

<b><u>No:</u></b>	<b>BH2018/03629</b>	<b><u>Ward:</u></b>	<b>South Portslade Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Belgrave Training Centre Clarendon Place Portslade BN41 1DJ</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing building (D1) and erection of one part 4, 5 and 6 storey building and one part 5 and 7 storey building, with solar arrays and lift overruns, comprising 104 apartments incorporating, 11no studios, 50no one-bedroom, 39no two-bedroom, and 4no three-bedroom apartments (C3) with vehicle and cycle parking.</b>		
<b><u>Officer:</u></b>	Eimear Murphy, tel: 293335	<b><u>Valid Date:</u></b>	04.12.2018
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	05.03.2019
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>EOT:</u></b>	31.03.2019
<b><u>Agent:</u></b>	Savills 74 High Street Sevenoaks TN13 1JR		
<b><u>Applicant:</u></b>	City Of Brighton And Hove Design And Build Company LLP C/O Savills 74 High Street Sevenoaks TN13 1JR		

## 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 **8<sup>th</sup> January 2020** 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:

- Secure a minimum of 40% of the development as Affordable Housing

#### Education:

- £70,291 toward the cost of secondary and sixth form education provision at Portslade Aldridge Community Academy

#### Employment and Training

- Employment and Training Strategies for the provision of local employment opportunities with 20% of any new roles created from the demolition (where appropriate) and construction phases of development
- £29,800 of a developer contribution toward the Council's Local Employment Scheme
- Construction Environmental Management Plan (CEMP) – To be submitted and agreed prior to the commencement of works on site to include site waste management.

### Indoor/Outdoor Recreation

- A total contribution £933,406 toward outdoor sports facilities (£54,696 and indoor sports provision (£38,710) to be spent at:
  - Children 's ' Play – Western Lawns and/or Wish Park
  - Parks Gardens – Western Lawns and/or Wish Park and or Davis Park
  - Natural/Semi Natural – Western Lawns and/or Wish Park and or Davis Park
  - Amenity Green Space – Western Lawns and/or Wish Park and or Davis Park
  - Outdoor Sport – Western Lawns
  - Indoor Sport – Western Lawns and or King Alfred and or Portslade Sports Centre
  - Allotments
  - Seafront / Beach access – Western Esplanade

### Sustainable Transport:

- £97,650.00 toward sustainable transport be allocated towards the following works and initiatives including:
  - A scheme to improve pedestrian footways, accessibility and amenity from the development to local shopping centres on Boundary Rd from the development;
  - A scheme to improve child pedestrian and cyclist safety to one or more local schools from the development; and/or
- Provision of Brighton Bike hub for a minimum of 8 cycles within the development site (or use by occupants and the public).

### Travel Plan

- Five Year Travel Plan 1 or more years free or subsidised tickets/memberships for local public and shared transport services, including:
  - Local buses and/or train services
  - Brighton & Hove Bike Share
  - Enterprise Car Club
- Providing residents a voucher of ≥£150 to go towards the cost of purchasing a bicycle or e-bicycle.
- Providing information on sustainable transport options in all marketing material (including any on-line).
- Establishing a Bicycle User Group at frequencies that the group decide for residents cover, subsidised for the duration of the Plan to provide –
  - 'Bike buddy' services
  - Holding several social rides per year
  - 2 or more 'Doctor Bike' sessions per year with both a repair and a teaching element.
- Maintenance stands together with appropriate tools within the cycle stores for resident use.
- Providing formal cyclist training to residents to be marketed throughout the development.
- Providing information on the following:
  - road safety
  - local sustainable travel options,
  - Travel Plan objectives, targets, measures and progress
  - Bicycle User Group

- initiatives being promoted by residents, the Travel Plan Coordinator and the Bicycle User Group and promoted by Brighton & Hove City Council

### S278 Agreement

- Toward necessary highway works include the following:
  - Kerb radii narrowing at junction of Clarendon Place / North Street including dropped kerb pedestrian crossing and/or raised crossings leading from Clarendon Place into the site;
  - Footway on east side of Clarendon Place widened to provide a minimum clearance of 1 metre;
  - Pedestrian-priority treatment to south-east section of Clarendon Place;
  - Review of existing and provision of additional parking restrictions introduced throughout Clarendon Place;

### Permissive Path

- A Permissive Path Agreement to permit public access to all publically accessible areas of the site.

### 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.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	PL-001 Existing Location Plan	A	30 November 2018
Existing Drawing	PL-002 Existing Survey		23 November 2018
Existing Drawing	PL-003 Existing Survey Elevations 01		23 November 2018
Existing Drawing	PL-004 Existing Survey Elevations 02		23 November 2018
Proposed Drawing	9028-PL-005 Proposed Site Plan	A	26 July 2019
Other	9028-SK016 Green Corridor Study	A	26 July 2019
Proposed Drawing	9028-PL-006 Proposed Site Elevations	B	26 July 2019
Proposed Drawing	9028-PL-007 Proposed Ground Floor Plan	A	26 July 2019
Proposed Drawing	9028-PL-008 Proposed Typical Floor Plan 01-03	A	26 July 2019
Proposed Drawing	9028-PL-009 Proposed Fourth Floor Plan	A	26 July 2019
Proposed Drawing	9028-PL-010 Proposed Fifth Floor Plan	A	26 July 2019
Proposed Drawing	9028-PL-011 Proposed Sixth Floor Plan	A	26 July 2019
Proposed	9028-PL-013 Proposed Roof Plan	A	26 July 2019

Drawing			
Proposed Drawing	9028-PL-014 Proposed Building A Elevations	B	26 July 2019
Proposed Drawing	9028-PL-015 Proposed Building B Elevations	B	26 July 2019
Proposed Drawing	9028-PL-016 Proposed Sections	B	26 July 2019
Proposed Drawing	9028-PL-017 Proposed Bay Studies 01	B	26 July 2019
Proposed Drawing	9028-PL-018 Proposed Bay Studies 02	B	26 July 2019
Proposed Drawing	9028-PL-019 Proposed Flat Types	A	26 July 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. No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
  - a) samples of all brick, render and tiling (including details of the colour of render/paintwork to be used)
  - b) samples of all cladding to be used, including details of their treatment to protect against weathering
  - c) samples of all hard surfacing materials
  - d) samples of the proposed window, door and balcony treatments
  - e) samples of all other materials to be used externally
 Development shall be carried out in accordance with the approved details.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with policy CP12 of the Brighton & Hove City Plan Part One.
  
4. No development above ground floor slab level shall take place until additional typical bay studies showing full details of door(s), window(s) and their reveals and cills, balconies and french doors 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.
  
5. No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.  
**Reason:** To safeguard the appearance of the building and the visual amenities of the locality and to comply with policy CP12 of the Brighton & Hove City Plan Part One.

6. No development above ground floor slab level shall take place until full details of the signage to the west elevation and to the south facing translucent glass to the integral bicycle storage areas and the 'gateway' artistic element, including 1:20 elevations and 1:5 sections (where appropriate), materials, colour and finishes, 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 that addresses the requirements for an artistic component and to comply with policies CP5, CP7, CP12 and CP13 of the Brighton & Hove City Plan Part One.
  
7. The development hereby permitted shall not be occupied until a plan detailing the positions, height, design, materials and type of all existing and proposed boundary treatments shall have been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be provided in accordance with the approved details prior to occupation of the development and shall thereafter be retained at all times.  
**Reason:** To enhance the appearance of the development in the interest of the visual and residential amenities of the area and to comply with policies QD15 and QD27 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.
  
8. 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, 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.
  
9. Prior to the first use/occupation of the development hereby approved a Waste & Recycling Management Plan, which includes, inter alia, details of the types of storage of waste and recycling, types of vehicles used to collect these materials, where these vehicles can turn, how collections will take place and the frequency of collections shall be submitted to and approved in writing by the Local Planning Authority. All waste, recycling and their storage and collection activities shall thereafter be carried out in accordance with the approved plan.  
**Reason:** In order to ensure the safe operation of the development and to protect the amenities of nearby residents, in accordance with policies SU10, QD27 and TR7 of the Brighton & Hove Local Plan and policy WMP3e Waste and Minerals Plan for East Sussex, South Downs and Brighton & Hove.
  
10. The 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 & 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. 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;
  - d. details of safeguarding for the provision of a future west-east cycle lane including method of separation.
- 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. Notwithstanding the plans hereby permitted and prior to first occupation/use of the development hereby permitted, details of secure, inclusive and accessible 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. and SPD14: Parking Standards.

13. Notwithstanding the plans hereby approved, prior to commencement of development above ground floor slab level, a car parking management plan shall be submitted to and approved by the Local Planning Authority, such plan to include details of the following
- A scheme for conveying allocations to occupiers of the development.
  - A scheme to bring spaces with passive electric car charging points into active service.
  - Controls to limit access to and within the parking area.
  - A scheme to provide security for users of parking area.
  - A scheme to ensure only Car Club Vehicles use the two allocated spaces
- The approved Car Parking Management Plan shall be fully implemented prior to first occupation of the development and thereafter maintained.
- Reason:** To ensure that adequate parking provision is retained and prevent excess overspill onto surrounding streets, and to comply with policies TR18 of Brighton & Hove Local Plan policy, policy CP9 of the Brighton & Hove City Plan Part One, and SPD14 Parking Standards.

14. Prior to first occupation of the development hereby permitted, details of a motorcycle parking area 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 area 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 cars and to comply with policies TR1, TR19 and QD3 of the Brighton & Hove Local Plan and SA6, CP7, CP9, CP12, CP13 and CP15 of the Brighton & Hove City Plan Part One.
15. Notwithstanding the plans hereby permitted, prior to commencement of the proposed development above ground floor slab level, full details of electric vehicle charging points within the proposed car park hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the 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 SA6, CP7, CP9, CP12, CP13 and CP15 of the Brighton & Hove City Plan Part One and SPD14 Parking Standards.
16. The vehicle parking area(s) 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 and shall be maintained so as to ensure their availability for such use at all times.

**Reason:** To ensure that adequate parking provision is retained and to comply with policy CP9 of the Brighton & Hove City Plan Part One and SPD14: Parking Standards.
17. No open storage shall take place within the curtilage of the site without the prior written approval of the Local Planning Authority.

**Reason:** To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
18. 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.
19. Notwithstanding the details shown on the submitted plans, a revised car parking layout providing no less than two disabled parking bays together with 1.2m buffer zones to both sides and to the front, shall be submitted to and

approved in writing by the Local Planning Authority. The disabled parking bays 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 by occupants and visitors.

**Reason:** To ensure the development provides for the needs of disabled staff and visitors to the site and to comply with policy TR18 of the Brighton & Hove Local Plan and SPD14: Parking Standards.

20. The development hereby permitted shall not be occupied until the residential units hereby permitted have been completed in compliance with Building Regulation Optional Requirement M4(2) (accessible and adaptable dwellings) and shall be retained in compliance with such requirement 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 to comply with policy HO13 of the Brighton & Hove Local Plan.

21. 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 CP12 of the Brighton & 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 & Hove City Plan Part One.

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

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

24. Prior to first occupation of the development hereby approved, details of the photovoltaic array shown to the flat roofs of Blocks A and B; 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.

25. The development hereby permitted shall not be occupied until details showing the type, number, location and timescale for implementation of the bird, insect and potentially bat boxes have 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.

