

<u>No:</u>	BH2018/03798	<u>Ward:</u>	Hove Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	35 - 39 The Drove way Hove BN3 6LF		
<u>Proposal:</u>	Change of use from former Dairy Crest depot (B8) to a Mixed-use flexible commercial development of 1435sqm (Flexible between use classes B1(a), A1, A2, A3, D1) incorporating alterations including removal of northern extension and erection of a new wing with 14no residential units (C3). Erection of a new central wing to court yard, onsite car parking, cycle storage and areas for storage of waste and recycling.		
<u>Officer:</u>	Luke Austin, tel: 294495	<u>Valid Date:</u>	11.01.2019
<u>Con Area:</u>		<u>Expiry Date:</u>	12.04.2019
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Mr Pierre Dowsett 63A Ship Street Brighton BN1 1AE		
<u>Applicant:</u>	Mr S Taghan C/o Agent Dowsett Mayhew Planning Partnership 63A Ship Street Brighton BN1 1AE		

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 Planning Obligation and the Conditions and Informatives as set out hereunder, SAVE THAT should the s106 Planning Obligation not be completed on or before 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: Provision of 4 units on site comprising 2 rent units and 2 shared ownership.
- A contribution of £52,398 towards education.
- A contribution of £59,282.19 towards open space and recreation provision.
- A contribution of £20,150 to the Council's Local Employment and Training Strategy and a Construction Training and Employment Strategy including a commitment to using 20% local employment during the demolition and construction phases of the development.
- A contribution of £35,343 towards sustainable transport infrastructure in the vicinity of the site.
- An artistic component / element as part of the proposed scheme to the value of £21,000.

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
Block Plan	TA 1045/10		10 December 2018
Existing Drawing	TA 1045/03		10 December 2018
Existing Drawing	TA 1045/04		10 December 2018
Existing Drawing	TA 1045/05		10 December 2018
Existing Drawing	TA 1045/06		10 December 2018
Proposed Drawing	TA 1045/09		10 December 2018
Proposed Drawing	TA 1045 /11	REV. G	10 December 2018
Proposed Drawing	TA 1045 /12	REV. C	10 December 2018
Proposed Drawing	TA 1045 /13	REV. C	10 December 2018
Proposed Drawing	TA 1045 /14	REV. E	10 December 2018
Proposed Drawing	TA 1045 /15	REV. D	10 December 2018
Proposed Drawing	TA 1045 /16	REV. C	10 December 2018
Location Plan	TA 1045/01		10 December 2018
Proposed Drawing	TA 1045 /41		10 December 2018
Proposed Drawing	TA 1045 /35	REV. B	19 December 2018
Proposed Drawing	TA 1045 /36		10 December 2018
Proposed Drawing	TA 1045 /40		10 December 2018
Proposed Drawing	TA 1045 /42	REV. B	10 December 2018
Proposed Drawing	TA 1045 /18		10 December 2018
Proposed Drawing	TA 1045 /17	REV. E	10 December 2018
Proposed Drawing	TA 1045 /20		10 December 2018
Proposed Drawing	TA 1045 /19	REV. A	10 December 2018
Proposed Drawing	TA 1045 /21	REV. A	10 December 2018
Proposed Drawing	TA 1045 /22	REV. A	10 December 2018
Proposed Drawing	TA 1045 /23	REV. B	10 December 2018
Proposed Drawing	TA 1045 /24	REV. B	10 December 2018
Proposed Drawing	TA 1045 /25	REV. B	10 December 2018
Proposed Drawing	TA 1045 /26	REV. C	10 December 2018
Proposed Drawing	TA 1045 /27	REV. B	10 December 2018
Proposed Drawing	TA 1045 /28	REV. B	10 December 2018
Proposed Drawing	TA 1045 /29	REV. C	10 December 2018
Proposed Drawing	TA 1045 /30	A	19 December 2018
Proposed Drawing	TA 1045 /31	REV. A	10 December 2018
Proposed Drawing	TA 1045 /32		10 December 2018
Proposed Drawing	TA 1045 /33	REV. A	10 December 2018
Proposed Drawing	TA 1045 /34	REV. B	10 December 2018
Report/Statement	TRANSPORT ASSESSMENT		10 December 2018
Report/Statement	AFFORDABLE HOUSING STATEMENT		11 January 2019
Report/Statement	SUSTAINABLE DRAINAGE STATEMENT		7 January 2019

Report/Statement	SUSTAINABILITY CHECKLIST		10 December 2018
Report/Statement	TRANSPORT ASSESSMENT PT 2		10 December 2018
Report/Statement	SITE WASTE MANAGEMENT PLAN		10 December 2018
Report/Statement	RETAIL IMPACT ASSESSMENT		10 December 2018
Report/Statement	PLANNING STATEMENT		10 December 2018
Report/Statement	HERITAGE STATEMENT		10 December 2018
Report/Statement	BIODIVERSITY SURVEY AND REPORT		10 December 2018

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 non-residential uses hereby approved shall accord with the layout shown on drawing no. TA1045/20 received 10 December 2018. The areas annotated as office (Use Class B1(a) shall be retained in office use and shall not be used for any other purpose. The areas annotated a mixed use shall only be used as uses within Classes B1(a) (office), A1 (retail), A2 (financial and professional services), A3 (café/restaurant) and D1 (non-residential institutions).
Reason: To ensure that an adequate provision of B-Class employment is delivered, to ensure that an appropriate mix of uses is delivered, to protect neighbouring amenity and to comply with Policies CP3, retail of the Brighton and Hove City Plan Part One, and Policies SU10 and QD27 of the Brighton and Hove Local Plan.

