlikely that the development will have any significant impact on the setting of the Willett Estate conservation area.

Dyke Road Park:

- 5.33. A strategic view from the Dyke Road Park has been provided showing the approximate height of the proposal. The strategic view shows the proposal hidden behind a larger shrub which does little to identify the actual impact from the locally listed park. However, the P&H Building is clearly visible and therefore, the proposal is likely to be visible above the existing tree-line and horizon line.

St Ann's Wells Garden:

- 5.34. Similar to the strategic view provided for Dyke Road Park, the strategic view from St Ann's Wells Garden has been provided showing a tree obscuring the proposed development. The strategic view provided identifies the height of P&H House which is comparable in height with the scheme. Therefore, it is assumed that the height of the proposal will result in the proposal being highly visible from numerous vantage points within St Ann's Wells Garden.

Conclusion:

- 5.35. It appears that the lift housing/plant room located on top of P&H House has been used as a justification for the proposed height of the scheme, which is taller than both of its neighbouring sites along Davigdor Road but significantly setback from the street. It is recommended that one storey be removed from the overall height of the proposal so that the height is no greater than the main bulk of P&H House. It is noted that similar advice regarding the height of the proposal was provided in the formal pre-application advice.

5.36. **Sussex Police:** Comment

Sussex Police have no major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends should be considered.

- 5.37. Any external fire doors are to be devoid of any external furniture and linked back to security or be alarmed that will indicate when the door is opened or left ajar. Signage adjacent to the door is to inform users of the consequences of misuse.

- 5.38. With respect to the residential element of the development, from a crime prevention perspective it will be imperative that access control is implemented into the design and layout to ensure control of entry is for authorised persons only. It is recommended that all communal dwellings with more than 10 dwellings or bedrooms should have visitor door entry system or access control system to enable management oversight of the security of the

building i.e. to control access to the building via the management of a recognised electronic key system. It should also incorporate a remote release of the primary entrance door set and have audio visual communication between the occupant and the visitor. A certificate controlled vehicle access to the basement car park is recommended. Controlled access from the basement into the core is also recommended.

5.39. In order to create a safe and secure communal environment for residents occupying blocks of multiple flats, bedsits or bedrooms, and to reduce the opportunity for antisocial behaviour by restricting access to all areas and floors of the building to all residents, the team requests unlawful free movement throughout the building through the use of an access control system (compartmentalisation). The application of such is a matter for the specifier, but may be achieved by either, or a combination, of the following:

- Controlled lift access - each resident is assigned access to the floor on which their dwelling is located via the use of a proximity reader, swipe card or key. Fire egress stairwells should also be controlled on each floor from the stairwell into communal corridors, to reduce the risk of them being used for anti-social behaviour or criminal activities.
- Dedicated door-sets on each landing preventing unauthorised access to the corridor from the stairwell and lift; each resident being assigned access to the floor on which their dwelling is located. Fire egress stairwells should then be controlled on the ground floor preventing access into the stairwell to reduce the risk of them being used for anti-social behaviour or criminal activities. Unrestricted egress, from the corridor into the stairwell via the lobby, should also be provided at all times. The team recommends the postal arrangements for the flats is through the wall, external or lobby mounted secure post boxes. The absence of the letter aperture within the flats' front doors removes the opportunity for lock manipulation, fishing and arson attack and has the potential to reduce unnecessary access to the block. It also reduces unnecessary access to the block.

**5.40. Economic Development: Comment
Revised scheme**

City Regeneration supports this application.

5.41. Should this application be approved, due to the number of dwellings and nonresidential floor space, it would be subject to developer contributions as specified in the Planning Authority's Technical Guidance for Developer Contributions.

5.42. The sum request will be £ 25,140 based on a reduced no. of dwellings. A full breakdown of the sum requested is included in the Main Comments section.

5.43. In addition to the developer contributions, should this application be approved, there will be a requirement for an Employment & Training Strategy

to be submitted at least one month prior to site commencement for approval and will be subject of a S106 Agreement.

Original scheme

- 5.44. Should this application be approved, due to the number of dwellings and nonresidential floor space, it would be subject to developer contributions as specified in the Planning Authority's Technical Guidance for Developer Contributions. The sum request will be £26,340
- 5.45. **Southern Water: Comment**
Initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the foul sewer to be made by the applicant or developer. It is requested that should this application receive planning approval, the an informative is attached to the consent.
- 5.46. The public sewer is a combined system, receiving both foul and surface water flows, and no flows greater than currently received can be accommodated in this system.
- 5.47. Please note that surface water should be discharged of in compliance with part H3 of Building Regulations. There is no designated surface water sewers in the vicinity of the site and discharge to combined sewer will be accepted once proven that all other means of discharging surface water has been exhausted. Any existing discharge of surface water run off to the public sewer will have to be proven by means of survey and the surface water drainage needs to be kept separately until the point where it leaves the site or connects to public sewer.
- 5.48. Southern Water has undertaken a desk study of the impact that the additional surface water sewerage flows from the proposed development will have on the existing public sewer network. This initial study indicates that there is an increased risk of flooding unless any required network reinforcement is provided by Southern Water. Any such network reinforcement will be part funded through the New Infrastructure Charge with the remainder funded through Southern Water's Capital Works programme. Southern Water and the Developer will need to work together in order to review if the delivery of our network reinforcement aligns with the proposed occupation of the development, as it will take time to design and deliver any such reinforcement. Southern Water hence requests a condition to be applied.
- 5.49. It may be possible for some initial dwellings to connect pending network reinforcement. Southern Water will review and advise on this following consideration of the development program and the extent of network reinforcement required. Southern Water will carry out detailed network modelling as part of this review which may require existing flows to be monitored. This will enable us to establish the extent of works required (If any) and to design such works in the most economic manner to satisfy the needs of existing and future customers.

- 5.50. The detailed design for the proposed basement should take into account the possibility of the surcharging of the public sewers. It is requested that should this application receive planning approval, an informative is attached to the consent.
- 5.51. Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water.
- 5.52. Following initial investigations, Southern Water can provide a water supply to the site. Southern Water requires a formal application for connection and on-site mains to be made by the applicant or developer. Southern Water request that should this application receive planning approval, the fan informative is attached to the consent.
- Further comments:
- 5.53. Further to our previous correspondence concerning the above planning application consultation, Southern Water has recently undertaken more detailed network modelling as part of a network growth review.
- 5.54. The results of this assessment, to our current modelling procedures and criteria, indicates that the additional surface water runoff flows from the proposed development will not increase the risk of flooding in the existing public sewerage network. Southern Water can hence facilitate surface water runoff disposal at the peak rate not exceeding the proposed discharge rate to service the proposed development.
- 5.55. **Housing Strategy:** Comment
The application proposes 10 affordable homes to be provided as 6 for Affordable Rent and 4 for Shared Ownership sale. This represents 18% of the overall units and is not therefore compliant with Policy CP20 which requires 40% which would be 22 homes (with a tenure split of 12/10). A Financial Viability report has been provided to support the proposed position. This will now be independently assessed.
- 5.56. Not supported by Housing unless the following amendments are made: Provision of Affordable Housing in line with policy, subject to an independent assessment of the viability position.
- 5.57. **Policy (Artistic Component):** Comment
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.

Type of contribution:

- 5.58. 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.

Level of contribution:

- 5.59. This is arrived at after the internal gross area of the development (in this instance approximately 4800 sqm) is multiplied by a baseline value per square metre of construction arrived at from past records of Artistic Component contributions for this type of development in this area. This includes average construction values taking into account relative infrastructure costs.