26. The development hereby permitted shall not be first occupied until
- i) details of external lighting, which shall include details of; levels of luminance, predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors, hours of operation and details of maintenance have been submitted to and approved in writing by the Local Planning Authority.
  - ii) the predicted illuminance levels have been tested by a competent person to ensure that the illuminance levels agreed in part i) are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed in part i).

The external lighting shall be installed, operated and maintained in accordance with the approved details and thereafter retained.

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

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

The construction shall be carried out in accordance with the approved DCEMP.

**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 Brighton & Hove 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.

28. The development hereby permitted shall not exceed ground floor slab level until a written scheme has been submitted to the local planning authority for approval which demonstrates how and where ventilation will be provided to each flat within the development including specifics of where the clean air is drawn from and that sufficient acoustic protection is built into the system to protect end users of the development. The approved scheme shall ensure compliance with Building Regulations as well as suitable protection in terms of air quality and shall be implemented before to occupation and thereafter retained.
- Reason:** To safeguard the amenities of the occupiers of the development and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
29. All measures identified within the amended approved air quality assessment, Appendix C: IAQM Highly Recommended Mitigation Measures for sites with a Medium Risk of Dust Impacts by Phlorum dated April 2019, which are to be installed during the course of the development, will be fully implemented. No occupation will take place until a report demonstrating that each measure is fully implemented has been provided to the satisfaction of and approved in writing by the Planning Authority.
- Reason:** To protect air quality and peoples health by ensuring that the production of air pollutants, such as nitrogen dioxide and particulate matter, are kept to a minimum during the course of building works and during the lifetime of the development and to comply with policies SU9 and QD27 of the Brighton & Hove Local Plan.
30. All ground floor flats with a frontage to Wellington Road shall be provided with passive or mechanical ventilation to supply fresh air (intake on the building roof) to the living quarters.
- Reason:** To protect air quality and peoples health by ensuring satisfactory air quality mitigation measures and to comply with policies SU9 and QD27 of the Brighton & Hove Local Plan.
31. Measures identified within the approved Landscape Strategy regarding the Green Blue Urban for tree pit system management and maintenance will be fully implemented for all proposed trees in the development.
- Reason:** To ensure the effectiveness of the SuDs potential of the tree planting and to comply with policies CP8 and CP12 of the Brighton & Hove City Plan Part One.
32. Notwithstanding the plans hereby permitted, no development above ground floor slab level shall commence until details of the design of internal streets and spaces have been submitted to and approved in writing by the Local Planning Authority and the Highway Authority. The submitted scheme shall -

1. Include full details, of the following -
  - i. Geometry and layout, including dimensions and visibility splays
  - ii. Pavement constructions and surfacing, kerbs and edge restraints
  - iii. Levels and gradients
  - iv. Lighting
  - v. Drainage
  - vi. Street furniture
  - vii. Trees and planting
  - viii. Traffic signs and road markings;
2. Have been developed through engagement with disabled user groups and others who may be negatively impacted by any shared surface and/or level surface proposals;
  - i. Be supported by a statement detailing that engagement and steps taken in response, as well as an equality impact assessment; and
  - ii. Have completed a road safety audit up to stage 2, with the Highway Authority acting as Overseeing Organisation.
3. Prior to first occupation of the development the scheme shall be implemented in full as approved; and
  - i. a stage 3 road safety audit, with the Highway Authority acting as overseeing organisation, shall be completed and any actions from this shall be implemented, such actions may include amendments to the approved scheme Thereafter the approved scheme (as may be amended owing to stage 3 road safety audit actions) shall be retained for use at all times.

**Reason:** In the interest of highway safety, sustainability, quality design, the historic environment and public amenity and to comply with policies TR7, TR11, TR12, TR14, TR15, TR18, SU3, SU5, QD1, QD2, QD3, QD14, QD20, QD25, QD26, QD27 and HE6 of the Brighton & Hove Local Plan and SA6, CP7, CP9, CP12, CP13 and CP15 of the Brighton & Hove City Plan Part One.

33. The wheelchair accessible dwelling(s) hereby permitted as detailed on the plans hereby approved 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.

34. Access to the flat roofs of the buildings hereby approved shall be for maintenance or emergency purposes only and shall not be accessed for any other purpose.

**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.

35. Notwithstanding the submitted details, the development above ground floor slab level of any part of the development hereby permitted shall not 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.
36. 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 per the recommendations of the Sustainable Drainage Report and Flood Risk Assessment updated 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.
37. Construction work shall not begin until a scheme for protecting the proposed dwellings from noise from the A259 and adjacent industrial units has been submitted to and approved by the local planning authority. An alternative ventilation scheme which does not require the opening of windows to provide fresh air flow and background ventilation is required. Each unit shall utilise a whole dwelling ventilation scheme incorporating suitable acoustic attenuation. The specification of glazing units shall also be provided.  
**Reason:** To safeguard the amenities of the existing properties and future occupiers of the proposed development and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
38. Notwithstanding the submitted details, the development above ground floor slab level of any part of the development hereby permitted shall not take place until details to provide solar shading to south facing windows to prevent overheating have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained thereafter.  
**Reason:** To safeguard the health of future residents or occupiers of the site and to comply with policy CP8 of the Brighton & Hove City Plan Part One.
39. Notwithstanding the details contained in the Couch Perry Wilkes Sustainability Statement, revised details of the proposed 'network ready' scheme for any future connection to the potential district heating network shall be submitted to and approved in writing by the Local Planning Authority.

Evidence should demonstrate the following:

1. Energy centre size and location with facility for expansion for connection to a future district heat network: for example, physical space to be allotted for installation of heat exchangers and any other

- equipment required to connection.
- 2. A route onto and through site: space on site for the pipework connecting the point at which primary piping enters the site with the onsite heat exchanger/ plant room/ energy centre. Proposals must demonstrate a plausible route for heat piping and demonstrate how suitable access could be gained to the piping and that the route is protected throughout all planned phases of development.
- 3. Metering: installed to record flow volumes and energy delivered on the
- 4. primary circuit.

**Reason:** The submitted details relate to a superseded plan and to ensure that the development is sustainable and makes efficient use of energy to comply with policies DA8 and CP8 of the Brighton & Hove City Plan Part One.

40. The development hereby permitted shall not be commenced until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been prepared, submitted to and been approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

In the event that contamination is found, no development other than that required to be carried out as part of an approved scheme of remediation shall take place until the approved remediation scheme has been carried out in accordance with its terms. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and be approved in writing of the Local Planning Authority.

**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.

41. No development shall take place until an ecological design strategy (EDS) addressing measures for the protection of biodiversity and enhancement of the site for biodiversity has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:
- a. purpose and conservation objectives for the proposed works;
  - b. review of site potential and constraints;
  - c. detailed design(s) and/or working method(s) to achieve stated objectives;
  - d. extent and location /area of proposed works on appropriate scale maps and plans;
  - e. type and source of materials to be used where appropriate, e.g. native species of local provenance;
  - f. timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
  - g. persons responsible for implementing the works;
  - h. details of initial aftercare and long-term maintenance;

- i. details for monitoring and remedial measures;
- j. details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

**Reason:** To ensure that any adverse environmental impacts of development activities can be mitigated, compensated and restored and that the proposed design, specification and implementation can demonstrate this and to comply with the requirements of policy CP10 of the Brighton & Hove City Plan Part One.

42. Notwithstanding the details submitted, revised details shall be submitted to and approved in writing to demonstrate that all proposed pedestrian footpaths shall provide a minimum clearance width of 1m. The development shall be implemented in accordance with the approved details and retained thereafter.

**Reason:** To ensure safe pedestrian movement to and from the site including other premises located at the southern end of Clarendon Place and to comply with policy TR7 of the Brighton & Hove Local Plan and policy CP9 of the Brighton & Hove City Plan Part One.

43. Before any works are undertaken, the site must be surveyed by an approved environmental consultant for the presence of Japanese Knotweed and a copy of this survey sent to the Local Planning Authority. Therefore, this survey must also note any knotweed adjoining the site. Full details of a scheme for its eradication and/or control shall be submitted to and approved by the Local Planning Authority prior to the commencement of work on site, and the approved scheme shall be implemented prior to the commencement of the use of the building(s).

**Reason:** To ensure that this invasive species is controlled and removed in an appropriate manner having regard to its presence representing a contaminant and to comply with policy QD27 of the Brighton & Hove Local Plan.

#### Informatives

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website ([www.communities.gov.uk](http://www.communities.gov.uk)).
3. The applicant is advised to contact the Council's Streetworks Team([permit.admin@brighton-hove.gov.uk](mailto:permit.admin@brighton-hove.gov.uk) 01273 290729) for necessary highway approval from the Highway Authority prior to any works commencing on the adopted highway to satisfy the requirements of the condition.
4. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk

website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.

5. The water efficiency standard required under condition is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.
6. The applicant is advised to consult with the sewerage undertaker to agree a drainage strategy including the proposed means of foul water disposal and an implementation timetable. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or [www.southernwater.co.uk](http://www.southernwater.co.uk)
7. The combined sewers require a clearance of 3 metres either side of the sewer to protect it from construction works and allow for future access for maintenance. No development or new tree planting should be located within 3 metres either side of the external edge of the public sewers. No excavation, mounding or tree planting should be carried out within 6 metres of the public water main without consent from Southern Water. No new soakaways should be located within 5 metres of a public sewer and water mains. All existing infrastructure, including protective coatings and cathodic protection, should be protected during the course of construction works.
8. The applicant is advised that an agreement with Southern Water, prior to commencement of the development, the measures to be undertaken to divert/protect the public water supply main. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or [www.southernwater.co.uk](http://www.southernwater.co.uk)
9. Under section 1 of the Wildlife and Countryside Act 1981 any person who intentionally injures a wild bird, or damages or destroys the nest of any bird while that nest is in use or being built is guilty of an offence. This means that works to trees with nests in them should be timed to avoid the bird nesting season if possible, generally April to September.

The Wildlife and Countryside Act 1981 (as amended) states that all birds (except those listed in schedule 2 of the Act), their nests and eggs are protected by law. It is an offence to intentionally or recklessly kill, injure or take any wild bird, or damage or destroy the nest of any wild bird whilst it is in use or being built. For this reason, tree work, should not be undertaken during the nesting season (broadly March to August) unless a survey for nesting birds confirms their absence.