4. No activities associated with the non-residential uses hereby approved, including servicing and deliveries, shall take place outside the hours of 07.00 to 23.00. **Reason:** To protect the amenity of neighbouring occupiers and to comply with policies SU10 and QD27 of the Brighton and Hove Local Plan.

5. 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 polices SU10, QD27 and TR7 of the Brighton & Hove Local Plan.

6. Noise associated with plant and machinery throughout the development shall be controlled such that the Rating Level, calculated at 1-metre from the façade of the nearest proposed residential unit, shall not exceed a level 5dB(A) below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:2014.
Reason: To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton and Hove Local Plan.
7. Prior to first occupation of the development hereby approved, full details of a proposed external lighting scheme shall be submitted for approval by the Local 7 OFFRPT Planning Authority. No external lighting other than that which forms part of the approved scheme shall be installed.
Reason: To ensure the satisfactory preservation of this listed building, to protect neighbouring amenity, and to comply with policies QD25, QD27, HE1 and HE6 of the Brighton and Hove Local Plan and CP15 of the Brighton and Hove City Plan Part One.
8. 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, inter alia,:
- (i) The phases of the Proposed Development including the forecasted completion date(s);
 - (ii) A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to Commence Development until such consent has been obtained;
 - (iii) A scheme of how the contractors will liaise with local residents, businesses and elected members 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);
 - (iv) A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise, dust management, vibration, site traffic, parking by staff and contractors and deliveries to and from the site;
 - (v) Details of hours of construction including all associated vehicular movements;
 - (vi) 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;
 - (vii) A plan showing construction traffic routes;
 - (viii) 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 one neutral weekday and one Saturday, with the survey extent, dates and times to be agreed in advance with the Council;

(ix) 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.

9. The works of demolition hereby permitted shall not be begun until documentary evidence has been submitted to and approved in writing by the Local Planning Authority to show that contracts have been entered into by the developer to ensure that two new build blocks on the site hereby approved are commenced within a period of 6 months following commencement of demolition.

Reason: As this matter is fundamental to the acceptable delivery of the permission to prevent premature demolition in the interests of the character and appearance of the Locally Listed Heritage Asset and to comply with policy HE10 of the Brighton and Hove Local Plan and policy CP15 of the Brighton and Hove City Plan Part One.

10. 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 the character and appearance of the area, in addition to comply with policy QD27 of the Brighton and Hove Local Plan and policy CP12 of the Brighton and Hove City Plan Part One.

11. Prior to occupation of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. All boundary treatments shall be erected in accordance with the approved details prior to first occupation of the development and shall be retained as such thereafter. The scheme shall include the following:

- a) details of all hard and soft surfacing to include type, position, design, dimensions and materials and any sustainable drainage system used;
- b) a schedule detailing sizes and numbers/densities of all proposed trees/plants including details of tree pit design, use of guards or other

protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;

- c) details of all boundary treatments to include type, position, design, dimensions and materials;

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

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

- 12. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the trees alongside the boundaries of the site, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.

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

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

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

- 14. Other than demolition, no development shall take place until samples of all materials to be used in the construction of the external surfaces of the development including:

- a) samples of all brick, render and tiling (including details of the colour of render/paintwork to be used)
- b) samples of all cladding to be used, including details of their treatment to protect against weathering
- c) samples of all hard surfacing materials
- d) samples of the proposed window, door and balcony treatments
- e) samples of all other materials to be used externally have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD14 and HE10 of the Brighton and Hove Local Plan and CP12 and CP15 of the Brighton and Hove 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 sample panel of flintwork has been constructed on the site and approved in writing by the Local Planning Authority. The flintwork comprised within the development shall be carried out and completed to match the approved sample flint panel prior to the development hereby permitted being occupied.
Reason: To ensure a satisfactory appearance to the development and to comply with policies QD14 and HE10 of the Brighton and Hove Local Plan and CP12 and CP15 of the Brighton and Hove City Plan Part One.
16. The rooflight(s) hereby approved shall have steel or cast metal frames colour finished black or dark grey, fitted flush with the adjoining roof surface and shall not project above the plane of the roof.
Reason: To ensure a satisfactory appearance to the development and to comply with policies QD14 and HE10 of the Brighton and Hove Local Plan and CP12 and CP15 of the Brighton and Hove City Plan Part One.
17. Notwithstanding the plans hereby permitted, 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 shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan
18. The new/extended crossovers and accesses shall be constructed prior to the first occupation of the development hereby permitted.
Reason: In the interests of highway safety and to comply with policy TR7 of the Brighton & Hove Local Plan and CP9 of the Brighton and Hove City Plan Part One.
19. Prior to the first occupation of the development hereby permitted the applicant shall reinstate the redundant vehicle crossover on The Drove in front of the existing double garage (Building D) back to a footway by raising the existing kerb and footway.
Reason: In the interests of highway safety and to comply with policies TR7 of the Brighton and Hove Local Plan and SA6, CP7, CP9, CP12, CP13 and CP15 of the Brighton and Hove City Plan Part One.
20. Notwithstanding the plans hereby permitted no development shall commence on site until a Scheme of Management and Layout of the vehicle parking areas has been submitted to and approved in writing by the Local Planning Authority. The scheme must include the following measures:
- Details of the layout of the bays and access within the basement car park, and any other motor vehicle parking areas
 - Details of how each car parking space will be allocated and managed.