- 5.60. It is suggested that the Artistic Component element for this application is to the value of £19,000. As ever, the final contribution will be a matter for the case officer to test against requirements for s106 contributions for the whole development in relation to other identified contributions which may be necessary.

- 5.61. 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. Wording is suggested next.

- 5.62. **Arboriculture:** Comment

Original scheme

The proposal fails to provide sufficient soft landscaping and will be detrimental to the local street scene. The Arboricultural Team view the changes proposed as damaging to the character of the area and should therefore be refused.

- 5.63. This site has been virtually cleared of all vegetation, the only remaining plants are on the raised bank at the back where some shrubs plus an ivy clad Torbay Palm remain. This apparently speculative clearance is regrettable but it is unlikely that any trees of any substantial public amenity have been lost in the process. The site is not covered by any Tree Preservation Orders (TPO's) nor is it within a conservation area. It is located between the Willet Estate and Montpelier Conservation Areas and benefits from being on an attractive tree lined street. The proposed development will involve covering the majority of the site in hard surfaces, principally building footprint leaving little more than small awkward corners and banks for any soft landscaping. The treatment of the frontage is especially disappointing with minimal space being made available. By contrast many of the neighbouring developments across the road have retained an attractive soft strip between the building and the highway which contributes greatly street scene. While this is not the case with the Artisan block this is the exception and this site had virtually no

soft landscaping prior to its redevelopment so should be seen as the exception rather than the rule.

- 5.64. From an Arboricultural perspective buildings heights become largely irrelevant where they extend above six or seven floors and therefore the team have no concerns regarding the building height. Similarly basements where they are confined to under the building footprint usually have little direct impact on trees. Sadly this is not the case in this instance, the ventilation well extends beyond the building frontage and leaves only a token narrow strip for ornamental grasses which will have minimal impact. Similarly the access road extends (below ground) beyond the building on the west side and is shown with three Ornamental pear trees (*Pyrus Chanticleer*) located above. Due to limited soil depth availability and restricted moisture, these are unlikely to thrive.
- 5.65. The Arboricultural Team view the proposal as being detrimental to the local street as it pays little regard to the character of the area and provides little in the way of soft landscaping. Any acceptable redevelopment of this site must respect the need to make a contribution to the greening of the street and reflect the character of the area rather than being of detriment.
- 5.66. **Transport: Comment**
Revised scheme
- Planning History:
- 5.67. Consent was previously granted in November 2015 for a development of 68 residential units (BH2014/02308), 700m² office and 39 car parking spaces. This included a sustainable transport contribution to be allocated towards pedestrian crossing improvements on Davigdor Road, dropped kerbs and tactile paving on streets adjacent to the site.
- 5.68. The proposed development is similar in scale to that previously consented, although it retains an office element, and this is reflected within these comments in terms of consideration of its impact. It also should be taken into consideration that planning permission has been recently granted for a neighbouring site on the north side of Lyon Close (BH2018-01738). This application will have an affect over the access to Lyon Close for the new proposed development - noting in particular that not all of the northern boundary is with public highway.
- Pedestrian Access:
- 5.69. There was historically one pedestrian access into the site off Davigdor Road. Two are now proposed: the first to the west of the site which is shared for both the office and residential use;the second to the east, which will be used as an alternative access for the office and as a fire escape.
- 5.70. The access to the west will be facilitated by a small open area (circa 145msq), which provides some much needed green space to the street front. The pedestrian access that leads from Davigdor Rd to Lyon Close along the western boundary of the site measures approximately 1.4m. The team have

previously noted that this does not comply with BS 8300 requirements. In response, the developer has noted that they do not propose to offer this path for adoption and do not consider widening to this or other standards to be necessary. Though disappointing the team concede in this instance that the criteria in BS8300 for requiring wider access routes may not here have been met (see BS 8300-1:2018, para 8.1.1. Therefore, the team accept the proposed 1.4m path width. However, it is still disappointing regarding the lack of integration between this path and the parallel path that runs immediately alongside it on the other side of the western site boundary. That other path was only recently completed and also runs between Davigdor Rd and Lyon Close. As proposed, the two paths would be separated by a fence and run at different level. Further, it is not clear whether residents of the recently approved Lyon Close development to the north would have rights of access to the path with this development, despite a clear desire line. In both respects (integrated design and accommodating desire lines) the proposal does not represent good design or accord with the requirements of City Plan policy CP13 in respect to positively contributing to the Cities networks of public streets and spaces or comply with NPPF paras 108 and 110.

- 5.71. Given the above the following is recommended.
- That a planning obligation is attached to require the applicant to use reasonable endeavours to agree a scheme with the neighbouring development to create a unified path (e.g. of a single surface and level) spanning the two sites, so far as is possible. Potentially the ownership boundaries could be delineated through metal studs). We may also be willing to allocate some of the sustainable transport contribution due from this site towards implementation. The obligation timing should require it be addressed in advance of any conditions relating to approval of details for external levels, lighting and landscaping etc...
 - That a permissive path agreement should also be secured as a section 106 obligation to provide for public access between Lyon Close and Davigdor Rd down the side of the unified path within this development.
 - That the usual lighting, landscape and external levels conditions be attached in a 'Notwithstanding the plans hereby permitted....' format so that any changes necessary to accommodate the unified path can be made before approval.
- 5.72. Finally, The proposed main vehicle access on Lyon Close will need to be integrated with the landscaping of the recently approved application to the north (BH2018/01738) through which it takes access. It is not yet clear that it achieves this. Because of this, the proposals in this application for that area cannot yet be secured in their current form. However, the team feel that this can be addressed through the "Notwithstanding...." Wording of various conditions, as already recommended in association with the footpath along the western site boundary.

Car Parking:

- 5.73. In accordance with SPD14, the proposed development would allow the following maximum car parking provision:
- B1 office space - 1 space per 100m²

- C3 1-2 bedrooms - 0.5 spaces per dwelling plus 1 space per 2 units for visitors
 - C3 3 bedrooms+ - 1 spaces per dwelling plus 1 space per 2 units for visitors
- 5.74. Therefore, a maximum of 9 parking spaces are permitted to serve the proposed office space. The 52 residential units (49 1-2 bed and three 3 bedroom flats) would be permitted a maximum of 28 car parking spaces, in addition to 26 visitor parking spaces. However, these numbers are maximums and SPD14 permits lower levels subject to assessment of relevant factors including, amongst other things, location and the presence of on-street parking controls.
- 5.75. 21 car parking spaces are proposed to serve the development. 9 of these spaces would be assigned to the office use with the remaining 12 assigned to all of the three-bed and some of the two bed properties. The office allocation is at the maximum allowed under policy. Full details of the car park management should be secured by a condition requiring a management plan, which has been agreed with the applicant.
- 5.76. Whilst some of the residential parking can be accommodated on-site, in a worst-case scenario there is potential for the residential development to result in on-street parking. 2011 Census data for the Goldsmid Ward indicates average car ownership levels of 0.73 per household, suggesting overspill parking by up to 26 vehicles could be expected. Visitor parking also needs to be added to this. This is assumed at 0.2 spaces per dwelling as recommended in the 2007 Residential Car Parking Research by the DCLG. This would amount to demand for a further 10.4 spaces a day and the team take into account the 12 parking bays provided on-site. The corrected overspill is therefore estimated as 36.4 $((52 \times 0.73) + (52 \times 0.2) - 12)$.
- 5.77. SPD14 states that implementing permit-free housing designations will be considered for developments where the impact of overspill parking is deemed unacceptable. These impacts may include localised increases in demand for on-street parking which can cause highway safety risks and can have a negative impact upon the amenity of existing residents in the vicinity of the site, as competition for on-street spaces in a particular area may increase. A parking survey using the Lambeth Methodology has been submitted as part of this application, which assesses on-street parking capacity within 300metres of the site.
- 5.78. The team note that the submitted assessment does not take into account the B1 use of the site which, as part of the Lambeth Methodology, should look at 500 metres from the site (as opposed to 200m for residential development - extended to next junction in both instances). This is less than the 300metres radius assessed. Therefore the actually overspill is likely to be higher than outlined above. The assessment also includes private parking areas for adjacent site, which should be discounted as the developer has no rights over those areas.