Please note that any approval given to by the Council does not give an exemption from the requirements to comply with the Wildlife and Countryside Act 1981 (as substituted by the Countryside and Rights of Way Act 2000) or any Acts offering protection to wildlife. Of particular note is the protection

offered to bats, birds and their nests, whilst being built or in use. Should you require any further information on this subject please contact Natural England on 0300 060 3900 or enquiries@naturalengland.org.uk

## **2. SITE LOCATION & APPLICATION DESCRIPTION**

### Site and its Context

- 2.1. The application site is located to the north side of Wellington Road (A259) with existing access from the north off North Street and Clarendon Place. The application site is to the west of the existing 4 storey building on the corner of Wellington Road and Boundary Road and east of Wellington House, an industrial unit which is currently occupied by the Small Batch Coffee Roasteriers and a printing company.
- 2.2. The site covers an area of approximately 0.386 hectares and had a frontage to Clarendon Road (A259) of approximately 82.6 metres. It varies in its depth from approximately 22.6 metres to 44 metres. This includes the existing verge that stretches to the back edge of the pavement.
- 2.3. The site is currently occupied by a group of buildings that have been altered and extended over time that were occupied as a training centre and a children's day centre as well as the grass verge to the south side. The buildings are now vacant. The main building on site is a mix of single, two storeys and approximately two and a half storeys in height with one section having 3 dog-toothed half storeys with windows facing southwards and clerestory glazing to the north. The roof over the main two storey section is of a low-pitched form. Extensions have been added in an ad hoc manner, conjoining with a modern single storey building under a pitched roof but still retains an industrial appearance. A detached concrete block garage building with corrugated fibre sheets to the roof and gables sits along the northern boundary. A number of car parking spaces are indicated within the area, accessible from Clarendon Place.
- 2.4. The northern boundary of the site is defined partly by a brick wall with brick piers and a chain-link fence. The western boundary is defined by a tall chain-link fence and posts. Part of eastern boundary is framed by the buildings sitting on the back edge of the pavement to Clarendon Road which terminates at a gate entrance to land to the side of the building to a loading area and further car parking spaces. The remainder of the boundary to the east is staggered being partly defined by a chain-link fence and posts, with the back wall to the external space serving the Blue Anchor Public House, which fronts Boundary Road; the rear of St. George's Laundry and the side/rear elevation of the corner building.
- 2.5. The 'existing' southern boundary which is set back further than the red edged site, is defined by a chain-link fence and posts. The wide verge is grassed and contains some mature bushes, two 48 poster panel adverts and an area where vehicles unlawfully park. The verge is part of a safeguarding strip for the widening of the A259 which is yet to be extinguished. The industrial units to the west including that adjacent also have a wide verge to the frontage and are setback from the A259. It has also been included in the Joint Area Action Plan for the Shoreham Port as green corridor.



- 2.6. Although forming part of the South Portslade Industrial Area, a mix of uses is evident, particularly to the north of the site including sui generis uses, retail, residential particular above ground floor level, a public house, office premises, industrial uses and port-related businesses.
- 2.7. To the south side of the A259, there is a terrace of dwellings which read as being of two storeys with attics served by dormers but from the rear (south) are three storeys. A lower pair of hipped roofed buildings are attached to the west end of this terrace. There is also a building of three parallel hipped ranges that reads as a single storey to the A259 but is of two storeys from the rear and is in a business use (No. 20 Wellington Road). These two groups are identified as local listed heritage assets. At the harbour road level, Basin Road North, and southwards there are timber yards with wharfs to the harbour canal. This area is largely designated as an Archaeological Notification Area.
- 2.8. To the east of the site, the lower part of Boundary Road, although not prime retail frontage, it remains part of the District Centre in City Plan Part One. This part of Boundary Road includes the mixed-use development on the corner with Wellington Road which has retail units to the ground floor with flats above and rises to 4 storeys. Northwards of this corner, the built form comprises predominantly of two storeys and include St. George's Laundry, B1 office uses, a cafe, public house with residential accommodation above. A number of existing businesses have rear vehicular accesses, entrances and fire escape doors providing access from Clarendon Place/ Lansdowne has a rear door and other have rear fire escapes.
- 2.9. The site is within the South Portslade Industrial Area and the Shoreham Harbour Regeneration Area which is addressed in the Joint Area Action Plan (JAAP) for the Shoreham Harbour Development Area. The entirety of the site is indicated as a Key Employment Site in City Plan Part One (CPP1) and the presence of existing employment generating businesses are noted to west, north and east of the site. This particular site (SP3) is identified in the emerging draft City Plan Part Two (CPP2) and the Shoreham Harbour Joint Area Action Plan for residential development of up to 45 dwellings and falling within Character Area 3 (North Quayside and South Portslade) which is noted as having an overall minimum allocation of 210 units.
- 2.10. It is within Flood Zone 1 and is indicated as having a low fluvial risk of flooding. It is also within an Air Quality Management Area (AQMA) and an Archaeological Notification Area.

#### Summary of Original Proposals

- 2.11. This application for full planning permission is lodged as a Joint Venture on behalf of Homes for the City of Brighton & Hove Design and Build Company Ltd. As originally submitted, it proposed a housing scheme of 111 units of affordable accommodation, of which only 50% are formally classed as 'affordable' as defined by the National Planning Policy Framework (NPPF, 2019). This is in order to enable the Joint Venture to raise capital against the site to assist the funding of the build costs.

#### Siting and Scale

- 2.12. The initial proposal submitted in November 2018 sought to erect 2 buildings to provide a total of 111 units of accommodation with vehicle and cycle

parking, associated amenity space and landscaping and a substation within the red edged site. Block A to the west side contained 56 residential units and Block B contained 55 units. This proposed density equated to 287 dwelling units per hectare.

- 2.13. The two blocks are described as 'emulating bookends' with a large communal courtyard running north-south from Wellington Road to Clarendon Place providing a safe pedestrian route through to Clarendon Place. It is also indicated as being 'useable' amenity space. The blocks have a staggered footprint to accommodate setbacks from the back edge of the pavement to Wellington Road (A259) varying between 2 to 5 metres and providing grass, hedging and native trees.
- 2.14. The two blocks would be angled away from each other with a courtyard between. The 'pinch' created by the innermost flanking wings to each block would measure approximately 6.8 metres at its narrowest increasing to 7.5 metres and progressively widening out to approximately 18.5 metres at the northern end.
- 2.15. Block A, positioned to the west side of the site, is of a cruciform plan form with the central north-south block rising to 8 storeys, measuring approximately 13.5 metres in width and 35.3 metres in depth. The flanking east and west wings would have an overall width of approximately 23.7 metres, rising to 12.8 metres in height for the 8-storey element and 8.3 metres for the 5-storey element.
- 2.16. The forward-most 8 storey element would sit between approximately 1.4 metres and 1.7 metres from the back edge of the existing pavement to the A259. The flanking wing to the west side would see a setback of 3.5 metres with the gap with the western boundary being approximately 1.5 and 1.6 metres. The distance from the west side boundary would increase beyond the flanking west wing to approximately 5.0 metres in part and up to the position of a contained rear bicycle store. The east flanking wing would see a setback of approximately 4.3 metres.
- 2.17. Block B would generally be of L-shaped plan form with a west flanking wing echoing the east wing to Block A. The main 6 storey element would have a width of 13.35 metres and a length of 35.1 metres, standing to a height of 9.8 metres high. It would step down to 5 storeys to each side at a height of approximately 8.3 metres, then 6.8 metres for the 4-storey section. With the side elements Block B, would have an overall width of 45.9 metres facing the A259 and an overall depth north to south of approximately 35.2 metres.
- 2.18. The forward-most 6 storey element would be setback from the back edge of the pavement by between approximately 2.95 metres and 3 metres. The east side element would be set back between approximately 5.2 metres and between 1.5 and 3.85 metres from the boundary with the building to the east. The west flanking wing would setback by approximately 5.0 metres. It would stand to a height of 9.8 metres.
- 2.19. The ground floor of the inner wings is shown to include integral cycle stores. These abut plant rooms which sit alongside the main communal entrances. It is indicated that this positioning is more sheltered and provides better access from Clarendon Place, the main approach with the Clarendon Road (A259)

being referred to as the secondary approach. Integral refuse storage would be provided to the northern end of each block where access facilitating collections from Clarendon Place. Block A is served by one communal stair cores and lift serving all floors and units, apart from 2 units that are provided with their own private entrances off the courtyard. Block B is provided with two stair cores due to its predominantly L-shaped plan form and distances for fire escape. Only 1 lift is provided adjacent to the main core. This serves all units apart from two to the ground floor which are shown with their own private entrances off the courtyard. The parapets to both blocks would allow for the concealment of the photovoltaic array to the flat roofs.

#### Summary of Modified Proposals

- 2.20. Following discussions with the planning team the applicant amended the application scheme to address concerns in relation to the scale and bulk of the buildings and to move the building footprint further back from Wellington Road. The revised building line will provide an enhanced landscape buffer with associated noise and air quality improvements for the new residents. Block A will be reduced in height from 8 to 7 storeys and its overall length reduced. The revised scheme is for 104 units and includes changes to unit types.
- 2.21. Block A and B will now have a minimum wildlife corridor/landscape buffer zone of some 4.45m, the building alignment for both buildings has also been amended to provide a more symmetric proportion.
- 2.22. Block A will contain 49 units, 6 studios, 31 one-bed one person units and 12 two-bed three person units, an overall reduction of 7 units. Block B will continue to have 55 units, 5 studios, 19 one-bed one person units, 27 two-bed three person units and 4 three-bedroom four person units.
- 2.23. The Gross Internal Floor area for both buildings will decrease from 8,200.50 sqm to 7,441.50 sqm. The reduction in floorspace is 759 sqm or 9.25% of the original floor area.

#### Appearance and Materials

- 2.24. The proposed buildings would be faced predominantly with buff coloured bricks. Alleviation to the typical running stretcher bond would be provided through the inclusion of rusticated banding to the ground floors of all blocks, recessed brick panels with alternating projecting header detail between the head and cills of windows to one part to the main south elevations of Blocks A and B. This elevation would also include a recessed brick panel between each window rising vertically. The north elevations of the taller part of Blocks of A and B have two windows removed to allow for a textured brick panel spanning between two windows to each floor.
- 2.25. Three sides of the ground floor inner wings would be clad with vertical panels of Reglit Glass which is translucent, allowing light to permeate through. Above this and to the outer wings, a horizontal string course detail would be at window head and cill level. This detail would be continued to the inner east facing side elevation of Block A and to both east and west sides of Block B. The west face of the side wing to Block A would see a pattern of projecting bricks decreasing in frequency as it rises up the façade. A large area for a metal vertical name sign has been created to help animate this elevation of

the building. All blocks and respective wings would be finished with a reconstituted stone coping detail.

- 2.26. The floor and elevational plans indicate the flats to the ground floor of each Block facing into the courtyard would be provided within their own 'private' entrances. Each door would be timber with an integral vertical vision panel, painted grey. The main communal door serving the remainder of the flats would also be coloured grey, predominantly glazed and with glazed side panels. A number of the south facing ground floor units have access to terraces.
- 2.27. Balconies are predominantly provided to the inner east and inner west elevations of each Block above ground floor level. Block A will also include balconies along the part of the west elevation, Block B will have balconies beyond the side west wing, facing the courtyard, to the east and north elevations. The balconies will have timber decking floors (to be agreed by building control) with 1100mm high galvanised railings.
- 2.28. Entrances to integral refuse storage areas would be provided with secure doors. The plant rooms would be provided with louvered doors. All doors and windows would be finished in grey throughout.
- 2.29. In addition to the raised quality of materials and detailing, the main approach from Wellington will be 'signed' by etched lettering to the Reglit glass panels and a steel 'gateway' feature provided to frame the entrance into the inner courtyard and main entrance doors to each Block.

#### Housing Mix

- 2.30. As revised scheme is for 104 units of accommodation will comprise:
- 11 studio units (10%)
  - 50 x 1 bedroom flats (48%)
  - 39 x 2 bedroom flats (38%) and
  - 4 x 3 bedroom flats (4%)
- 2.31. The affordable housing mix would provide 52 (50%) shared ownership and 52 (50%) social rented, spread across the two blocks. No shared ownership is proposed for the three bedrooms' flats which are limited in number.