- Details of measures to ensure that each car parking space is for the sole use of its allocated owner and/or those they permit to use said space.
- Details of measure of control for vehicles entering and exiting the site.
- Details of electric charging bays, inc arrangements to bring passive EVCB into active service.
- Details of disabled parking bays.

The approved layout and management arrangements shall be implemented prior to the occupation of the building and thereafter be retained and maintained.

Reason: To ensure the development maintains a sustainable transport strategy and to comply with policies TR7, TR12, TR14 and TR18 of the Brighton & Hove Local Plan and CP9 of the City Plan Part One.

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

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

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

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

23. Unless otherwise agreed in writing by the Local Planning Authority, 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.

24. Other than demolition no development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority providing full details of one of the units which form part of the approved scheme, which shall be in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings). This 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 and Hove Local Plan.

25. The development hereby permitted shall not be first occupied until a scheme to enhance the nature conservation interest of the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall accord with the standards described in Annex 6 of SPD 11 and shall be implemented in full prior to the first occupation of the development hereby approved and thereafter retained, other than any planting which shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is the sooner. Any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

26.

1. Further to the Preliminary Contamination Risk Assessment dated October 2017 (Report Ref. TA/Redbull/Dairy/PCRA) produced by Environmental Assessment Services Ltd and information provided from Soil Environment Services Ltd, if notified that the results of the intrusive site investigation are such that site remediation is required then:
 - (a) A detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such a scheme shall include nomination of a competent person to oversee the implementation of the works.
2. The development hereby permitted shall not be occupied or brought into use until there has been submitted to the local planning authority a written verification report by a competent person approved under the provisions of condition 1.(a) that any remediation scheme required and approved under the provisions of condition 1.(a) 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).

3. 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.

4. If during site investigation on construction any asbestos containing materials are found, which present significant risk/s to the end user/s then:
 - a) A report shall be submitted to the local planning authority in writing, containing evidence to show that all asbestos containing materials have been removed from the premises and taken to a suitably licensed waste deposit site.

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

27. The development hereby permitted shall not be occupied until a scheme for the storage of refuse and recycling, for the residential and non-residential uses hereby approved, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out and provided in full in accordance with the approved details prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton & Hove Local Plan, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

28. Other than demolition works the development hereby permitted shall not be commenced until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: As this matter is fundamental to the acceptable delivery of the permission to prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with policy SU3 of the Brighton & Hove Local Plan.

29. No development above ground floor slab level of any part of the development hereby permitted shall take place until a drainage strategy detailing the proposed means of foul water disposal and an implementation timetable, has been submitted to and approved in writing by, the Local Planning Authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.

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

30. The development hereby permitted shall not be commenced until a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority. A written record of any archaeological works undertaken shall be submitted to the Local Planning Authority within 3 months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is first agreed in writing with the Local Planning Authority.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policy HE12 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House Southern Water Sparrowgrove House Otterbourne Winchester Hampshire SO21 2SW www.southernwater.co.uk Southern Water Services Ltd Registered Office: Southern House Yeoman Road Worthing BN13 3NX Registered in England No.2366670 Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.
3. The planning permission granted includes vehicle crossovers which require alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The crossover is required to be constructed under licence from the Highway Authority. The applicant must contact the Council's Streetworks Team (permit.admin@brightonhove.gov.uk 01273 290729) for further information at their earliest convenience to avoid any delay and prior to any works commencing on the adopted (public) highway.
4. The applicant is 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.

5. The applicant is advised that in order to provide policy compliant cycle parking the Highway Authority's preference is for the use of Sheffield Stands spaced in line with the guidance contained within the Department for Transport's Manual for Streets section 8.2.22.
6. The applicant is advised that whilst planning permission may be granted, should any complaints be received with regards to noise, dust, odour or smoke, this does not preclude this department from carrying out an investigation under the provisions of the Environmental Protection Act 1990. This applies both during construction and post completion of the development.
7. The applicant is advised to contact the East Sussex County Archaeologist to establish the scope for the Written Scheme of Archaeological Investigation as required by the archaeology condition.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application relates to a vacant commercial site located to the north of The Droveaway, Hove.
- 2.2. This site is a locally listed heritage asset comprising single storey, early 19th century outfarm buildings associated with a larger dairy farm, and was last used as a commercial dairy depot for many years. The site comprises a series of long, low buildings with half-hipped or gabled clay tile roofs and flint walls with brick dressings. The main barn building has semi-circular arched openings providing access to the rear
- 2.3. The Dairy Depot use of the site continued in some form until 2016 when the site was vacated and put up for sale.
- 2.4. The application seeks consent for the redevelopment and change of use of the site including the following physical works-
 - The northern wing of the buildings would be demolished and replaced with a terrace of dwellings.
 - The covered courtyard, which is a modern addition, would be removed.
 - The western wing would be partially rebuilt to facilitate a residential conversion.
 - A central wing would be constructed; historic mapping indicates that there was a structure in this location in the past.
 - Restoration and alterations are proposed to the buildings which would be retained.
- 2.5. The uses proposed comprise fourteen residential dwellings, of which four would be affordable units, and non-residential uses in the form of 659m² of