- 5.79. The survey provided shows that, during the busiest periods, 85 of the 103 resident permit bays are used. This equates to a level of parking stress of 83% ((85/103)%), which is just below the acceptable threshold by 2%. The spare capacity to that threshold equates to only 2 spaces. The estimated overspill of 36.4 exceeds the spare capacity and would increase parking stress to 118% ((85+36.4) / 103). This would lead to unacceptable pressure on the local CPZ.
- 5.80. However, this impact can be remedied by conditions making the development permit-free. This maintain the stress at 83%. Also by reducing the annual visitor allocation to 25 per dwelling (as opposed to 50 per adult occupant which is the current zone norm). This will reduce visitor demand from 10.5 to 4 spaces (25/365 days * 52 dwellings). This leaves stress at 2 bays over 85% (2 currently spare - 4 additional demand). The additional 2 bay demand can be dealt with by securing an off-site car club bay on a street in the near vicinity of the site. Car clubs bays are known to reduce local car ownership when they are introduced. Evidence from operators places the level of reduction at 18 vehicles per bay. Therefore, introducing a bay will free up capacity within existing CPZ bays, including shared-use bays available to people who do not live within the relevant zone. That spare capacity can then accommodate the overspill generated by visitors to the residential component of this site, plus any generated by visitors to the office component (which has not yet been accounted for).

Disabled Parking

- 5.81. 4 disabled parking spaces are proposed to serve the development, with one space allocated to the office use. To comply with policy TR18 and SPD14, a minimum of two spaces need to be allocated to disabled parking for the office use. In our previous response the team advised that the office allocate an additional one of the 9 general parking spaces for disabled use. This has now been agreed with the applicant. Ideally the submitted plans should be amended before determination to reflect this. However, it can also be secured through a "Notwithstanding...." type condition if necessary, and this is what the team recommend for in case it is required. Note also that this needs to be "prior to commencement of development...." so that plans can be ammended.
- 5.82. Further details about how accessible parking spaces will be allocated to different units and uses (C3/B1) should be provided within a car park management plan, to be secured by condition. This has also been agreed with the applicant.
- 5.83. The proposed layout of spaces includes a 1.2m access zone on both sides of each bay in accordance with Traffic Advisory Leaflet 5/95 and Brighton & Hove Local plan policy TR18 and is therefore acceptable. The applicant should also note that the additional office disabled bay will need to meet these standards.

Cycle Parking:

- 5.84. In accordance with SPD14, the proposed development requires the minimum cycle parking provision of 86 spaces
- 5.85. A total of 90 cycle spaces are proposed as part of this development. Within the basement 10 spaces will be provided for the office use and 60 spaces for the residential use. This is acceptable in principle. The remaining 20 cycle spaces would be provided at ground floor level, including 2 allocated for office use and 18 for residential visitors. However, whilst the proposed quantity of cycle parking is acceptable, there are several issues of quality that need to be addressed to comply with TR14 requirements. The proposals should be revised with reference to guidance issued in our previous comments. However, the team are not satisfied that the necessary changes could be secured within the existing floorspace assigned for cycle parking. Therefore, material changes to the floorplans are likely to be required.
- 5.86. SPD14 also requires showers and changing facilities to be provided for offices over 500m². The team cannot see any on the drawings. Though it seems that toilet facilities could be revised reasonably easily to accommodate these it would again require changes to the submitted floorplans.
- 5.87. Whilst both the above matters (cycle parking layout and provision of showers/changing facilities) would ideally be addressed through submission of satisfactory amended plans before determination, In order to make the development acceptable without this both can also be addressed via a "Notwithstanding..." type Cycle Parking Scheme condition. The "Notwithstanding..." And "prior to commencement..." aspects are necessary to allow the plans to be varied to accommodate changes to room layouts and the like. However, before taking this approach the LPA should first satisfy itself that the impact on B1 and C3 floorspace is likely to be acceptable. If it is not then our advice is that the development is unacceptable and should not be approved due to non-compliance with TR14 and SPD14.

Deliveries and Servicing:

- 5.88. The transport report states that domestic refuse and recycling will be collected from Davigdor Rd and office and commercial waste will be collected from Lyon Close. The team have previously explained our preference for the development to be fully serviced from Lyon Close - as is the case with the previous development and neighbouring sites. This would extend to business and residential deliveries and servicing too (e.g. move-in/out, personal grocery deliveries).
- 5.89. Unfortunately, no changes have been made in response to our comments, whilst the applicant is also still to provide reliable estimates of total servicing demand throughout the day (i.e. capturing also business and personal deliveries). Unfortunately the team cannot accept this. Additional kerb-side servicing on Davigdor Rd (recalling that the existing development is serviced from Lyon Close) may pose a safety hazard and obstruct traffic due to the proximity of the site to the junction with Somerhill Rd and the presence nearby of various traffic islands (which obstruct passing). No Road Safety

Audit has been provided to evidence the safety of the proposals, either in general or based upon reasonable evidence of likely servicing demand. The team therefore deem that the application fails to comply with our safety policy TR7 and note that NPPF paragraph 109 identifies highway safety concerns as one of the tests for refusing applications on highway grounds. Therefore, unless and until the proposals are amended, the team must object to the application and recommend that it be refused.

- 5.90. However, in case committee decides to approve the application nonetheless, as partial mitigation it is recommended that a Grampian condition be attached to prevent development until such time as loading restrictions are introduced along the Davigdor Rd frontage during the peak hours (7-10am and 4-7pm). However, it is stressed that this would only partly mitigate and not resolve the likely impact.
- 5.91. Lastly, it is noted that the applicant has suggested that most other developments along Davigdor Rd have refuse servicing from the front and, therefore, there is no grounds for refusal or securing a condition based on the above concerns. However, comments about the absence of rear servicing are incorrect (Committee will note that the two opposing blocks on the other side of Davigdor Road have rear servicing) whilst the applicant has also not considered non-refuse deliveries and servicing.

Original scheme

- 5.92. No objections are raised to the development in principle; however, the LHA requests that further details are provided on the pedestrian and vehicular access arrangements prior to determination:
- Resubmission of a site plan showing pedestrian access at the western boundary of the site widened to 2.0m and providing integrated connections with existing and proposed developments to the west and north of the site (for full details please see pedestrian comments below);
 - Further details of how the one-way vehicle ramp would be managed to ensure that there are no two-way conflicting movements;
 - The allocation of parking between the office and residential uses be reviewed to comply with the maximum permitted for the office use in this location; and
 - The Highway Authority's preference would be for the residential bin store to be serviced from the rear of the development (Lyon Close). In any case, given the distance from the bin store to the collection point, it is recommended that City Clean be consulted on the proposals.
- 5.93. In the event that planning consent is granted, the LHA would recommend a number of conditions and an S106 sustainable transport contribution is secured to mitigate the impacts of the development and provide for pedestrians accessing the development.
- 5.94. **Conservation Advisory Group: Objection**
Original scheme
The Group recommended refusal. While happy with the concept of housing being created, the design proposals do not respect the attractive recent new

builds next to and opposite it. Here is a chance to present an award winning scheme which has been lost. The Design and Access statement suggests the local amenity and conservation groups were consulted. Not one group on CAG were approached for comments. Although the proposals do not immediately effect the near by locally listed Montifiore Hospital building nor St Ann's Well Gardens. The view of the proposals on the approach northwards from the gardens to the junction with Davigdor Road is not pleasing when the eye is hit by the angular slope of the structure to its east elevation. Its presence will be overpowering being set right next to the pavement, the Group feels it is over development. The choice of materials also should be investigated closely as what is proposed seems not to enhance the attractive yellow brick new build on the adjacent site to the west.