#### Space Standards

- 2.32. The application drawings indicate that Gross Internal Space (GIA) provision for each flat would be provided within the following ranges:
- 1 bed 1 person (studio) 38.35m<sup>2</sup>
  - 1 bed 1 person flat (1b1p) 45.12 – 44.82m<sup>2</sup>
  - 2 bed 3 person flat (2b3p) 62.73, 63.31 – 67.58m<sup>2</sup>
  - 3 bed 4 person (3b4p) 78.87 - 78.88m<sup>2</sup>

#### Vehicle and Cycling Parking Provision

- 2.33. The revised scheme (ground floor plan - PL-007:A) provides ten car parking spaces including 1 wheelchair accessible space all spaces will have electrical vehicle charging points, two car club spaces (also available for local residents) and 6 motorbike spaces. The wheelchair accessible space is proposed to meet the requirements of Traffic Advisory Leaflet 9/95 and 'Inclusive Mobility with bay dimensions of 6.6m x 2.7 m accommodating an

access zone to the side. Access to the car parking spaces is proposed via Clarendon Place.

- 2.34. A total of 154 cycle spaces are proposed including 115 long stay cycle parking spaces, 39 short stay (visitor) spaces.
- 2.35. Two Brighton bike hub racks are provided for approximately 8 bikes which will be available to both occupants of the flats and local residents.
- 2.36. Pedestrian/cycle access will be from Clarendon Place from the north and the A259 from the south. There are good links with bus services, trains and the coastal cycle route.
- 2.37. Although no Controlled Parking Zone exists at present, the applicant has offered to enter into a S106 agreement to future proof against any residents being eligible for a parking permit, should a CPZ be introduced.

### **3. RELEVANT HISTORY**

- 3.1. **BH2003/01146/FP** - Change of use of part of existing day centre to disabled care equipment store. Approved 20/5/2003
- 3.2. **BH2008/00494** - Re-roofing of the eastern side. Approved 17/4/2008
- 3.3. **BH2013/03485** - Demolition of existing external link roof between main building and building to the west and erection of single storey extension between the buildings including ramped access. Approved 10/01/2014

#### Adjacent Sites

- 3.4. **BH2013/02047** - Demolition of existing building and erection of part five, part four, part three and part two storey building comprising commercial units on basement and ground floor and 9no one and two bedroom residential units on floors above. 1 Wellington Road, Portslade. Approved 27/01/2014.
- 3.5. **BH2015/04252** - Application for variation of condition 3 of application BH2013/02047 (Demolition of existing building and erection of part five, part four, part three and part two storey building comprising commercial units on basement and ground floor and 9no one and two bedroom residential units on floors above.) to allow ground floor (Unit 1) to be used within class use A1 (shops) and/or A2 (financial and professional services) and/or B1 (Business). Approved 07/03/2016.
- 3.6. **BH2016/02457** – Erection of additional storey to create 2no one bedroom flats (C3) and alterations to existing fenestration. 3 Clarendon Place, Portslade. Approved
- 3.7. **BH2017/04027** – Erection of 2no and 3no storey office building (B1) and 4no 3 storey dwelling houses (C3) incorporating green roofs, replacing existing single storey office building and land. 1 Clarendon Place, Portslade. Approved 11/02/2019.

### **4. PRE-APPLICATION DISCUSSIONS / ADVICE**

### Design South East Panel Review

4.1. A Design South East Panel Review was undertaken on 29th June 2018, for approximately 122 affordable homes. The written feedback is summarised as follows:

- Welcome the ambition to develop a 100% affordable scheme
- Indicative Masterplan shows forms that do not appear likely and should be revisited taking account of the historic plan form.
- This is a very different design response to harbour frontage residential development further to the west, proposals should respond accordingly.
- The adjoining site to the west is particularly significant, requiring more detailed consideration.
- Consolidate with site to the north east on Clarendon Place to allow space to be used more efficiently.
- The JAAP requires the development to be back several meters from Wellington Road for a green corridor which should be continued but with a clearer function.
- Concern was expressed that the public access within the development will not function well.
- Public spaces need to be more inviting, a more protected central public space or mews street, perhaps the introduction of a point block, to achieve this.
- Decrease the number of homes proposed would enable the provision of higher quality public spaces and internal accommodation..
- The existing industrial uses and Wellington Road may contribute to air and noise pollution within the site
- The level of overshadowing of the central 'secret garden' space is also likely to be problematic which needs to be tested.
- Pulling the blocks to the edge of the site could resolve this issue, allowing a larger central space to be created or an apartment block with a low-rise mews-style housing behind proposal may resolve the problematic issues surrounding public space.
- The address of ground floor frontages to this space should be reconsidered as prominence is given to service spaces and corner residential units are exposed.
- Ground floor maisonettes with more regular individual front doors could create an active public space.
- A busier front and quieter back could create a clearer hierarchy of space, adding a sense of quality and enclosure to the external spaces, and providing more favourable outlooks, as well as increasing the number of homes that can be either dual-aspect or orientated towards the harbour.
- Different type/formations of residential units and layouts should be tested and may mean slightly reducing unit numbers but could be worthwhile in response to the particular opportunities and constraints of the site.
- Could explore how the introduction of some sort of vertical articulation could break up the monolithic slab.
- Spaces around the edge of the site feel leftover.
- A playground in the small area next to the electricity substation is not appropriate.
- The principle of increasing pedestrian permeability is often positive but the lack of a clear pedestrian desire line along the route is questionable.
- Single-aspect ground floor homes could be problematic on the busy Wellington Road; the provision of alternative non-residential uses should be explored.

- The proposal for minimal parking provision is supported. However, some disabled parking should be included.

#### Officer Pre-application Response

- 4.2. Pre-application advice was sought on 27th July 2018 with various iterations, an identified 'preferred' option including an increase to 124 units of accommodation and design changes to reflect the advice of the Design South East Panel. The advice in summary:
- 4.3. Principle
- Can be supported
  - Forms part of the Shoreham Harbour Development Area in City Plan Part One (DA8). The site is situated in the South Portslade and North Quayside Character Area (Policy CA3), is allocated for residential development in accordance with JAAP Policy SP2 (Former Belgrave Centre and Adjoining)
  - Shoreham Harbour Joint Area Action Plan (JAAP) holds significant material weight due to the advanced stage of preparation of the Plan and contains more detailed policies on a range of issues.
  - Policy CA3 Area has a requirement for a minimum of 210 residential dwellings.
  - The site is also proposed for allocation in Draft City Plan Part Two (CPP2) Policy H1 with an indicative 45 residential units. This policy carries little weight but reflects the expected capacity of the site considered during the preparation of the JAAP.
  - The proposed 124 units, is welcomed in principle as an extra contribution toward the city's housing target as set out in City Plan Part 1, and as minimum provisions, the greater provision does not conflict with policy
  - Apart from SP2 and SP3 the majority of the area is protected employment space
  - The number of dwellings maximises the development potential of the site.
- 4.4. Affordable Housing and Housing Mix
- Anticipated that approximately 50% of the units will be shared ownership and the remaining will be discounted market rented properties with a rental of 80% of less than market rental. This would contribute greatly to the delivery of affordable housing to meet local housing needs over and above the requirements in City Plan Policy CP20
  - The mix would need to be fully justified as City Plan Policy CP20 requires 30% one bedroom units, 45% two bedroom and 25% 3 bed plus units.
  - Policy SA6, CPP1 sets out the requirement to provide an appropriate amount of affordable housing, mix of dwelling sizes and tenure types and is also reflected in City Plan Part 2,
- 4.5. Design / Massing / Density / Site Coverage
- Policy CA3, part 6 supports "building heights up to 6 storeys". Where higher, CA3, part 7 and CP12 require a sound urban design justification.
  - Policy CP12 refers to a tall buildings node at Shoreham Harbour, focussed in the eastern-most area of the Harbour within the City boundary).
  - A Tall Buildings Statement is required including verified views to fully appreciate the likely resultant townscape, SPG15 'Tall Buildings' refers.

- Two separate north to south blocks would allow for permeable access and views, in line with JAAP Policy SH9, clause 1
- Useable balcony space would provide new views from the interior of the development complying with Policy SH9, clause 2.
- Concerns raised about encroachment into the proposed green corridor, narrowing its width, particularly given the proximity of the western building to Wellington Road which may limit the potential ecosystem services that could be provided.
- A setback of building facades from Wellington Road of 7m set back is preferred but a minimum of 5m.
- Reference to Design Review Panel comments regarding the space

#### 4.6. Standards of Accommodation

- Nationally Described Space Standards' provide a useful point of reference for the assessment of unit sizes and minimum standards of amenity. This is addressed by Adopted Policy SA6, CPP1 and draft Policy DM1, Table 2 of City Plan Part 2.
- SA6 sets out the requirement for mix of dwelling sizes and through the City Plan Part 2,
- Policy SA6 and Draft Policy DM1 represent the direction of travel rather than an adopted policy position and provides a good reference point for minimum sizes to be delivered.
- Robust justification would be required in the future submission as to why 1 bed 2 person flats and studio flats would fail to accord with these standards.

#### 4.7. Residential Amenity

- Local Plan Policy HO5 requires the provision of private usable amenity space in new
- residential development appropriate to scale and character.
- Stacked balconies would reduce internal daylighting; a staggered approach was suggested as being more appropriate.
- Close attention should be paid to ensure there is no significant loss of privacy, overlooking, loss of light/sunlight, outlook or overbearing impact to neighbouring properties including more recent extant permissions.
- A daylight/sunlight/overshadowing assessment should be provided.
- The presence of an asphalt operator in the area in relation to future occupants

#### 4.8. Sustainability

- CP8 of City Plan Part One requires residential units to achieve an energy performance of 19% carbon reduction improvement against Part L of the Building Regulations and optional water consumption within Part G (2015)
- There is an opportunity to provide green walls within the central avenue and green roofs would further contribute to the green corridor.
- Need to address Flood Risk and sustainable urban drainage.

#### 4.9. Accessibility

- Accessibility in terms of 5% of the units provided to Part M4(2) standards with 10% of the affordable units meeting wheelchair accessible standard under Part M4(3)b
- Robust justification for the lack of such provision would be required,



#### 4.10. Environmental Issues

- The site is within an Air Quality Management Area (AQMA)
- Could create a canyoning effect and increased poor air quality and noise from the busy coast road.
- Local of habitable rooms especially bedrooms and their proximity to the A259 highway needs to be considered as future occupiers could be exposed to unacceptable levels of pollution
- An air handling system should be considered as part of the proposal
- Noise and Air Quality Assessments would need to be provided
- A 24-hour noise survey had been undertaken to inform the proposed fenestration design but considered to be limited. Should be extended to include the working week and a realistic assessment of potential changes in the surrounding industrial/commercial area.
- There is the potential to create a wind impact that may result in a consultant with BRE and therefore a desktop wind analysis is recommended with the potential for wind tunnel modelling
- An associated landscaping scheme should include species to mitigate against adverse air and noise pollution

#### 4.11. Public Realm, Open Space, Landscaping

- Provision of tree planting is welcomed but should be suitable for a coastal location.
- Inner avenue welcomed, providing amenity/public green space away from the roadside but this space must be useable/functional and not be exposed to poor noise/air quality
- Support a green corridor across the entire frontage to provide tree planting and amenity space for residents connected to an internal avenue.
- Information would need to show that the green corridor will be set back sufficiently to accommodate cyclists and pedestrians given the location of the existing bus stops.
- Any green space / open space should have a clear use/function, not 'left over space' or an area for litter to collect.
- Communal areas should be provided with sufficient natural light, not be overshadowed by the built form of the development.