office space (Use Class B1(a)), and 776m² of flexible / mixed use spaces which could be used as Classes B1(a) (office), A1 (retail), A2 (financial and professional services), A3 (café/restaurant) or D1 (non-residential institutions).

- 2.6. The application is a resubmission of a previous proposal (BH2017/04050) for a similar development which is currently subject to an appeal against non-determination. The application was considered by the Planning Committee in January 2019 where it was agreed that the committee would have approved the application if an appeal had not been lodged.
- 2.7. The current proposal includes the same mixture of uses as the previous application, the same number of dwellings and the same number of affordable units. The alterations relate to the layout of the terrace of dwellings to the rear of the site, including the removal of the garages from the scheme to facilitate additional living space at ground floor level.

3. RELEVANT HISTORY

- 3.1. **BH2017/04050** - Change of use from former Dairy Crest depot (B8) to Mixed-use flexible commercial development of 1383sqm (Flexible between use classes B1(a), A1, A2, A3, D1) incorporating alterations including removal of northern extension and erection of a new wing with 14no residential units (C3). Erection of a new central wing to court yard, onsite car parking, cycle storage and areas for storage of waste and recycling. Appeal Lodged.
- 3.2. There are a number of historic permissions for the 1940's up to the 1980's for various alterations and changes of use within the site in association with the use of the property as a dairy distribution depot.

Pre-application advice

- 3.3. The previous application submission (**BH2017/04050**) followed the Applicant seeking and obtaining pre-application advice from Officers. This advice has informed the formulation of the application submission.

4. REPRESENTATIONS

- 4.1. **Five (5)** letters have been received, objecting to the proposed development for the following reasons:
- Noise disturbance
 - Overlooking
 - Access from Mallory Road should be restricted
 - Restriction of view
 - The screening to the rear boundary must be secured by condition
 - Construction hours should be restricted
 - Overdevelopment
 - The houses to the rear are too tall

5. CONSULTATIONS

External

- 5.1. **UK Power Networks:** No objections.
- 5.2. **Scotia Gas Networks:** Comment:
On the mains record you may see the low/medium/intermediate pressure gas main near your 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. You should, where required confirm the position using hand dug trial holes.
- 5.3. **County Archaeologist:** No objection:
Recommend a written scheme of Archaeological Investigation and its implementation be secured by planning condition, as recommended for the previous application (BH2017/04050).
- 5.4. **Southern Water:** Comment:
There is a water main through the site which will require diversion to facilitate the proposed development. Clearances from all water mains must be maintained. Details of surface water drainage measures should be submitted. A connection to the public sewerage system will be required.
- 5.5. **County Ecology:** Confirm that comments from previous application **BH2017/04050** still stand as set out below:
The proposed development is unlikely to have a negative impact on biodiversity and can be supported from an ecological perspective. The site offers opportunities for enhancement that will help the Council address its duties and responsibilities under the NERC Act and NPPF. An Ecological Design Strategy should be required setting out how the site will be enhanced for biodiversity.
- 5.6. **Environment Agency:** Comment from previous application BH2017/04050 (updated comment requested):
This site lies above Tarrant Chalk Member which is designated a Principal Aquifer. The site also lies in Source Protection Zone 2 for Goldstone Public Water Supply abstraction. Contamination may be present at the site as a result of its historical use(s). Any contamination present may pose a risk to groundwater underlying the site. We have no objection to the proposed development as submitted, subject to the inclusion of the following conditions:
- Conditions to secure investigation and mitigation of potential land contamination.
 - Condition to secure scheme for surface water drainage.
- 5.7. **Sussex Police:** Do not support the application, for the following reasons:
The details within the application have been assessed and there is no material change that warrants additional crime prevention advice therefore my previous crime prevention comments within my correspondence of PE/B&H/17/098/A dated 22nd December 2017 in response to planning application BH2017/04050, remains extant as set out below:

- There is no definitive separation between the C3 element and the additional proposed usages. Too much permeability. [N.B. This point has been addressed through amendments to the scheme.]
- The proposed development could cause harm to neighbouring amenity due to the potential commercial uses, lack of confirmation of opening hours, and potential additional parking.

5.8. **Conservation Advisory Group: Recommend approval:**

CAG welcome the lowered roof ridge on the commercial unit C3 but recommends that the roof lights on the elevations visible from the Drove way are removed or at least reconfigured.