5.95. **County Ecologist: Comment**

There are no sites designated for their nature conservation interest that are likely to be impacted by the proposed development.

5.96. The biodiversity checklist submitted with the application was negative. From an assessment of maps, aerial photographs and local biodiversity records, the site is currently predominantly buildings and hardstanding and is of relatively low biodiversity value.

5.97. The site is unlikely to support any protected species. If protected species are encountered during development, work should stop and advice on how to proceed should be sought from a suitably qualified and experienced ecologist.

5.98. The development should seek opportunities to enhance the site for biodiversity to help the Council address its duties and responsibilities under the NERC Act and NPPF. Given the site's location and the proposed height of the buildings, the installation of swift bricks would be appropriate and should be required by condition. In addition, the landscaping scheme should use native species and/or species of known wildlife value. Advice on suitable species is provided in Annex 7 of Brighton & Hove's SDP11.

5.99. It is noted that solar photovoltaics are proposed. As the efficiency of these panels is increased when combined with green roofs, green roofs are recommended because of the multiple benefits they provide.

5.100. In summary, the proposed development is unlikely to have a detrimental impact on biodiversity and can be supported from an ecological perspective. Opportunities for enhancement of the site for biodiversity include wildlife friendly planting and the provision of swift boxes. Consideration should be given to provision of a green roof.

5.101. **Environmental Health: Comment**

The noise assessment titled Final Report ref 1131.001R.2.0.RF and dated 24th July 2018 is accepted. The glazing and ventilation requirements shall be implemented in accordance with section 8 of this report.

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 Two (Draft)

SSA3 Land at Lyon Close, Hove

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
SA6	Sustainable Neighbourhoods
CP1	Housing delivery
CP2	Sustainable economic development
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
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD5	Design - street frontages
QD15	Landscape design
QD16	Trees and Hedgerows
QD18	Species Protection
QD25	External Lighting
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
HO21	Provision of community facilities in residential and mixed use schemes
HE6	Development within or affecting the setting of conservation areas
HE10	Buildings of local interest

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD11	Nature Conservation & Development
SPD14	Parking Standards
SPGBH9	Provision of Outdoor Recreation Space
SPGBH15	Tall Buildings

8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the principle of the use including the loss of employment space, financial viability and affordable housing provision, the impacts of the proposed development on the visual amenities of the site and surrounding area, the proposed access arrangements and related traffic implications, impacts upon amenity of neighbouring properties, standard of accommodation, housing mix and density, ecology, sustainable drainage, arboriculture and sustainability impacts must also be assessed.

Planning Policy:

- 8.2. The site forms part of a larger area at Lyon Close which is proposed for allocation in Policy SSA3 of CPP2 for residential-led mixed uses to provide a minimum of 300 residential units and 5,700 sqm B1a office space (of which 700 sqm is proposed for the application site). The principle of redevelopment for housing and supporting B1a office space would accord with the Council's aspirations for this site.
- 8.3. The Draft City Plan Part 2 (CPP2) was published for consultation for 8 weeks over the Summer of 2018. Although CPP2 carries limited weight at this stage of the planning process it does indicate the Council's aspirations and the

direction of policy for the future development of the site for comprehensive residential-led mixed use development.

- 8.4. The principle of the redevelopment of the site for mixed office and residential use complies with the emerging Policy SSA3 in CPP2, and has already been established by the extant planning permission BH2014/02308 (Demolition of existing building and construction of a new part 4no, part 5no, part 7no and part 8no storey building providing 700sqm of office space (B1) at ground floor level and 68no residential units (C3) to upper levels).

Loss of Existing Use/Proposed Office Use

- 8.5. Policy CP3 states that the loss of unallocated sites or premises in employment use (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 (B1-B8). Where loss is permitted the priority for re-use will be for alternative employment generating uses or housing.
- 8.6. As existing the site accommodates a B1 office use, with associated car parking and open areas. A building comprising 700sqm of employment floorspace has recently been demolished. The loss of the existing use has been established as acceptable with the approval of application BH2014/02308.
- 8.7. The proposal approved under application BH2014/02308 sought to retain 700sqm office provision within the ground floor of the development, and therefore policy to retain employment floorspace was considered to not be compromised as there would be no loss of this use.
- 8.8. This current application proposes 894sqm of B1 office space (a net gain of 194sqm). The application details that the applicant is a company set up by the owners of the IMEX Group who wish to relocate from their existing premises elsewhere in Hove. In support of the proposal, the applicant has submitted a Socio-Economic Impact Report which indicates that the relocation would allow expansion of the company creating positive economic and employment benefits.
- 8.9. The proposal would be in accordance with Policy CP2 which seeks to retain existing businesses and support indigenous business growth, and would also comply with the aforementioned Policy CP3, which seeks to safeguard employment sites. There would be a net gain of office floorspace within the development, and so the existing employment use in this instance would not be compromised.
- 8.10. As noted previously, the emerging CPP2 is proposing to allocate the land at Lyon Close for residential-led mixed use development. Draft Policy SSA3 specifically seeks a minimum 700 sqm B1a office space on this site. Criterion b) also specifies that proposals will be expected to contribute to the provision of a range of office and flexible workspaces, including medium floor plate offices and start up business floorspace.

- 8.11. Overall, it is considered that the loss of existing/proposed B1 office use is broadly in accordance with planning policy in this instance.

Principle of Proposed Housing

- 8.12. The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually.
- 8.13. The Council's most recent housing land supply position is published in the SHLAA Update 2018 (February 2019). The figures presented in the SHLAA reflect the results of the Government's 2018 Housing Delivery Test which was published in February 2019. The Housing Delivery Test shows that housing delivery in Brighton & Hove over the past three years (2015-2018) has totalled only 77% of the City Plan annualised housing target. Since housing delivery has been below 85%, the NPPF requires that a 20% buffer is applied to the five year housing supply figures. This results in a five year housing shortfall of 576 net dwellings (4.5 years supply). In this situation, when considering the planning balance in the determination of planning applications, increased weight should be given to housing delivery in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 8.14. The council's own informal assessment is that housing delivery over the 2015-2018 period has been less than 80% of the required City Plan figure. Therefore, for planning policy purposes, it should be assumed that the council cannot demonstrate a five year housing land supply. In that situation, when considering the planning balance in the determination of planning applications, increased weight should be given to housing delivery in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 8.15. As previously stated, Draft CPP2 Policy SSA3 seeks delivery of a minimum of 300 residential units across the wider allocated site. Taking account of other recent and proposed residential developments on Davigdor Road and at Lyon Close, the proposed 52 residential units in the revised scheme would help to deliver the required number of dwellings proposed in draft Policy SSA3.
- 8.16. The site has been included in the 2018 annual review of the council's Strategic Housing Land Availability Assessment (SHLAA) published in February 2019 as having potential for 56 residential units and again this gives further weight to the proposed provision of housing on the site.
- 8.17. It is noted that following the amendments to the scheme, the proposed number of units is less than is set out in the SHLAA, as well as being less than the extant permission BH2014/02308 of 68 residential units. However with the other planning permissions on the neighbouring sites, the allocated site is still likely to deliver the minimum 300 dwellings set out in CPP2 Policy

SSA3. It should also be highlighted that the reduced amount of housing in the proposal is compensated by the proposed increased amount of employment floorspace.