#### Applicants' Public Consultation Exercise

4.12. Pre-application engagement was carried out with the local community including a public consultation exhibition on 18-19th July 2018 at City Coast Church near the site (attended by 57 People, 45 questionnaires completed); a follow-up consultation update drop-in event held on 2nd October 2018 at the same location.

4.13. The Applicants' Statement of Community Involvement indicates that comments included the following:

- Insufficient car parking
- Pressure on parking in the local area
- Local road congestion
- Access to the site
- Air pollution and pollution in general including from the local concrete plant
- Design, height, scale of buildings

- Unsuitable for area
- Pressure on local GP and other services
- More local community facilities wanted
- Concerned about impact on businesses and vice-versa
- More trees, green space and recreation facilities for young residents
- Disabled access throughout
- Pleased there will be an increase in families/interested in properties

## 5. REPRESENTATIONS

5.1. The **original submission** attracted thirty two **(32)** objections and one **(1)** letter of comment on the following grounds:

5.2. Principle, Scale and Massing:

- Area should be improved and regenerated in a sustainable responsible manner, not at the expense of existing residents
- Will set a precedent for the loss/displacement of artists and various industries
- People need places to work
- Overdevelopment, out of scale, inappropriate height
- Disproportionate and contrary to the character of the area
- Badly conceived, very ill-thought, amateurish and unprofessional with little understanding of the impact on the area
- An eyesore

5.3. Highways / Parking / Cycling:

- Raises concerns about highway safety on surrounding residential and commercial areas with additional traffic generation, parking and deliveries, compounding rush hour traffic issues.
- Fails to address how safe public, residential and commercial/industrial access/egress will function
- Inadequate parking exacerbating the existing problem including for existing businesses.
- Will cause overspill car parking in an already saturated area.
- Local businesses are already suffering due to lack of car parking.
- If a CPZ is approved in 2019 there should be no access to parking permits but it may be too late as no certainty.
- Pressures on local transport with comments on passenger capacity only obtained from Stagecoach not Brighton & Hove Buses.
- Offer of annual City Saver ticket is not accepted on Stagecoach 700 service
- No plans to improve cycling despite encouraging new resident to cycle
- No access to coastal cycle lanes on Wellington Road/Kingsway with no plans to improve.

5.4. Infrastructure:

- Lack of infrastructure - further pressure on already overstretched local services including doctors, dentists and schools

5.5. Residential / Workplace Amenity:

- Loss of residential amenity
- Nowhere for kids and children to play
- Too close to existing property boundaries

- Restriction of view
  - Would create overshadowing, loss of light, blocking sun, rapid wind environment
  - Increase in environmental pollution, smog and noise
  - Will increase pollution levels.
  - Negative impact on work environment of art studios, not referenced in Daylight / Sunlight report
- 5.6. Landscaping / Open Space:
- Disappointing
  - Missed opportunity for an eco-roof garden, living walls and an abundance of lawns and herbaceous borders
- 5.7. Heritage:
- Adverse effect on Conservation Area.
- 5.8. Other issues raised:
- Not enough time given for consultation over Christmas and New Year, considered to be out of order and opportunistic which may have to be challenged in court
  - Will result in anti-social behaviour, increase in crime and diminish quality of the area
  - Impact of building works on existing business premises.
  - Loss of property values.
- 5.9. Amended Proposals:
- One **(1)** response has been received in respect of the amended plans raising similar objections as before.
- 5.10. **Councillor Hamilton** has objected to the scheme and a copy of the correspondence is attached to this report.

## 6. CONSULTATIONS

### External

- 6.1. **Conservation Advisory Group (CAG): Support.**  
 Welcomes this well-planned scheme noting that Portslade has been in need of improvement for decades. Housing on this very unattractive site does not compromise the locally listed assets in Station Road and opposite on Wellington Road. It provides a well-balanced graduation of buildings' heights from the corner of Station Road is also a design master stroke for those smaller neighbouring properties. The return into the re-created historic square plan gives a visual break to the building line along Wellington Road is also well-balanced. Longer views from across Aldrington Basin are also improved.
- 6.2. The choice of materials, light cream brickwork interrupted by red brick rustication is welcomed but draw attention to the fact that there could be a potential problem with the see-through style of the upright strutted balconies, some screening may be necessary particularly on the road elevation.
- 6.3. **County Archaeologist: Comments**

Although this application is situated within an Archaeological Notification Area, based on the information supplied, does not believe that any significant archaeological remains are likely to be affected by these proposals. No further recommendations to make in this instance.

6.4. **County Ecologist:** Supports.

Comments on Amended Plans:

6.5. The amendments will not result in any impacts on biodiversity that have not already been considered and can be supported from an ecological point of view. Therefore previous comments and recommended conditions remain valid. The increased planting of a green buffer is welcomed. It should be planted with native species of local provenance and/or species of wildlife value. The lack of reference to a green roof or to the provision of bird and bat boxes is disappointing. Details should be provided in an Ecological Design Strategy.

Potential impacts on biodiversity

6.6. The site is not subject to any nature conservation designations and there are unlikely to be any impacts on sites designated for their nature conservation interest. It lies within an urban environment, dominated by buildings and hardstanding with a small patch of scrub, introduced shrub, neutral semi-improved grassland, ephemeral/short perennial vegetation and introduced shrub.

Breeding Birds

6.7. The site has the potential to support breeding birds, protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended). To avoid disturbance to nesting birds, any demolition of buildings or removal of scrub/trees that could provide nesting habitat should be carried out outside the breeding season (generally March to August). If this is not reasonably practicable within the timescales, a nesting bird check should be carried out prior to any demolition/clearance works by an appropriately trained, qualified and experienced ecologist. If any nesting birds are found, advice should be sought on appropriate mitigation. Alternative nesting habitat should be provided.

Other species

6.8. There is a stand of Japanese knotweed on site. Japanese knotweed is an invasive non-native weed, and it is an offence under the Wildlife and Countryside Act 1981, as amended, to plant or cause it to grow in the wild. Japanese knotweed should be treated and disposed of in accordance with best practice guidance.

6.9. The site offers some, albeit low, potential for hedgehogs which are listed as a Species of Principal Importance under Section 41 of the Natural Environment and Rural Communities Act 2006, having suffered significant declines. Care should be taken during site clearance to avoid harm to hedgehogs that may be present.

6.10. The site is unlikely to support any other notable or protected species. If protected species, or signs of their presence, are encountered during development, work should stop and advice should be sought on how to proceed from a suitably qualified and experienced ecologist.

Mitigation Measures/Enhancement Opportunities

- 6.11. The site offers opportunities for enhancement that will help the Council address its duties and responsibilities under the NERC Act and NPPF. Opportunities include, but are not limited to, the provision of a green (biodiverse not sedum) roof, bird, bat and insect boxes and wildlife friendly planting. Landscaping of green spaces within the site should use locally native species of local provenance and species of known wildlife value (Refer to SPD11).
- 6.12. Bird, insect and potentially bat boxes should also be provided. Bird boxes should target species of local conservation concern including swift, starling and house sparrow. The Preliminary Ecological Appraisal Report (PJC Consultancy, 20/04/18) recommends the provision of bird boxes, but none are included in the Sustainability Checklist or the Design and Access Statement.
- 6.13. A biodiverse green roof should be provided (in addition to the proposed roof garden). It is noted that solar photovoltaics are proposed. Green roofs are known to improve the efficiency of photovoltaics, as well as providing other benefits including water management, reduction of heat island effect and biodiversity. To help meet Biosphere targets, the green roof should use chalk grassland species.
- 6.14. **Daylight/Sunlight: Comments.**  
The Building Research Establishment (BRE) has reviewed the application and the applicant's Daylight/Sunlight report for the LPA. The comments on the original application are as follows:
- Station Road
- 6.15. There would be negligible to minor-adverse losses to daylight to windows/rooms of some dwellings and premises including at 76 - 84, 85, 86, 87 Station Road including the Blue Anchor Pub; 1, 12 and 14 Wellington Road; 86 and 87 Station Road.
- Wellington Road
- 6.16. There would be a 'Minor Adverse' impact No.1 Wellington Road, with three bedrooms that could be affected with one having a loss of daylight outside the BRE Guidelines.
- 6.17. Loss of sunlight is not an issue for Nos. 4 -20 Wellington Road as the new development would lie to the north. Loss of daylight would be within BRE guidelines. Nos. 12 -16 Wellington Road would face the development and would experience a marginal to moderate loss of vertical sky component to the ground floor window and possibly the top of No.12, ground and first floor windows of No.14; ground, first and second floor windows to No. 16.
- 6.18. No.18 Wellington Road is a commercial building and it was considered that loss of light would be less important. No. 20 Wellington Road was envisaged to be live/work units with windows to bathrooms and the office reception facing Wellington Road. At least one has been converted to residential so the layouts were not known. Waterslade have not analysed loss of light to the windows facing Wellington Road as they do not light habitable rooms which is reasonable.

### Clarendon Place

- 6.19. All the buildings appear to be commercial in nature and loss of daylight and sunlight would be less important. Waterslades have also analysed two proposed schemes are 1 and 3 Clarendon Place which is good practice. The development would reduce the amount of daylight reaching some of the rooms in the development at Nos. 1 and 3 Clarendon Place but the rooms would still be adequately lit once all three developments have been constructed. Loss of daylight to all existing and proposed developments would be within BRE guidelines.

### The proposed development (original submission)

- 6.20. Despite some over-estimates by Waterslades due to assuming very high wall reflectances and have omitted many of the kitchen areas that are part of an open-plan living arrangement, overall daylight provision is considered to be reasonable. 86% of living rooms and studios met both minimum recommendations. Of the 8%, open-plan living areas and studios would not meet the minimum recommendation for a living room.
- 6.21. Sunlight provision is considered to be average for a scheme like this with little obstruction to the south, although there are only a small number of single aspect purely north facing flats. 66% would meet the sunlight recommendations in full. One other would meet the annual target but not the winter one and five would meet the winter target but not the winter one.
- 6.22. In general, the most poorly lit rooms are six studios in the internal courtyard that would receive sub-standard daylight and little or no sunlight, partly because of the projecting elements to the south. The projecting elements also limit sunlight to the internal courtyard. On March 21, just under 27% of it would receive 2 hours of sunlight, well under the recommended 50%. It would be a poorly sunlit space.

### Daylight

- 6.23. Despite the manner in which daylight averages have been calculated, BRE consider overall daylight provision to be reasonable with only 7% not meeting the average ADF for a living room. 2% would not meet recommended standard for a kitchen but would meet the recommended standard for a living room.
- 6.24. The poorly day-lit rooms are concentrated in an area in the middle of the internal courtyard with the studios tucked into internal corners which would have sub-standard average daylight factors. It is noted that this is a particular issues for studios as there are no other useable daylit rooms for the residents.

### Sunlight to rooms

- 6.25. Of the 111 living rooms and studio in the development, 66 (59%) would meet the BS recommendations in full, another one would meet the annual target but not the winter one, and five would meet the winter target but the annual one.
- 6.26. This is an average level of compliance for a scheme like this with little obstruction to the south. Although there are only a small number of single

aspect, purely north facing, the layouts of the buildings means that some windows are overshadowed by other parts of the proposed development.