Internal

5.9. **Environmental Health: Comment:**

A land contamination assessment has been submitted and any required remediation measures can be secured by planning condition. A Construction Environmental Management Plan (CEMP) should be secured by condition to control disturbance during construction works. An external lighting scheme should be secured by condition, and hours of operation for the proposed commercial units should be controlled by condition.

5.10. **Heritage: No objection**

No objection subject to conditions securing the following:

- Material samples
- Conservation style rooflights
- Cast iron rainwater goods.

5.11. **Housing: Comment:**

The proposed affordable housing provision is acceptable subject to an appropriate tenure mix of two shared ownership / two affordable rented.

5.12. **Planning Policy: Comment**

The differences in respect of this application from the previous application (**BH2017/04050**) largely relate to the design of the new terrace of housing to the north of the site. The applicant has indicated in the Planning Statement that the remaining uses and amount of development remains consistent between the currently appealed proposal and the current application. It is understood that the current applications will create 659sqm of dedicated B1 employment space with an additional 776 sqm of flexible use employment space (A1/A2/A3/B1/D1).

5.13. The original planning policy comments on the previous application (**BH2017/04050**) and the further comments: 13th July and 29th August 2018 are therefore considered still appropriate as summarised below:

5.14. The retail use which is proposed has been justified. It has been stated that some marketing for employment use took place in the past however no evidence of this has been provided. The proposed uses and office use have been clarified. In the absence of evidence of marketing and the results of such marketing Policy CP3 has not been fully addressed.

5.15. **Sustainable Drainage:** Comment from previous application **BH2017/04050** (updated comment requested):
A full drainage strategy should be secured by planning condition.

5.16. **Sustainable Transport:** Comment:

- The proposed pedestrian accesses and vehicular accesses are acceptable.
- The new vehicular access on Mallory Road will require a vehicular crossover carried out under license.
- The crossover in front of the garage building on The Drove way should be reinstated as a raised kerb.
- 39 Parking spaces are proposed which is considered to be an acceptable provision in this case.
- Disabled parking provision should be secured by condition. 48 cycle parking spaces are proposed which exceeds the minimum standard required; full details of cycle storage should be secured by condition.
- In regard to the commercial premises, a delivery and servicing management plan should be secured by condition.
- The proposed development overall would result in a net increase in trip generation and therefore improvements to sustainable transport infrastructure are required which can be funded through a financial contribution of £35,343.

5.17. **Sustainability:** Comment (from previous application BH2017/04050):

The proposed residential units should meet optional building regulations standards for energy and water usage. The proposed non-residential development should meet a BREEAM rating of 'Excellent'.

5.18. **Economic Development:** Comment

The scheme is supported. A contribution towards delivery of the Local Employment Scheme is required, and an Employment & Training Strategy should also be secured.

5.19. **Public Art:** Comment:

The proposed development should incorporate an artistic element to the value of £21,000.

5.20. **Education:** Comment

The proposed development would create an additional demand upon local schools; a financial contribution of £52,398 towards Blatchington Mill and Hove Park Schools.

6. MATERIAL CONSIDERATIONS

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

- 6.1. 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);
- 6.2. 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 and Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP2	Sustainable economic development
CP3	Employment land
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP14	Housing density
CP15	Heritage
CP16	Open space
CP18	Healthy city
CP19	Housing mix
CP20	Affordable housing

Brighton and 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
QD15	Landscape design
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
HE10	Buildings of Local Interest

Supplementary Planning Documents:

SPD03	Construction and Demolition Waste
SPD09	Architectural Features

8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the dilution of the existing B-Class employment use of the site, the impact of the proposed development upon the character and importance of the locally listed heritage asset, the proposed residential units including affordable units, the proposed commercial uses, impacts upon neighbouring amenity, transport, sustainability, landscaping, ecology and trees.
- 8.2. 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.
- 8.3. 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).

Principle of Development

- 8.4. As identified above, the current application is a re-submission of a previous application (**BH2017/04050**) for a similar development, which is currently subject to an appeal of non-determination. Within the assessment of the previous application it was agreed that the LPA would have approved the application had an appeal not been lodged, subject to a number of conditions and a legal agreement securing affordable housing provision in addition to a number of developer contributions, which forms a material consideration in the determination of this application.
- 8.5. The last known use of the site was storage / distribution (Use Class B8). The current proposal comprises the same mixture of uses on site as the previous application including flexible commercial uses of B1(a), A1, A2, A3 and D1 in addition to 14 residential units. The proposed development would result in a net gain of commercial floorspace overall, however the level of employment (B1-B8) floorspace would be diluted.