- 8.18. The site is well located for high density development, with good access to local facilities and services, and well served by public transport. Given the city's housing requirement and the current supply position, the principle of residential development on the site is considered acceptable, subject to all other material considerations set out below.

Proposed Mix

- 8.19. City Plan policy CP19 seeks to improve housing choice and ensure that an appropriate mix of housing is achieved across the city. Policy CP19 notes that it will be important to maximise opportunities to secure additional family sized housing on suitable sites. Where appropriate (in terms of site suitability and with reference to the characteristics of existing communities/neighbourhoods), the intention will be to secure, through new development, a wider variety of housing types and sizes to meet the accommodation requirements of particular groups within the city.
- 8.20. Policy CP19 of the City Plan Part One requires development to demonstrate regard to housing mix considerations and be informed by local assessments of housing demand and need. The Objective Assessment of Housing Need (GL Hearn, June 2015) indicates the strategic mix of homes to be delivered over the plan period which is 25% for 1 bedroom units, 35% for 2 bedroom units, 30% for 3 bedroom units, and 10% for 4-plus bedroom units. In terms of the demand for market housing, the greatest demand is likely to be for 2 and 3 bedroom properties (36% and 34% respectively). This reflects continuing demand for housing from younger persons and young families.
- 8.21. Following amendments to the scheme, the proposed accommodation schedule is 22 x1-bed units (42%), 27 x 2-bed units (52%) and 3 x3-bed units (6%). The proposed mix is more focused towards smaller units, but this reflects the development format and location.
- 8.22. On this basis, the proposed mix does reflect the greatest demand. It is considered that generally the proposed mix of housing would contribute positively to mixed and sustainable communities in line with Planning Policy.

Affordable Housing

- 8.23. City Plan Part One Policy CP20 requires the provision of 40% on-site affordable housing for sites of 15 or more net dwellings. For this proposal of 52 dwellings this would equate to 21 affordable units. The Council's Affordable Housing Brief (2014) sets out a citywide objective to achieve a tenure mix of affordable housing of 55% Affordable Housing for Rent and 45% Shared Ownership. For the application scheme this would equate to approximately 12 Affordable Housing for Rent and 9 Shared Ownership units.
- 8.24. The policy wording of CP20 advises that the target of 40% may be applied flexibly where it is considered to be justified in light of various criteria

including, among others: the costs relating to the development; in particular the financial viability of developing the site (using an approved viability model); the extent to which affordable housing would prejudice other planning objectives; and, the need to achieve a successful housing development.

- 8.25. A Financial Viability Assessment was submitted with the application indicating providing a provision of 40% on site affordable housing would not be viable. Officers requested the District Valuer Service (DVS) provide an independent review of this evidence. The review follows extensive discussion and adjustment of financial variables between the DVS and the applicant's Viability Consultant. The original application submission set out that the scheme was not viable with any affordable housing provision, but the applicant was prepared to agree to provide 18% affordable housing through negotiation.
- 8.26. The DVS advised that the proposed scheme was not capable of providing a fully policy compliant scheme of 40% affordable housing, but could be viable with up to 20% affordable housing.
- 8.27. The proposal was subsequently amended to address concerns over the design, in particular the height of the building. The amendments included the removal of the top floor, reducing the no. of units from 56 to 52. The decrease in the number of units pushes up the build costs as there is less revenue and there are fewer units to offset the cost of the building which includes underground parking. Following the amendments, the DVS confirmed that the scheme could support just over 5% affordable housing (3 units) whilst retaining a reasonable developer profit.
- 8.28. Notwithstanding the above the applicant now proposed to provide 10% affordable housing as shared ownership. This follows the sentiment of Paragraph 64 of the National Planning Policy Framework (NPPF) which states, 'Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership'. The offer equates to 5 units with a mix of 4 x 1-bed units and 1 x 2-bed units.
- 8.29. Whilst the highest need is for affordable rent rather than shared ownership affordable housing, it should be considered that the proposal is for a greater number of units than is deemed viable by the DVS, and as such the proposed tenure is accepted. It is further noted that the proposed mix lacks any 3-bed units and does not strictly accord with Policy CP20 which sets a preferred affordable housing mix across the city of 30% 1- bed, 45% 2-bed and 25% 3-bed units. Again, as it has been demonstrated that the scheme can only viably provide fewer affordable housing units than is currently being offered. Therefore there is no objection to the mix in this instance.
- 8.30. Final details of the numbers, type, tenure and location on the site of the affordable housing and its management by a suitable RSL are secured within the s106 heads of terms. A review mechanism is proposed to be included as

an obligation in the legal agreement to ensure that the viability of the scheme is reappraised at a later date when actual costs and values are known and if there is any uplift in the development value, a proportion of this can be captured as a financial contribution.

Developer Contributions

- 8.31. Developer contributions are sought in accordance with policy objectives as set out in the City Plan Part One and the remaining saved policies in the Brighton & Hove Local Plan 2005. The contributions will go towards appropriate and adequate social, environmental and physical infrastructure to mitigate the impact of new development. Contributions are required where necessary in accordance with City Plan policy CP7 Infrastructure and Developer Contributions.
- 8.32. The Affordable Housing Contribution is set out above. Further Developer Contributions are requested for the following:
- Sustainable Transport: Based upon the current adopted Developer Contributions Technical Guidance and established formulae, a contribution of £57,000 to sustainable transport infrastructure to be allocated towards the following:
 - Recreation/Open Space contributions - £137,090 towards provision in the local area
 - Artistic component - commission and install on the property to the value of £19,000.
 - Education - a contribution in respect of secondary and sixth form education of £45,376.40. The development is in the catchment area for Blatchington Mill and Hove Park Schools, both of which are currently full.
 - Local Employment Scheme contribution - £25,140 towards the scheme to increase the employment and training opportunities for residents who wish to work in the construction industry;
 - Training and Employment Strategy using minimum 20% local labour during demolition (where appropriate) and construction phase

Standard of Accommodation:

- 8.33. The size and layout of each unit is generally considered acceptable, with all rooms having good access to outlook and ventilation.
- 8.34. Most flats would have access to a private balcony, other than the flats on the west side which is close to the neighbouring building. Of those that don't, given the central location of the site close to public amenity spaces, and given the character of the immediate area where some flats do not have access to private amenity space, the proposed level of private amenity space is considered acceptable in this instance.
- 8.35. The Council does not have adopted minimal space standards for new dwellings, however it is appropriate to use the Government's Technical housing standards: nationally described space standard published in March 2015 as a benchmark for an acceptable level of living space for future occupiers.