- 6.27. The most poorly sunlit rooms are on the north side of the easternmost block and the studios mentioned before which will receive little or no sunlight mainly because of projecting elements to the south.

Sunlight to open spaces

- 6.28. BRE guidance recommends that no more than half of an outdoor space where sunlight is required should be prevented by buildings from receiving two hours of sunlight on 21 March. Sunlight at an altitude of 10 degrees or less does not count. Based on the information provided the view is that the loss of sunlight to any existing open spaces has not been analysed including the garden area of the Blue Anchor. BRE has taken account of the fact that the space is not well lit due to the office block at 3 Clarendon Place to the south.
- 6.29. The gardens at Nos 5 and 7 North Street might also lose some sunlight due to the new development and could have been analysed.
- 6.30. The central courtyard which is the main open space within the development has been analysed and it would not be a well sunlit space. It is considered that just under 27% of the central courtyard would receive 2 hours of sunlight on March 21 which is well under the recommended 50%. The part getting sunlight would be close to the Wellington Road frontage which is noisier and more polluted. The two smaller projecting wings impact on sunlight to the main open space.
- 6.31. Shoreham Harbour Regeneration Partnership: Support.  
Policy comments have been prepared on this scheme. Particular attention is drawn to the fact that:
- The Shoreham Harbour Joint Area Action Plan(SHJAAP) proposes a green corridor along the A259.
  - Currently working with partners in the Highways departments, the Biosphere Partnership and Sussex Wildlife Trust to develop a green infrastructure strategy for the regeneration area (both in Brighton & Hove and Adur).
  - Site is identified within Character Area CA3 which is indicated for a minimum of 210 new residential units.
  - This site SP2 being identified for 45 residential units but the amount proposed represents an efficient use of the site with a supportable mix and balance of tenure provision and housing types (Policy SH6)
  - Policy CA3 clause 6 adds that six storey heights are acceptable but does not prescribe this as a height limit. Greater heights can be supported if robustly justified on urban design grounds.
  - The development's height opposite the existing residential dwellings would be four storeys and not cause any significant amenity impacts.
  - The proposed design would also relate well to the second proposed residential scheme at SP1, as can be seen with the preferred option taking into account the massing and design of this future development phase
  - The building should be set back from Wellington Road to allow the enhancement and extension of the proposed green corridor (clause 11).
  - Two separate north to south blocks would allow for permeable access

and views. This is in line with SH9, clause 1.

- Usable balcony space is proposed. This would provide new views from the interior of the development and comply with SH9 clause 2.
- The plan allocates the strip of land in alongside the A259 for this green corridor and requires that development be set back from the road in order to allow this.
- One of the intentions is to mitigate air quality and noise impacts from the busy road on new development, but also to provide some greening in what is currently a very built up area.
- Provision of tree planting and the green corridor is welcomed and must be proven to be suitable for coastal growing conditions.
- The tree planting and green corridor, there would be an opportunity to deliver SuDs as a part of multifunctional green infrastructure. This would comply with Policy SH6 clauses 13 and 14 as well as SH7 clause 15 (amenity space) 17 (air quality mitigation).
- Sustainability Statement has been completed to comply with Policy SH1 clause 2 and clause 9
- the design of the development would deliver reductions in energy to achieve up to 19% energy improvement over Part L1A 2013 targets due to improved fabric efficiency and renewable technology as required by the BHCC Sustainability Planning Checklist in line with Policy SH1 clause 3.
- A Transport Statement has been provided. This states that the proposed development will encourage a reduction in private car ownership. This complies with SH5 clauses 1 and 2.
- The air quality assessment indicates that the proposed development has been determined to be acceptable in terms of its impact on, and sensitivity to, local air quality. This complies with SH7 clauses 13 and 15. The mitigation measures proposed in Appendix C of this air quality assessment should be controlled by condition.
- Whilst the current scheme is not fully compliant with the plan - it extends into the green corridor - there have been some improvements and this would comply with Policy CA3 clauses 6, 10, and 11, SH5 clause 5, SH7 clause 8, and SH8 clause 3.
- Being close to public transport and adjoining a public transport corridor, the proposal complies with Policy SH5, clause 1.
- Conditions are recommended.

6.32. **Southern Water: Comments.**

A plan of the sewer and water records has been provided which shows the position of public sewers and water mains crossing the site. The exact positions are not known and must be determined by the applicant before the layout of the proposed development is finalised. It is suggested that the layout be amended to accommodate the existing arrangement or investigate the option of amending the site layout or combine a diversion with amendment of the site layout. but indicate that it may be possible to divert the public sewers so long as this would result in no unacceptable loss of hydraulic capacity, and the work is carried out at the developer's expense to the satisfaction of Southern Water under the relevant statutory provisions.

- 6.33. Regarding SUDS the applicant will need to ensure that arrangements exist for the long-term maintenance of the SUDS facilities as good management will ensure effectiveness is maintained in perpetuity; will avoid flooding from the proposed surface water system, which may result in the inundation of the



foul sewerage system. Advice is provided in respect of SUDS scheme and conditions recommended.

- 6.34. 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.
- 6.35. It is stated that should this application receive planning approval, conditions and Informatives are recommended.

6.36. **Sussex Police: Comments.**

Comments on Amended Plans:

- 6.37. Previous comments remain extant. Expresses no major concerns with the proposals but considers that additional measures should be considered to mitigate against any identified local crime trends. Provides detailed comments on safety and security measures including
- Need for the same security for bicycles stores to the northwest recommending a roof covering
  - External gates must be the same height as walls
  - Smaller bike stands to south east side should also be located within a transparent polycarbonate sided bike shelter or similar with a roof to offer them a degree of protection from the weather.
  - Internal bike storage facilities either side of the central corridor have transparent windows at each end and may be subject to damage.
  - The windows must not be capable of being opened and at a minimum, be fitted with glazing to meet BS EN 356:200 class P1A. I refer to (Para 39.8 and note 39.8 of SBD Homes 2019) or a thick and strong polycarbonate glass substitute pleased to see a maintenance shed will block the eastern side access to the rear courtyard of Building B from Wellington Road
  - Recommend that the gate at the western side of Block A which is both a private access and also an access to a courtyard and the bicycle storage is a minimum of 1.8 m in height and with controlled access operated from either side of the gate.
  - Recommend the motor cycle parking at the north end of building B have facilities for riders to lock and secure their motor cycles in place such as ground anchors.
- 6.38. Previously raised points in respect of amenity, pergola design/type, lighting and security for cycle stores, parking areas in order to avoid anti-social behaviour and to provide for the safety of residents.

6.39. **Sustainability Consultant: Comments.**

Amended Scheme:

- 6.40. Raised matters relating to:
- Lack of site wide communal heating system.
  - Future connection to a heat network would not be possible, due to the use of electric panel heating in individual unit which would require extensive costly retrofitting to convert to a heat network + communal heating system
  - The applicant should commission an in-depth energy feasibility study of

the different available low and zero carbon technologies looking at predicted site wide heating loads and carbon savings (and revenues) using these different technologies. The study included in the revised sustainability statement does not assess the different technologies in depth and does not consider heat loads and carbon savings.

- The study needs to include a full investigation of CHP, GSHP, ASHP and how these can be used in conjunction with solar technologies to further reduce site wide carbon emission.
- This study must include an appraisal of site wide energy networks/communal heating options. Low temperature heating distribution systems would be more beneficial for future 'network readiness'. More information on this can be found in emerging City Plan Part Two DM46.
- An overheating strategy should be produced to minimise the identified risk of flats overheating, to include solar shading particularly on south and west elevations

**Internal**

6.41. **Children's & Young People's Trust: Comments.**

As there are sufficient primary places in this area of the city, a contribution would be sought in respect of secondary and sixth form education of £70,291, should the development proceed. The development is in the catchment area for Portslade Aldridge Community Academy which has some surplus capacity at the moment but the numbers of pupils is increasing each year without the impact of this development and therefore it is entirely appropriate to seek a contribution in this respect.

6.42. **City Regeneration (Economic Development): Support.**

If approved, City Regeneration requests a contribution through a S106 agreement for the payment of £29,800 towards the council's Local Employment Scheme in accordance with the council's Developer Contributions Technical Guidance. This is based on a total of 104 dwellings with the following requirements:

• Type	Developer Contribution		No.	Total
• Studio	£100 per dwelling		11	£ 1,100
• 1 Bed / 2 bed*	£300 per dwelling	X	*50 / 39 ratio	£26,700
• 3 + bed	£500 per dwelling	X	4	£ 2,000
				<b>£ 29,800</b>

6.43. An Employment and Training Strategy is also required, to be submitted at least one month in advance of site commencement. The developer will be required to commit to using at least 20% local employment during the demolition phase (where possible) and construction phase mandatory. The developer, through their main contractor or sub-contractors will be expected to provide opportunities for training to include, but not limited to, apprenticeships and work experience.

6.44. Although aware that the scheme will provide much needed housing within the city, that housing is a priority for the council and that the area is earmarked for redevelopment in the Joint Area Action Plan, concerns have been expressed by local businesses, surrounding the development and located within South Portslade Industrial Estate, about:

- The result of residents living next to industrial activity
- Meter parking

- Lack of parking in the area and within the development
- Any new parking arising from eradicating yellow lines would be snapped up by residents
- Extra parking and resultant congestion
- Overspill parking
- Extra costs for businesses
- Conflicts and health and safety issues if Clarendon Place is used as a pedestrian routes
- Outline map on 1.01 Overview of the Design and Access statement includes buildings that are privately owned, and having met with the landlords of Regency House, the Economic Development Team to date understand no formal conversations have been held about the buildings.

6.45. **City Clean: Comments.**

The access and storage looks accurate. The requirements for this development are 22 x 1100 litre containers in total. Based on 1100 litre bins, each bin store will need 11 bins each at 5 x 1100 refuse, 4 x 1100 mixed recycling and 2 x 1100 glass.

6.46. **City Sports Facilities Manager: Comments.**

The BHCC Sports Facilities Team aim to improve the provision of sports facilities in the city and the opportunity for engagement in sport and physical activity for all residents. At this stage, it is not entirely clear how this development would achieve that. More detailed plans and information would be required in order to provide a more comprehensive response. However, based on the information provided, the required Developer's sport contribution for the development is as follows:

Space	Equivalent off site contribution
Outdoor Sports Facilities	£54,696
Indoor Sports Provision	£38,710

6.47. The overall sum would contribute toward indoor and outdoor sport and recreation facilities including

- Children 's ' Play – Western Lawns and/or Wish Park
- Parks Gardens – Western Lawns and/or Wish Park and/or Davis Park
- Natural/Semi Natural – Western Lawns and/or Wish Park and/or Davis Park
- Amenity Green Space – Western Lawns and/or Wish Park and/or Davis Park
- Outdoor Sport – Western Lawns
- Indoor Sport – Western Lawns and or King Alfred and or Portslade Sports Centre
- Allotments
- Seafront / Beach access – Western Esplanade

6.48. **City Housing Strategy & Enabling: Support.** (Original scheme)

Commenting on the 111 unit scheme it was stated that:

- Exceeds the policy (CP20) position which requires 40% of properties to be affordable in developments of more than 15 units
- The split in terms of the percentage for affordable rent and shared ownership provision is slightly over on low cost ownership but is acceptable due to the provision of 100% affordable housing (Affordable

Housing Brief asks for a split of 55% Rent and 45% Shared Ownership).