- 8.6. City Plan Part One Policy CP3 states that proposals resulting in a loss of non-allocated employment (B1-B8) floorspace will only be acceptable where it has been demonstrated that the site is redundant or incapable of meeting the needs of alternative employment generating uses. Policy CP3 states that documented evidence of a marketing strategy is required In order to demonstrate redundancy of employment uses.
- 8.7. In this case, whilst there are a number of factors in the proposal's favour, no evidence has been submitted to indicate that a period of marketing of the premises for employment took place. On this basis, the application fails to address policy CP3. As identified within the assessment of the previous application however, there are a number of benefits associated with the proposed development.
- 8.8. The site constitutes a locally listed heritage asset and a significant amount of information has been presented regarding the condition of the existing buildings and their suitability for conversion to employment or alternative uses. Furthermore the proposed mix of uses would deliver a significant amount of modern office space alongside mixed uses which could include some further office space, and which would in themselves generate employment. Furthermore, whilst the dilution of B-Class employment space is regrettable, the provision of housing units including dwellings suitable for family occupation and affordable housing would be of benefit to the city. On balance therefore, it is considered that the proposed scheme can be supported in principle.

Design and Appearance/Heritage:

- 8.9. As detailed above, the application proposes a redevelopment of the former dairy depot which is a locally listed (non-designated) heritage asset comprising single storey, early 19th century outfarm buildings associated with a larger dairy farm. The site comprises a series of long, low buildings with half-hipped or gabled clay tile roofs and flint walls with brick dressings. The main barn building has semi-circular arched openings providing access to the rear yard.
- 8.10. The main barn is the most significant element, with its long unbroken roof but the buildings have group value; the historic, functional inter-relationship of the buildings are important elements of their significance. There is particular visual interest provided by the two semi-circular headed openings and by the uniformly long and low form of the buildings. They are an unusually intact example of a group of former farm building in the local context of Brighton & Hove, despite significant 20th century alterations for commercial dairy use. The original rural setting has long been lost but the surrounding low-rise suburban development has not overwhelmed the site and the buildings remain an attractive and distinctive feature of the street scene with the open yard at the front.
- 8.11. This application is a resubmission of the previous application **BH2017/04050** (subject to an appeal against non-determination). The differences in respect of this application largely relate to the internal layout and design of the new

terrace of housing to the north of the site, including the removal of integral garages to a number of the properties to facilitate living accommodation at ground floor, thereby negating the need for first floor French windows and stepped access to the rear gardens.

- 8.12. As with the previous application, the principle of bringing this vacant heritage asset back into active use is welcomed and a mixed use approach is considered appropriate. The proposal retains the most significant elements of the heritage asset however it would result in the loss of the late 19th century northern and part eastern ranges to the rear of the site. It is accepted that due to the poor condition and limited height of these ranges, a conversion scheme would not accommodate many residential units and therefore their demolition and redevelopment is accepted.
- 8.13. The proposals involve the partial demolition and rebuilding on a larger footprint of Building B. This was originally an animal shelter and still retains its open frontage. It dates from the early part of the 19th century (though somewhat altered) and is again noted as being of medium significance in the Heritage Statement. Its existing steel truss roof structure would be demolished and it would be remodelled on a larger footprint with a higher roof. Acceptable justification for this approach has been provided.
- 8.14. The detached building to the west (marked Building D on the plans) is a late 19th century animal shelter with later infilling and is noted as being of medium significance in the submitted Heritage Statement. It would be partially retained and converted with a higher eaves and ridge line but retaining the gabled roof form. The detailing of this has been confirmed as acceptable by the Heritage team.
- 8.15. The original multi-purpose barn (Building A), would be converted to commercial use with strip rooflights which is considered appropriate to its character. Similarly the eastern range (Building C) would also be retained and appropriately converted to commercial use with strip rooflights.
- 8.16. The proposal also includes the reinstatement of a central range to the front courtyard which is consistent with the historic mapping of the site. The height of this range and its continuous ridge line are appropriate and this building would be appropriately subservient in scale to the main barn.
- 8.17. To the rear of the site, Building E, would be demolished and the central canopy over the covered courtyard would be removed. A terrace of 10 dwellings set on a similar footprint is proposed in replacement of the building. The replacement terrace would be slightly taller than the existing building however as the site would be partially excavated and levelled, the new building would not be visible from The Droveaway. It is therefore considered that the proposed new building would remain subservient to the main building and would be acceptable in terms of its impact on the setting of the locally listed heritage asset.

- 8.18. Paragraph 197 of the NPPF states that “in weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset”.
- 8.19. In this case, the proposals would result in some harm to the heritage asset as a whole through loss of historic fabric and features and a change in the character of the site. The loss of some parts would impact negatively on the significance of the retained elements by eroding the historic grouping and context. The most significant elements of the site would however be retained and the key public views from The Drove way would be conserved. Furthermore bringing the site back into long term sustainable use is a heritage benefit and the removal of the harmful 20th century additions would also be a welcome heritage benefit.
- 8.20. The overall development and arrangement proposed is considered to be acceptable in design and heritage terms.