- 8.36. All of the proposed units exceed the national minimal space standards, and most have dual aspect outlook, thereby ensuring a good standard of accommodation throughout the building.
- 8.37. A Noise Impact Assessment has been submitted to address potential disturbance from traffic movements along Davigdor Road and Lyon Close, and from the rail line. The Assessment calculates the likely noise levels on each façade of the proposed building based on existing recorded levels, and concludes that enhanced double glazing will be required to all bedrooms on the front elevation facing Davigdor Road, with standard double glazing to all remaining windows. Acoustic ventilation is also recommended for all main rooms to avoid the need for open windows. These measures can be secured by condition and would ensure a satisfactory standard of accommodation for future occupiers.
- 8.38. Policy HO13 requires all new residential units to be Lifetime Homes compliant, with 5% of all units (including 10% of affordable units) in large scale schemes such as this to be wheelchair accessible. This would require 3 units (including 1 affordable unit) to be wheelchair accessible in this instance. Limited information has been submitted with the application to clarify that wheelchair accessible units will be provided in the scheme, however this can be addressed by condition in the event permission is granted.
- 8.39. The requirement to meet Lifetime Homes has now been superseded by the accessibility and wheelchair housing standards within the national Optional Technical Standards. Step-free access to the building is achievable therefore in the event permission is granted conditions can be attached to ensure the development complies with Requirement M4(3) of the optional requirements in Part M of the Building Regulations for the wheelchair accessible units, and Requirement M4(2) for all other units.
- 8.40. There will be a significant level of mutual overlooking between the windows and balconies of the proposed block, and views afforded from neighbouring properties. Whilst this will impact the privacy of future residents there will inevitably a certain degree of overlooking in a scheme of this density and overall the scheme is considered to be acceptable in this regard.
- 8.41. The submitted sunlight and daylight report provides an assessment of the sunlight and daylight that would be achieved in the proposed units. This information has been reviewed by the BRE. The report sets out there would be an average level of sunlight provision, and that 98 of the 136 rooms (72%) analysed would meet the daylight recommendations.
- 8.42. Many of the living rooms are deep rooms with small kitchens to the rear of the room away from the window. If the kitchens were considered as a non-habitable space, 102 rooms (75%) of the rooms would meet the recommendations. The proposed balconies in some cases restrict light into the deep kitchen areas, however it should be noted that these balconies provide important additional amenity space in themselves.

- 8.43. Overall, although the daylight provision is restricted in some cases, the open plan nature of the units (rather than having kitchens separate from living rooms) should be considered, as well as the benefit of the provision of balconies. The proposed sunlight levels are also considered acceptable. On balance it is considered that the scheme would provide adequate amenity for future occupiers.

Design and Appearance:

- 8.44. Good design will take the opportunities available for improving the character and quality of an area and respond to local character and history. City Plan Part One Poilcy CP14 requires development to make full, efficient and sustainable use of land.
- 8.45. The plans as originally submitted was for a building consisting of 9 storeys at its highest point, significantly taller than the main bulk of P&H House and the other neighbouring development. The plans have been subsequently revised to reduce these elements by one storey such that the height of the building now relates more appropriately with the scale and massing of the adjacent buildings.

Form/Positioning:

- 8.46. The site was occupied by a two storey building that made an inefficient use of the site. This building has recently been demolished.
- 8.47. The building proposed would be L shaped on the lower floors, with the higher element of the building (above 5 storeys) more central within the site. The previous planning application had the majority of the massing set along the depth of the eastern site boundary. It has since been set out by the applicant that the site is subject to covenants over the land titles of which the site is comprised of, including that a no build zone along the east boundary, and a no build restriction to the air space along a 45 degree line up from the east boundary of the site. This appears to have shaped the design of the proposed building in terms of the height above five storeys being central within the site, and the step back of the five storey element facing the east elevation.
- 8.48. The front element facing onto Davigdor Road would be at five storeys to reflect the general scale of the adjacent buildings along the street. Although not exactly the same height as the neighbouring buildings at the front (due to land levels and proposed ground floor office requiring taller floor to ceiling height), the front element height is suitably comparable with this development and reinforces the sense of continuity and scale at this point. The tallest element of the building is significantly setback from Davigdor Road which reflects the character of the buildings in this part of the street, as well as limiting the overbearing nature of an eight storey building from the views north towards the site and each way along Davigdor Road.
- 8.49. In terms of scale, the building would be eight storeys in height at its maximum point and as such would constitute a 'tall building' as defined in

SPGBH15 'Tall Buildings'. The site falls outside of the specific nodes and corridors for tall buildings identified in the SPG, however this does not necessarily preclude a tall building if local context dictates otherwise and the tests of SPG15 have been met. As required by the SPG, the applicants have submitted a Tall Buildings Statement within the Design & Access Statement to help justify the scale of building proposed in the local and wider city context.

- 8.50. Given the presence of the taller P&H building to the east and the 8 storey Artisan development the adjacent plot to the west at 121-123 Davigdor Road, it is considered that a taller building that makes a better and more effective use of the site can be supported in principle. A precedent for a taller building has also been set given the previously approved scheme on the site for a part 8 story building (approved under BH2014/02308), and the recently approved application to the north of the site on Lyon Close for buildings up to 8 storeys in height (approved under BH2018/01738). Therefore, whilst not a location specifically allocated for tall buildings, this stretch of Davigdor Road is characterised by taller buildings and the principle of taller buildings and a more dense built form at the application site is accepted, subject to the usual planning considerations.
- 8.51. For these reasons it is now considered that the building maximises the potential of the site whilst respecting the scale and massing of the adjacent buildings and the general rhythm and character of the street.

Impact on nearby Conservation Area and Locally Listed Assets:

- 8.52. The application site is located to the west of the locally listed Montefiore Hospital (former Hannington's Depository), which has high level decoration that makes the building a particularly distinctive local landmark. However it is unlikely that the proposal will have any significant impact on the setting of the locally listed building due to the existing height of the Hannington's Depository, the reduced height of the proposal through the amendments, and the separation distance between the sites.
- 8.53. To the west of the site is the end of the Willett Estate Conservation Area. Due to the existing development in the vicinity of the site, it is unlikely that the development will appear out of context from views and would therefore not have any significant impact on the setting of the Willett Estate Conservation Area.
- 8.54. The locally listed park, St Ann's Wells Gardens is located a block to the south of the subject site. The locally listed Dyke Road Park is located to the north of the site and has glimpse views down towards the application site. The submitted visuals detail that the building would not be readily visible or dominant in views from Dyke Road park to the north and St Anns Wells Gardens to the south. The overall scale and massing of the building would be most noticeable from the north, in particular from the railway bridge to the west. However, against the backdrop of existing development and the approved development on Lyon Close, this impact is not considered so harmful as to warrant refusal.

Detailing and Materials:

- 8.55. In respect of materials, the building would be completed in two shades of brick to differentiate between the lower and higher parts of the building, with brick features, and timber/grey panelling. This palette of materials would be appropriate within the context of the site, which is of mixed quality with no strong design/material rhythms, and an improvement on the stark red brick of the P&H building. Samples of all materials would be secured by condition.
- 8.56. Frosted glass balconys are proposed, on various elevations of the building. Although prominent in appearance, they would provide some relief to the brickwork, and as they have frosted glass, they would have a softer appearance than the existing railing balconies on the adjacent Artisan 121-123 Davigdor Road building.
- 8.57. As previously referred, the east elevation is staggered in mass, and also incorporates inset balconies. Although this design element may be contrived in order to overcome the covenants and to limit overlooking, it is considered that this also provides some interest to what may otherwise have been a large area of brickwork.

Landscaping:

- 8.58. The site as existing is soft landscaped to the rear with an area of raised grassed land and low level planting amounting to approximately 400sqm. There are no trees on the site as those previously at the rear of the site have been lawfully removed. The landscaping is incidental to the site as a whole and has little broader amenity value. It is not considered that this existing open space at the rear of the site is of sufficiently high quality such that its retention in situ would outweigh the wider benefits of the scheme in bringing forward housing units and office space within a development that makes a more efficient use of the land. The proposal would replace this area of open space with a grassed area.
- 8.59. The north eastern part of the application site is designated open space in the City Plan. It was described in the 2011 Open Space Study as a small amenity space with grass and parking for business use. The Open Space study indicates a shortage of amenity greenspace in Goldsmid ward, however this greenspace has limited amenity value due to its scale and location. The proposal does not strictly adhere to Policy CP16 which seeks to resist the loss of open space and the requirement to maintain some open space in proposals. The proposed development footprint would occupy almost the entire site, however the principle of loss of the amenity greenspace has already been accepted with the previously approved planning permission on site (BH2014/02308). Also the lack of quality of the existing greenspace and wider benefits of the proposal with the provision of housing and employment floorspace should be given sufficient due weight in this instance. A financial contribution is sought towards off-site provision of open space in line with Policies CP16 and CP17. The site is readily accessible within walking distance to St Ann's Well Gardens and Dyke Road Park. Overall and on balance the loss of greenspace is therefore considered acceptable.