- Homes for Brighton & Hove has a target of providing 1,000 homes split 50/50 across the tenures. Policy HO13 requires 10% of the affordable housing (and 5% of all the housing) to be provided as wheelchair accessible in schemes of more than ten units. No wheelchair accessible homes are provided in either tenure.
- The intention is that the reduced wheelchair provision will be offset against units provided through the council's New Homes for Neighbourhoods programme which is delivering in excess of the required wheelchair units.
- 100% of the housing provided will be provided by Homes for Brighton & Hove and will be specifically for lower income, local working households in Brighton & Hove.
- The scheme will be expected to meet Secure by Design principles.
- There is a higher proportion of smaller flats at this scheme as outlined below. As the scheme is 100% affordable housing this will answer significant housing need.

6.49. **Environmental Health (Air Quality): Supports.**

Comments on the Amended Plans:

- The extra set back from the A259 is an advantage
- The break in size and massing helps with dispersion and localised air quality
- The site does not propose a major combustion plant; such as gas fired CHP
- The daily traffic generations due to the development are not huge given more than 20,000 along Wellington Road at present.
- As informative we are likely to keep the Air Quality Management Area along Wellington Road until at least 2021.

6.50. In previous comments attention was drawn to:

- Baseline A259 traffic inputs provided.
- Buildings enclosing the A259 inhibiting dispersion of road traffic emissions, risking delaying revocation of the Air Quality Management Area (AQMA) for Portslade. Testing should include a street canyon option for Wellington Road.
- On air quality grounds a lower level of parking is recommended to reduce emission impacts on the Air Quality Management area especially for Wellington Road (A259) and its junction with Church Road and Station Road.
- A commitment to the provision of electromotive charging points for the long stay car park is required.
- Draws attention to increases in typical traffic movements including HGVs
- Need for mitigation is required to reduce the risk of ground floor residential exposure to roadside nitrogen dioxide (south side of the development)
- It may not be acceptable to hermetically seal ground floor flats.
- A green corridor it is recommended that living space and outdoor amenity are set back from the A259.
- Brighton & Hove and Worthing-Adur wish to improve cycle Lane connectivity between Portslade and Shoreham. A cycle lane does not appear in the plan.
- Reference case: 1 Wellington Road refused planning permission for

ground floor residential adjacent to the A259: reason pollution concentrations at the site monitored for more than a decade, traffic monitored for more than twenty years.

6.51. Further comments are summarised as follows:

- Air quality is a material consideration for the planning process.
- The site is adjacent to an Air Quality Management Area.
- On the grounds of air quality there is no objection to building height.
- Where air quality standards are not met, the council has a statutory duty to declare an Air Quality Management Area (AQMA).
- The authority has statutory duty to deliver compliance with nitrogen dioxide in the designated area. Contributions from a development to the AQMA need to be mitigated.
- Policy SU9 seeks improvements rather than arguments of negligible impacts that do not improve the prevailing situation.
- The air quality assessment presents the current situation and predicts future road traffic emissions and ambient air quality with and without the development but is based on a 2017 baseline Annual Average Daily Traffic figure of 17,651 which underestimated records traffic by at least 12% according to recorded counts from the Automatic Traffic Counter which has been in place since 1993. This part of the A259 is a busy haulage route between Shoreham Port and the hinterland. The traffic inputs to the air quality assessment underestimate lorry movements by more than half. Bus counts should be included with the traffic totals and overall emission predictions.
- Weekday traffic is more representative of modal flows, especially for trade.
- The inclusion of Saturdays and Sundays lowers average counts for working vehicles (HGV and LGV) that operate Monday to Friday.
- The low traffic figures and input emissions explain why the air quality model under predicts. When verifying the air quality predictions, a large adjustment factor has been applied.
- Slower speeds and traffic queuing occur on approach to the junctions and a higher road traffic emission occurs at these locations. The air quality model should take account of frequently slow speeds 5 and 10kph along Wellington Road.
- It is not certain that the proposed ground floor flats will comply with the national air quality strategy standards. Ideally the distance between the carriageway (A259) and residential façade should be at least six metres.
- To avoid the risk of pollution ingress to bedrooms' passive or mechanical ventilation is recommended to draw roof top air down to the living quarters at ground floor level. It is not recommended that outdoor amenity space is situated in an area that exceedances air quality standards.
- If a CHP (Combined Heat and Power) is proposed, information on specifications are required; kWh-output, location of flue and height above building, flue width, plume temperature and exit velocity and NO<sub>x</sub> emissions per kWh". In that scenario determination of NO<sub>2</sub> contribution from the CHP plant to existing and proposed residential receptors is required.

6.52. It is recommended that:

- A reduction in permanent parking spaces is negotiated

- 100% of the new car park spaces shall have ducting ready for slow electromotive charging.
- Ground floor flats with frontage to Wellington Road shall be provided with passive or mechanical ventilation to supply fresh air (intake on the building roof) to the living quarters.
- For the provision of heating, air conditioning, electricity and hot water seek alternatives to combustion on site with chimney emitting to air.
- Any gas fired boilers shall be ultralow NOx with emissions of < 30 mg/kWh
- The development will have a number of measures to encourage low emission travel including cycling, public transport and car clubs.
- Land parallel with the A259 should be allocated to cycle lane that connects Portslade with Shoreham. As exemplified along the Lewes Road corridor it should run behind bus shelters.
- The council's recently revised CEMP (Construction Environment Management Plan) conditions a number of measures to reduce emissions and improve local air quality.

6.53. **Heritage:** No Comments.

6.54. **Planning Policy:** Support in principle.

Considers the greater level of provision as an extra contribution to towards the city's housing target as set out in City Plan Policy CP1 is welcomed. It is noted that only 50% of the the homes provided will be formally classified as affordable housing in order to enable the raising of capital against the site to assist the funding of the significant build costs. The development is proposed to be effectively 100% affordable which is strongly welcomed, with the 'formal' affordable housing provision of 50% remaining in excess of the policy requirement set out in City Plan Policy CP20.

6.55. Under CP19 the higher proportion of family sized two bedroom units is welcomed but concern is expressed in respect of the low amount of three bedroom units. This could be acceptable given the overall provision of a fully affordable housing scheme. The tenure mix should be justified to address CP20.

6.56. Higher buildings need careful consideration under Policy CA3, part 6 and 7 in design terms.

6.57. CP16 and CP17 address the amenity needs of the development. 455sqm area of open space is proposed throughout the site, which is significantly less than the requirement for 11,504sqm for the level of development proposed. An appropriate contribution towards off-site open space and sports provision should therefore be sought. The lack of private amenity space for the majority of residential units should be justified by the applicant in the context of Local Plan Policy HO5.

6.58. The development would provide a green corridor of between 2m and 5m. across the entire frontage of the site, set back to provide tree planting and amenity space for residents. This would comply with JAAP Policy CA3 clauses 6, 10, and 11, SH7 clause 8, and SH8 clause 3. The inner avenue is welcomed, as this would provide public green space to provide amenity benefits away from the roadside. This would comply with SH7 clause 15 as new residents would be able to benefit from amenity space that is not

exposed to poor air quality. It should be clarified that the green corridor is set back sufficiently to accommodate cyclists and pedestrians. This would then comply with SH5 Clause 4 and 5, SH7 clause 8, and CA3 Clause 13.

- 6.59. Flood risk issues need to be addressed to accord with SHJAAP, Policy SH6, clause 4. Tree planting is welcomed and accords with Policy SH6, clause 14.
- 6.60. A comprehensive waste management plan is required and can be secured by condition.
- 6.61. **Private Sector Housing:** No Comments.
- 6.62. **Public Art:** Comments.  
It is recommended that an 'Artistic Component' schedule be included in the section 106 agreement. The level of contribution is arrived at after the internal gross area of the development at approximately 8,200sqm 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. The Artistic Component element for this application is to the value of £42,000. 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.
- 6.63. **Sustainable Transport:** Comments.  
Response to revised application  
Concerns remain in respect of the application and the impacts which are considered unresolved. The following matters raise an objection
- Impact of car parking overspill on local streets attracts resulting in highway safety and local amenity concerns.
  - Trip generation and assignment
  - Insufficient provision of disabled parking
  - Delivery and servicing demand has not been investigated including number of visits, duration of stay, incorrect tracking assessment. Needs to demonstrate that its use will not cause conflict for other users.
  - Position of delivery/servicing bay is within the public highway and it may be occupied by others
- 6.64. It is considered that it would not be appropriate to mitigate overspill parking issues via a condition or obligation that restricted the entitlement of residents to parking permits in the event a CPZ is introduced.
- 6.65. Further matters that have not been resolved but individually would not cause severe impacts include:
- Positioning of the car club, servicing and visitor bays including manoeuvring
  - Low level of on-site car parking
  - Impact on the future provision of a segregated cycle route on Wellington Road.
- 6.66. Other concerns include:
- Provision of large and adapted bicycle spaces

- Further review of accident/Personal Injury Accident information
- Cycle parking provision / type of racks
- Additional visitor cycle spaces required
- Operation and Servicing of the 2 x Brighton Bike Share Hub spaces
- Pavement width of 2.0m on the south side of Clarendon Place and its adoption
- Road Safety Audit for the position of the pedestrian refuge island to Wellington Road
- Design of the public space through the development
- Although cycling trip generation is likely to be low, the development should not impede the ability for improvements to be delivered to the wider area given the aspirations of Brighton & City Council and Adur-Worthing District Council to improve cycling facilities along the A259. Lack of provision is contrary to SHJAAP, objective 5.
- No less than 2 disabled car parking spaces should be provided with buffer zones.
- Car club bays are in an acceptable location but tracking / access and provision would need to be addressed
- Do not consider the 2 x car club bays satisfactorily mitigate concerns with parking overspill. Approximately 65 car parking spaces to serve the occupants and visitors to the development.
- Off-site demand would equate to 54 spaces with the car club reducing that by 21, leaving a 35-vehicle overspill which will create pressure on existing on-street parking capacity.
- Unclear how the one visitor space within the extents of the public will be secured, protected, managed.
- No consideration of committed developments.
- Air quality information is not acceptable.
- Equality issues
- DEMP and CEMP are required

6.67. It is indicated that a number of off-site highway works are necessary and could be secured through a s278 agreement and s106 agreement and include:

- Narrowing of kerb radii at junction of Clarendon Place with North Street with construction of dropped kerb pedestrian crossing;
- Footway on east side of Clarendon Place widened to a minimum of 2metres;
- Pedestrian-priority treatment to the south-east section of Clarendon Place;
- Review of existing and provision of additional parking restrictions introduced throughout Clarendon Place;

6.68. The internal street will not be adopted. However, and in order to protect the tax payer from the financial burden associated with inappropriate design and construction, Sustainable Transport may use the Advanced Payments Code and recommend that the S106 agreement should also restrict the rights of future frontagers to petition for public adoption if a section 38 agreement is not entered into. They are happy to consider any proposal for public adoption made during the minded to grant period and will do so with reference to whether this is in the public interest. If it is then this will need to be captured in the S106 agreement.