Proposed residential units / standard of accommodation / access

- 8.21. The proposed development would include 14 residential units comprising the following mix:

Market Housing:

- 1x 4-bedroom house
- 7 x 3-bedroom house
- 2x 2-bedroom house

Affordable Housing:

- 2x 2-bedroom house
- 2x 1-bedroom houses

- 8.22. It is considered that the proposal represents a good mix of accommodation; a number of units suitable for family accommodation would be provided in a sustainable location. The proposed affordable provision is policy compliant representing 30% of the overall number of units, which is required by Policy CP20 for schemes of 10-14 units. It is proposed that two of the units would be for rent and two would be for shared ownership, which is a policy compliant tenure mix.
- 8.23. All of the proposed residential units would provide an acceptable standard of accommodation internally. The market housing units would all benefit from some private outdoor amenity space. The affordable units in the west wing would have access to a communal courtyard in front of the wing.
- 8.24. In regard to access, all of the units would be required to meet optional Building Regulations access standards and it is a policy requirement that at least one of the proposed units be wheelchair accessible; it is recommended that this be secured by condition.

8.25. Overall it is considered that the proposed development would provide a good standard and mix of residential accommodation and future occupiers would benefit from living in a characterful historic site in a sustainable location.

Impact on Amenity:

8.26. In terms of increased bulk and overlooking, the greatest potential impact would occur to the north of the site where the proposed terrace would be built facing the shared boundary with residential dwellings beyond. The current application includes living accommodation at ground floor level with bedrooms within the upper levels whereas the previous application included the living accommodation at first floor with French windows and stepped access to the garden.

8.27. Due to the site levels, in addition to the screening proposed along the northern boundary, it is considered that the proposed development can be successfully accommodated on site whilst achieving an appropriate relationship with the residential property to the north.

8.28. The proposed commercial uses have the potential to cause disturbance through activity and the use of plant and machinery. The Environmental Health Team have commented on the application and consider that the potential impacts of the proposed development could be appropriately controlled through the use of planning conditions and these are recommended to-

- Restrict hours of all activities to 07.00 to 23.00
- Restrict noise output from any plant / machinery
- Secure a delivery / servicing / refuse collection Management Plan

8.29. It is also recommended that a Construction and Environmental Management Plan be secured by condition to control noise and disturbance during the construction phase of the development.

8.30. Many of the representations received object to the scheme on the basis that it would generate additional vehicular movements along The Droveway and in the surrounding area. It is not considered that the potential for vehicular movements would cause disturbance of a magnitude which would warrant the refusal of planning permission. As detailed above deliveries / servicing / refuse collections associated with the proposed commercial uses can be controlled through a Management Plan.

8.31. Subject to the application of appropriate conditions, overall it is considered that the proposed development would not cause significant harm to neighbouring amenity.

Sustainable Transport:

8.32. The previous use of the site as a storage and distribution centre by its nature would have generated vehicular movements and trips. Since this use ceased the site has been dormant.

- 8.33. The proposed uses would generate vehicular movements / trips from residents, workers and visitors to the site. It is acknowledged that there is a high demand for on street parking on The Drove way for various reasons. The introduction of a Controlled Parking Zone (CPZ) in the Hove Park Area may alleviate some of these problems in the future, the scheme has however been assessed in the current context that a CPZ is not in place.
- 8.34. Thirty nine parking spaces are proposed on site to serve the development. The Transport Team have commented on the scheme and considered that the level of parking proposed on site would be acceptable and that harmful overspill parking would not result.
- 8.35. In regard to trip generation, a net increase would result and therefore a contribution is required towards sustainable transport infrastructure in the vicinity of the site.
- 8.36. Other transport matters are detailed below:
- The proposed pedestrian accesses and vehicular accesses are acceptable.
 - The new vehicular access on Mallory Road will require a vehicular crossover secured by condition and carried out under license.
 - The crossover in front of the garage building on The Drove way should be reinstated as a raised kerb, it recommended that this be secured by condition.
 - Retention of the proposed 39 Parking spaces for residents / workers and visitors to the site is recommended to be secure by condition.
 - Disabled parking provision is recommended to be secure by condition.
 - 48 cycle parking spaces are proposed which exceeds the minimum standard required; full details of cycle storage is recommended to be secure by condition.
- 8.37. Overall, subject to appropriate conditions and s106 requirements, the scheme is acceptable in transport terms.

Landscaping and trees

- 8.38. The proposed site layout indicates areas of lawn / planting. A fully detailed landscaping scheme and planting schedule is recommended to be secured by condition. A scheme of nature conservation enhancements is required and again is recommended to be secured by condition. As detailed above the implementation and retention of the proposed boundary screening, of particular importance to the northern boundary of the site, is recommended to be secured by condition.
- 8.39. Whilst there are no trees within the site itself, a number of trees are located within neighbouring sites alongside the boundaries of the site. It is recommended that a scheme of protection measures to ensure that these trees are not harmed during construction works be secured by condition.

Sustainability:

- 8.40. Policy CP8 requires that new dwellings meet the Optional Building control Standards for Energy and Water usage and it is recommended that this be secured by condition. The proposed non-residential development should meet a BREEAM rating of 'Excellent'. This may be challenging given that some conversion of historic buildings is involved, therefore the condition wording proposed allows some flexibility should an Excellent scoring not be achievable across all scoring categories.

Ecology:

- 8.41. The County Ecologist advises ecological harm and impact upon protected species unlikely. It is recommended that a scheme of nature conservation enhancements be secured by planning condition.

Environmental Health / Land contamination:

- 8.42. A desktop study has been submitted which indicates the need to for further on site investigation. This investigation and any works which are subsequently identified as necessary are recommended to be secured by condition.