8.60. To the front of the site, a new area of entrance/amenity space would be formed fronting onto Davigdor Road. The plans detail this space would be largely hard landscaped with paving and would include visitor cycle parking. A detailed planting scheme is included as part of the proposed plans, which show five trees to be set in the planting beds, alongside other specified plants. The trees would provide immediate amenity value. Subject to conditions to secure a finalised planting scheme, this proposed amenity space would present an attractive entrance to the site and would be more regularly viewed and appreciated than the existing low quality space at the rear.

8.61. Further, a strip of raised planter is proposed along the front elevation, and a strip of sloped planting area proposed between the side access path and the east boundary of the site. Overall, due to the footprint of the building, there is little room for soft landscaping, however the planting detailed in the submission would soften the appearance of the building and improve the general quality of the northern side of Davigdor Road. For these reasons the proposal would accord with policies QD15 & QD16 of the Brighton & Hove Local Plan.

Impact on Amenity:

8.62. 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.

8.63. The nearest residential properties are located opposite Davigdor Road to the south and along Lyndhurst Road to the north. Residents of both sets of properties have raised concerns over loss of amenity from the proposed building. Also affected by the proposal would be the residential flats within the Artisan building 121-123 Davigdor Road immediately to the west. Consideration should also be given to future occupiers of the recently approved part residential development to the north of the site on Lyon Close, and the existing P&H office building to the east which has Prior Approval to convert to residential.

8.64. Whilst the proposal would generate a certain amount of noise from private amenity areas within the development and the usual comings and goings including vehicular movements that you would expect from a residential development of this scale, it is not considered that any potential noise disturbance would be significant.

8.65. A sunlight and daylight assessment has been submitted with the application. The Council has commissioned an independent review of this assessment which was completed by the Building Research Establishment (BRE).

Lyndhurst Road and Lyon Close:

- 8.66. To the north, the properties along Lyndhurst Road are set at a minimum separation of approximately 100m from the rearmost part of the proposed building. This separation across the roofs of the warehouses on Lyon Close and the railway line beyond is sufficient to ensure that views from the proposed rear windows and terraces would not be significant or invasive. Further, the separation is sufficient to ensure that the building would not be excessively enclosing or dominating of outlook and would not result in an appreciable loss of daylight or sunlight. Residents of Lyndhurst Road have raised concern over noise impact from future occupiers and vehicular movements, however given the separation and presence of trade counters and the railway line, such impact is not considered significant.
- 8.67. During the application process, planning permission was minded to grant (subject to s106 under application BH2018/01738) to replace the existing warehouse buildings on Lyon Close with a mixed use development comprising of the erection of 4no buildings between 6 and 8 storeys.
- 8.68. The applicant has undertaken a subsequent daylight and sunlight analysis of the closest block which has windows facing the application site (Block A - 7 storeys). The results showed that all living/kitchen/dining rooms would meet recommendations, or where living rooms are affected would have dual aspect from other windows facing away from the application site. Some affected windows would also have balconies above which contributes to some of the impact. Overall, although there would be some loss of daylight and sunlight, the daylight study as part of the approved application BH2018/01738 would suggest that enough daylight would be retained. Also, it should be noted that the development in the approved application BH2014/02308 would create a similar impact. Overall, the impact here is considered acceptable.
- 8.69. Due to the height of the blocks of both the proposed development and the approved Lyon Close development, as well as their siting which is in relatively close proximity to each other (approximately 15m), there will inevitably be a degree of overlooking, both perceived and real from windows and terraces to neighbouring properties. However this would be no more than has already been considered acceptable under BH2018/01738. The potential loss of privacy here is not considered to be so significant as to warrant refusal of the application.
- Davigdor Road:
- 8.70. To the south, Park Court forms a four storey block of flats set at the junction of Davigdor Road and Somerhill Road. Many of the flats have a northerly aspect towards the application site, however this aspect is partially obscured by street trees and low level hedging within the site. The proposed building would have a greater and more dominating impact on outlook to these flats, however given the separation of 20m across a main road and the set back of the higher part of the building, this harm is not considered excessive.
- 8.71. The daylight/sunlight report confirms that daylight and sunlight levels would meet the BRE test and would not result in significant harm to Park Court. The

amendments to remove the top storey have also lessened the daylight/sunlight impact here. In terms of overlooking, facing balconies to the development would undoubtedly result in increased overlooking potential, however again given the separation of the development across the main road and the set back of large parts of the building, this level of overlooking is not considered sufficiently intrusive to withhold permission. The impact here would be no greater than the previous development approved under BH2014/02308.

- 8.72. Further properties are set adjacent to Park Court however their amenities would be largely preserved, with the proposed building set at an angle to their main northerly aspects thereby avoiding excessive loss of light, outlook or privacy.
- 8.73. In terms of the impact on the office use building P&H House, it is noted that an application for Prior Approval (BH2017/03873) was granted for the conversion of P&H house to residential flats, however there is no indication that such a conversion would inevitably take place. There are also no detailed floor plans that establish a future internal layout.
- 8.74. It should be noted that the previous development approved under BH2014/02308 was closer in bulk and height to this neighbouring building. The impact of this proposed development would be no significantly greater. The submitted sunlight/daylight analysis indicates that most windows of P&H House would meet recommended guidelines. As such it is not considered that the proposed building would unreasonably prejudice the existing or potential future potential of the P&H building.
- 8.75. The east facing flats of Artisan 121-123 Davigdor Road (approved under application BH2015/02917) face directly towards the application site. The separation distance between the two buildings would be approximately 15m towards the front (south end) and 4.5m at its closest towards the rear. It should be noted that no objection letters have been received from owners/occupiers of flats within this building, however some flats of this recently constructed development may still be unoccupied.
- 8.76. Generally the layout of the flats on the east side of this neighbouring building is dual aspect 2-bed flats at the front with living room/kitchen windows facing east, single aspect 1-bed flats in the middle with bedroom and living room windows facing east, and dual aspect large 3-bed flats at the rear with secondary living room and bedroom windows facing east.
- 8.77. The submitted daylight/sunlight report sets out that these neighbouring flats will have the most noticeably affected windows from the development. As well as being closest to the proposed development, these windows already suffer from limited daylight due to overhead balconies. At the time planning permission was granted for Artisan 121-123 Davigdor Road (BH2015/02917), planning permission had already been granted for a building on the application site (BH2014/02308) and so sunlight/daylight impact on the east elevation windows would have been considered at this time. As the Artisan

building has many east facing windows, a certain amount of loss of sunlight/daylight to these flats would be likely either from the previously approved scheme or a future scheme such as the one in the current application here.

- 8.78. However this current proposal has a differing form and footprint to that of the previously approved scheme. The applicant has noted this and has carried out further testing comparing the two schemes. Both schemes had a similar pass rate. The worse affected rooms would be the living rooms of the 1-bed flats on each of the first-fourth floors in the middle of the building, which would have significantly less daylight and sunlight. The following, however, should be considered. Given that Artisan was designed to have single aspect flats built close to the boundary of the application site, it should be expected that a certain amount of impact would occur to these flats in the future. The BRE have concluded from the submitted analysis that Artisan could be classified as a bad 'neighbour' as it is a tall building close to the common boundary. Although the impact is greater in this scheme, these flats would have been affected by the previously approved scheme. No objections have been received from owners/occupiers of these flats. The proposed scheme would provide much needed housing including affordable units, office space, the wider regenerative benefits of bringing this site into use and activating the street scene, and the applicant has committed to making the financial contributions and other measures set out in the s106 Heads of Terms at the end of this report. It is therefore considered that the identified harm would be outweighed by the public benefits that would be generated through the delivery of this development.
- 8.79. In terms of privacy, the proposed west elevation bedroom windows closest to Artisan 121-123 Davigdor Road would be oriel windows with the glazing angled to face south. The other west elevation windows and balconies are set further back and would result in mutual overlooking between the proposal and the neighbouring building.
- 8.80. On this basis no significant harm to the amenities of residents in the vicinity of the site or occupiers of adjacent buildings would arise and the development would comply with policy QD27 of the Brighton & Hove Local Plan.

Sustainable Transport:

- 8.81. National and local planning policies seek to promote sustainable modes of transport and to ensure highway safety. In accordance with paragraph 109 of the National Planning Policy Framework, development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The NPPF states that the use of sustainable modes of transport should be pursued (paragraph 102). Policy CP9 c) of the Brighton and Hove City Plan Part One is relevant as are Local Plan policies TR4 (Travel Plans), TR7 (Safe Development), TR14 (Cycle 75 Access and Parking) and TR18 (Parking for people with a mobility related disability).

- 8.82. The impact of the proposal in terms of increased traffic, highway safety and parking pressure is cited as one of the main objections by local residents.
- 8.83. Planning permission under BH2014/02308 previously granted 39 car parking spaces. A total of 21 parking spaces (9 spaces for office and 12 residential spaces for some 2-bed units and all 3-bed units) are proposed within the undercroft car park. The level of parking spaces is below the maximum levels set out in SPD14 (maximum of 9 office spaces and 28 residential spaces).
- 8.84. This includes four disabled spaces which accords with the number of wheelchair accessible units subject to appropriate allocation which can be conditioned). The parking provision is considered to be acceptable in principle with further details required in the form of a Car Park Management Plan.
- 8.85. Residents have raised concern that the overall level of parking provision is insufficient to meet the needs of the development and would result in increased pressure on street parking in the area. The Highway Authority suggests that it could be expected that an overspill of up to 26 vehicles could be expected to use on-street parking.
- 8.86. The site is located in a Controlled Parking Zone (Zone O) which will mean demand for parking is managed, and double yellow lines restricting parking along Davigdor Road to the front and Lyons Close to the rear. The site is also in a sustainable location along bus routes and within a 15-20min walk from both Brighton & Hove Stations and the city centre. As such occupiers would not be solely reliant on car travel to meet their day-to-day needs.
- 8.87. SPD14 states that the implementation of permit-free housing designation will be considered for developments where the impact of overspill parking is deemed unacceptable. In the absence of a parking survey to suggest otherwise, there is the potential for the additional demand to increase pressure for on-street parking spaces in close proximity to the development.
- 8.88. A condition is therefore recommended to prevent any future residents from applying for an on-street parking permit, preventing any additional pressure experienced by local residents. It is considered that the proposed parking permit condition in conjunction with the existing parking controls in the surrounding area would be adequate to ensure that there would not be any significant adverse impact in respect of overspill parking and pressure on existing street parking provision in the locality. Measures in the Travel Plan to be secured by condition would also further increase travel by sustainable modes.
- 8.89. In terms of cycle parking, 90 spaces are proposed. This level of provision exceeds that required under SPD14 and is appropriate for a development of this scale and is secured by condition.

- 8.90. Further information, including a Delivery & Service Management Plan and Car Park Management Plan will be secured either by condition or planning obligation. Given the perceived uplift in trips generated by the development a contribution of £57,000 is sought to improve sustainable transport infrastructure in the vicinity of the site.
- 8.91. Subject to the proposed conditions and developer contributions / obligations the scheme is considered to be in accordance with development plan policies in respect of the transport impacts.

Sustainability:

- 8.92. City Plan policy CP8 requires that all developments incorporate sustainable design features to avoid expansion of the City's ecological footprint, radical reductions in greenhouse gas emissions and mitigate against and adapt to climate change. The policy specifies the residential energy and water efficiency standards required to be met, namely energy efficiency standards of 19% reduction in carbon emissions over Part L Building Regulations requirements 2013 and water efficiency standards of 110 litres per day and conditions are proposed to secure these standards. A further condition is proposed to secure a BREEAM rating of excellent for the B1 office element of the scheme.

Ecology:

- 8.93. There are no sites designated for their nature conservation interest that are likely to be impacted by the proposed development. The site as existing has soft landscaping to the rear with an area of raised grassed land and low level planting, but is of relatively low biodiversity value. Nature enhancements to the scheme will be secured by condition and overall the proposal is considered to be in accordance with development plan policies.

Land Contamination:

- 8.94. It has been identified that the site has a history of uses that is likely to have resulted in potentially contaminated land. Further investigation works are required. This is secured by condition.

Other Considerations:

- 8.95. Whilst it is acknowledged that the proposed development will increase pressure on local services the scale of the development is not such that the LPA could reasonably expect the provision of such services on site as part of the proposal.
- 8.96. It is considered that the proposed condition which required additional flood risk modelling and a management plan will be sufficient to ensure that the scheme can adequately deal with any future flood risks in accordance with development plan policies.

Conclusion:

- 8.97. The proposed development is of a suitable scale and design that would make a more efficient and effective use of the site without harm to the surrounding townscape. The development would provide suitable mix of office space and

housing, including affordable housing without significant harm to the amenities of adjacent occupiers and without resulting in an unacceptable increase in parking pressure.

- 8.98. Overall it is considered that the public benefits of the scheme as a whole which includes the provision of a significant amount of housing are such that they outweigh the planning policy conflicts and the limited harm to the amenity of neighbouring occupiers. Approval of planning permission is therefore recommended subject to the completion of a s106 planning legal agreement and to the conditions within the report.

9. EQUALITIES

- 9.1. Conditions are proposed which would ensure all new build dwellings are in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings). In addition 5% of the new dwellings are to meet Wheelchair Accessible Standards.

S106 Agreement:

- 9.2. In the event that the draft S106 agreement has not been signed by all parties by the date set out above, the application shall be refused for the following reasons:
1. The proposed development fails to provide affordable housing contrary to policy CP20 of the Brighton and Hove City Plan Part 1.
 2. The proposed development fails provide a financial contribution towards the City Council's Local Employment Scheme to support local people to employment within the construction industry contrary to policy CP7 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
 3. The proposed development fails to provide an Employment and Training Strategy specifying how the developer or their main contractors will provide opportunities for local people to gain employment or training on the construction phase of the proposed development contrary to policy CP7 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
 4. The proposed development fails to provide a financial contribution towards the improvement and expansion of capacity of local schools required as a result of this proposed development contrary to policy CP7 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
 5. The proposed development fails to provide a financial contribution towards the improvement and expansion of open space and recreation in the vicinity of the site required as a result of this proposed development

contrary to policies, CP7 and CP16 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.

6. The proposed development fails to provide a financial contribution towards sustainable transport measures contrary to policies CP7 and CP9 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
7. The proposed development fails to provide a financial contribution towards an onsite artistic component provision contrary to policies CP5, CP17 and CP3 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
8. The proposed development fails to provide a Travel Plan which is fundamental to ensure the promotion of safe, active and sustainable forms of travel and comply with policies TR4 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.
9. The proposed development fails to provide required highway works on Lyon Close and Davigdor Road to comply with policies TR7 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.