Other matters:

- 8.43. Sussex Police raised concerns re the lack of formal separation between the proposed residential and non-residential uses. In response to this an amendment was made to the scheme introducing a secure gated entrance between the residential and non-residential uses (see drawing TA1045/15 Rev D).
- 8.44. The County Archaeologist recommends that a scheme of Archaeological Investigation be secured, and it is recommended that this be achieved through a suitably worded condition.

9. CONCLUSION

- 9.1. The proposed development would provide a significant delivery of B Class employment floorspace alongside mixed uses and 14 residential units including a provision of 4 affordable units with a policy compliant tenure mix. Furthermore the proposal would ensure the retention of much of the fabric and character of a locally listed heritage asset and would secure an active use of the site for the future.
- 9.2. The proposed development is acceptable in transport, sustainability and ecological terms, and conditions / s106 requirements are recommended to secure
- Disabled parking and cycle parking provision, and travel plan measures;
 - Details of materials and works to the historic buildings;
 - Compliance with energy and water consumption standards and access standards;
 - Ecological improvements;
 - Contributions towards educational provision, open space / sports provision, and the Council's Local Employment Scheme.

- 9.3. Overall, whilst the proposed scheme would result in some dilution of employment use, and would have some impact upon neighbouring amenity, it is considered that the scheme would deliver genuine benefits in the form of new employment and mixed use spaces, residential units including affordable units, and would ensure an appropriate redevelopment of a locally listed heritage asset. Overall the scheme is considered acceptable and it is recommended for approval subject to the conditions and s106 requirements set out in sections 1 and 11.

10. EQUALITIES

- 10.1. The new build element of the scheme would be required to comply with optional access standards by condition, and one wheelchair accessible unit would be provided.

11. DEVELOPER CONTRIBUTIONS

S.106 Agreement

The contributions required would be allocated and spent as follows:

- A contribution of **£52,398** towards education (Aldrington CE Primary, Brighton and Hove Bilingual Primary, Cottesmore Primary School or Stanford Infant and Junior Schools, Blatchington Mill and Hove Park Schools).
- A contribution of **£59,282.19** towards open space and recreation provision. To be allocated as follows:
 - **Children and Young People play space** - £1, 512.46 towards Hove Park and/or Dyke Road play area
 - **Amenity Green Space** - £1,678.95 towards Improvements to planting areas and landscape/natural infrastructure in Hove Park and/or Dyke Road Park and/or Preston Park
 - **Outdoor sports facilities** - £14,307.55 towards football/basketball facilities at Hove Park and/or Dyke Road Park and/or Nevill Recreation
 - **Parks and Gardens** - £20,940.67 towards improvements to planting areas and landscape/natural infrastructure in Hove Park and/or Dyke Road Park and/or Preston Park
 - **Natural and Semi-Natural open space** - £9,381.12 towards Improvements to planting areas and landscape/natural infrastructure in Hove Park and/or Dyke Road Park and/or Preston Park
 - **Allotments** - £1,775 towards water/infrastructure improvements at The Weald allotments, Weald Avenue
 - **Indoor Sport** - £9,408.00 towards Withdean Sports Complex.
- A contribution of **£20,150** to the Council's Local Employment and Training Strategy.

- A sustainable transport of **£35,343** is requested to be allocated to the following:
 - Shelter and/or accessible kerb and/or real time information at the Droveway southbound stop on Shirely Drive; and/or
 - Accessible kerb and/or real time information at the Droveway northbound stop on Shirley Drive; and/or
 - Accessible kerbs and/or real time information at the Droveway northbound and Church of the Good Shepherd southbound stops on Dyke Road and/or
 - Pedestrian footway and cycle route improvements to include, but not limited to, dropped kerbs and tactile paving, crossing and junction entry treatments on routes between the development site and local facilities including, but not limited to, the above bus stops.

- An artistic component / element as part of the proposed scheme to the value of £21,000.

In the event that the draft S106 agreement has not been signed by all parties, the application shall be refused for the following reasons:

1. The proposed development fails provide a provision of affordable housing which addresses the requirement of Policies CP1, CP19 and CP20 of the Brighton and Hove City Plan Part 1.
2. The proposed development fails to provide a financial contribution towards the improvement and expansion of capacity of local schools required contrary to policy CP7 of the Brighton and Hove City Plan Part 1 and the City Council's Developer Contributions Technical Guidance.
3. 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 contrary to policies DA5, CP7 and CP16 of the Brighton and Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
4. The proposed development fails to provide necessary sustainable transport infrastructure improvements in the vicinity of the site and therefore fails to address the requirements of Policies CP7 and CP9 of the Brighton and Hove City Plan Part One.
5. 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 and Hove City Plan Part 1 and the City Council's Developer Contributions Technical Guidance.
6. 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 and Hove City Plan Part 1 and the City Council's Developer Contributions Technical Guidance.

7. The proposed development does not include an appropriate artistic element commensurate to the scale of the scheme and therefore fails to address the requirements of CP5, CP7 and CP13 of the Brighton and Hove City Plan Part One.