- 6.69. S106 / S278 including contributions of £97,650.00 are required to provide mitigation measures and improve sustainable transport. A Travel Plan is also required. Conditions are also recommended.

## **7. MATERIAL CONSIDERATIONS**

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

7.2. The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016);
- Brighton & Hove 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);

7.3. 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.

## **8. RELEVANT POLICIES**

8.1. The National Planning Policy Framework (NPPF) 2019

### Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP2	Sustainable economic development
CP3	Employment land
CP4	Retail provision
CP5	Culture and tourism
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
DA8	Shoreham Harbour

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

TR4	Travel plans
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TR7	Safe Development
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
SU3	Surface Water Drainage
SU5	Surface water and foul sewage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise Nuisance
SU11	Polluted land and buildings
QD5	Design - street frontages
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
HO20	Retention of community facilities
HE10	Buildings of local interest

#### Shoreham Harbour Joint Area Action Plan (JAAP)

CA3	North Quayside and South Portslade
SH1	Climate change, energy and sustainable building
SH5	Sustainable travel
SH6	Flood risk and sustainable drainage
SH7	Natural environment, biodiversity and green infrastructure
SH8	Recreation and leisure
SH9	Place making and design quality

#### Supplementary Planning Documents

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD11	Nature Conservation & Development
SPD14	Parking Standards

#### Supplementary Planning Guidance

SPGBH9	A Guide for Residential Developers on the Provision of Outdoor Recreation Space
SPG15	Tall Buildings

#### Other Documents

Open Space Study Update 2011  
Urban Characterisation Study 2009  
Developer Contributions Technical Guidance – June 2016  
East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan – Policy WMP3d and WMP3e  
Coast to Capital Strategic Economic Plan (SEP)

## **9. CONSIDERATIONS & ASSESSMENT**

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

- Principle of residential development on the site
- Housing mix, tenure and space standards
- Design and Appearance
- Amenity Space Provision
- Access Movement and Parking

- Sustainability
- Landscaping
- Neighbour Impacts
- Tall Building Statement
- Environmental Impacts
- Viability

#### Principle of Residential Development

- 9.2. The City Plan Part 1 (CPP1) 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.
- 9.3. 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).
- 9.4. 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).
- 9.5. Strategic Policy SO4 of City Plan Part one seeks to address the housing needs of the city and to ensure the provision of appropriate housing that meets the needs of all communities. Policy SS1 sets out the presumption in favour of sustainable development indicating that planning applications that accord with the policies of the Local Plan will be approved without delay, unless material considerations indicate otherwise, taking account of any adverse impacts being significantly and demonstrably outweighed by the benefits when assessed against the NPPF taken as a whole. This position is supported by Policy CP1 which promotes higher densities in appropriate locations and where all new housing developments contribute to the creation and/or maintenance of mixed and sustainable communities.
- 9.6. The subject site is located within the city's built up development boundary where the principle of the redevelopment of previously developed sites for residential use is supported. The site also lies within Character Area 3 'North Quayside/South Portslade Character Area' of the JAAP which indicates an allocation for 210 units across all sites with this site, SP3 being allocated for 45 C3 residential units which is also referenced in the emerging City Plan Part 2.
- 9.7. The site is located outside the Boundary Road/Station Road District Shopping Centre. The City Plan designated DA8 Shoreham Harbour area which is identified as one of the eight development areas allocated in City Plan Part One, adopted in March 2016 and contains sites identified for industrial use, residential use and mixed use. Priorities for the area include

- To designate the South Portslade Industrial Area as a Strategic Employment/Mixed-use Area, including some appropriately located residential development.
  - Policy DA8 of the City Plan seeks to support the long-term regeneration of the Harbour and immediate surrounding areas. Part iii of the policy lists the priorities for the North Quayside/ South Portslade area, where the site is located. It states the South Portslade Industrial area will be designated as a Strategic Employment/Mixed-use Area and this site falls within the suggested location for this.
  - The site lies within the area to which the South Portslade Industrial Estate and Aldrington Basin Development Brief applies, and this is a material consideration.
- 9.8. Draft City Plan Part Two (CPP2) was published for consultation under Regulation 18 f the T&CPA 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 direction of travel for policy for the future development of this site for residential use. The current and most up-to-date SHLAA is consistent with CPP2 and identifies the site as having the potential to deliver a minimum of 45 units.
- 9.9. As a result, the development of the site for residential purposes in acceptable in principle. It is accepted that the development comprising two separate blocks would represent a significant uplift in housing provision, providing approximately half of the allocation for CA3 of the SHJAAP. However, the uplift would make a significant contribution to much needed housing in the city and would make an efficient use of an existing brownfield site.
- 9.10. Subject to the consideration of other Development Plan Policies and the NPPF taken as a whole, it is considered that the uplift would represent an efficient use of the site. The NPPF at paragraph 123 indicates that "where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of site." At the same time the NPPF advises that local planning authorities should refuse applications that fail to make efficient use of land and support a flexible approach in the application of policies or guidance where they would otherwise inhibit making efficient use of a site.
- 9.11. As a result, the introduction of 104 residential units on this site is is, considered acceptable in principle and compliant with CPP1 policies SS1 and CP1; policies CA3 and SP2 of the SHJAAP and policy H1 of the emerging CPP2.

**Housing Mix, Tenures and Space Standards:**

Housing Mix & Tenures:

- 9.12. It is already noted that the number of units proposed is in excess of the indicative amount in the SHLAA, SP2 of the SHJAAP and emerging policy H1. It is however considered that a higher density is consistent with the NPPF and Policy CP1.
- 9.13. City Plan Part One Policy CP20 requires the provision of 40% (96.8 or 97) on-site affordable housing for sites of 15 or more net dwellings. Although the

exact tenure split is a matter for negotiation and is informed by the assessments of local housing need, the preferred mix is 30% 1 bed units, 45% 2 bed units and 25% 3 bed units.

- 9.14. The development would provide 104 units of accommodation all of which would be affordable; 49 units will be contained in building A and 55 in building B. The proposed development will comprise of the following mix:
- 11 studio units (10%)
  - 50 x 1 bedroom flats (48%)
  - 39 x 2 bedroom flats (38%) and
  - 4 x 3 bedroom flats (4%)
- 9.15. The affordable housing mix would be as follows:
- Shared ownership: 52 (50%)
  - Social rented: 52 (50%)
- 9.16. It is indicated there would be a mix of units including social rent and shared ownership across the two blocks. No shared ownership is proposed for the three bedrooms' flats, as these are limited in number.
- 9.17. Although not meeting the percentage mix as set out in Policy CP20 and in noting that the mix is skewed toward the provision of a 1 and 2 bed flats, it is noted that the 2 bedroom flats would accommodate 3 bedspaces which would meet the needs of smaller family households.
- 9.18. Account is taken of the fact that the planning application itself is proposing that only 50% of the units provided will be formally designated as affordable housing. This is necessary to enable the Joint Venture to raise capital against the site to fund the significant build costs. However, whilst it is only possible to require a policy compliant 40% affordable housing in a planning permission, the site will ultimately still be built out as a 100% affordable scheme as required by the formal objectives of the Joint Venture with 50% shared ownership (intermediate housing) and 50% affordable rent, both categories which are wholly accepted by the NPPF's definition of affordable housing. The city council is a 50% stakeholder in the Joint Venture and therefore is able to ensure that the homes remain 100% affordable through its membership of the Board. Any changes from 100% affordable would need separate Board ratification.
- 9.19. It is explained that the Joint Venture is specifically focused towards addressing the needs of housing applicants under Bands C & D of the housing register, which provides a focus to those who are in paid employment but on low wages and therefore unable to access the regular housing ladder. This position is accepted as a case for the reduced number of 3-bed homes as the housing register requirements is roughly aligned with the proposed mix. Taking this into account, it is considered that the proposed affordable housing mix is therefore considered to be acceptable in this case.
- 9.20. The proposed new homes will be let and sold on sub-market terms with the rental units being affordable for residents earning the new National Living Wage (with assumed delivery from 2019 onwards); and the shared ownership homes affordable to buy for residents on lower incomes. The proposed new homes will be let and sold on sub-market terms with the rental

units being affordable for residents earning the new National Living Wage (with assumed delivery from 2019 onwards); and the shared ownership homes affordable to buy for residents on lower incomes.

Space Standards:

- 9.21. Policy HO13 also requires 10% of the affordable housing to be provided as wheelchair accessible, M4(2) of the Building Regulations which would be suitable for occupation by those in Mobility Groups 2 and 3. The policy also requires 10% of all affordable units (5% overall) to be fully wheelchair user compliant and specially adapted, meeting building regulation M4(3), these are required for Mobility Group 1.
- 9.22. Policy HO13 reiterates the importance of regular assessment of the housing needs of disabled people, as the above assessment of local need demonstrates, the primary demand is with Level 2 and Level 3, in contrast to the 0.4% Level 1 mobility group need which equates to less than one M4(3) unit within the 104-unit scheme. The scheme therefore provides 100% M4(2) compliant homes in accordance with local demand.
- 9.23. In schemes of more ten units and those units that are not wheelchair accessible to be built to Lifetime Homes standards whereby they can be adapted to meet the needs of people with disabilities without major structural alterations. The requirement to meet Lifetime Homes has now been superseded by the accessibility and wheelchair housing standards within the Nationally Described Technical Standards.
- 9.24. The principle features of Building Regulations M4(2) guidance comprise, level access throughout, including thresholds to balconies, outdoor space and private entrances. Generous circulation space within each home, wide corridors and flexibility are all key attributes incorporated into the design proposals in order to meet the changing needs of households and to ensure adaptability for occupants growing older or those experiencing changes in circumstance.
- 9.25. In this instance, it is considered that the reduced wheelchair provision is acceptable given the fact that the development would provide for persons within Mobility Levels 2 and 3 and having regard to the size of the respective units including those to the ground floor, a number of which benefit from individual front door entry.
- 9.26. The Council does not have adopted minimal space standards for new dwellings, however it is appropriate to consider 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. The application drawings demonstrate the Gross Internal Space provision for each flat would be provided within the following ranges as set out in the National Described Technical Space Standards:

<b>Unit Size</b>	<b>Min Space Standard</b>	<b>Met by development</b>	<b>Comment</b>
1 bed 1 person (studio)	37m <sup>2</sup>	11 Studios are 38.5 sqm	100% met
1 bed 1 person flat	39m <sup>2</sup>	50 1-bed units are between 42.5-47.4m <sup>2</sup>	100% met
2 bed 3 person flat	61m <sup>2</sup>	62.5-67.5 m <sup>2</sup>	100% met

(2b3p)			
3 bed 4 person (3b4p)	74m2	79m2	100% met

Design and Appearance:

- 9.27. National and local policies seek to secure good quality design that respects the characteristics of the site and its surroundings, CPP1, Policy CP12 sets out the design objectives for development, including raising the standard of architecture and design in the City and establishing a strong sense of place by respecting the diverse character and urban grain of the City's identified neighbourhoods (which is set out in the Urban Characterisation Study 2009).
- 9.28. Saved' Policy QD15; City Plan Part One Policies CP12, CP14, and CP16 and emerging City Plan Part Two Policy DM18 and DM22 seek to deliver quality developments, raise the standard of architecture and design in the City and establishing a strong sense of place by respecting the diverse character and urban grain where landscape is an integral part of the design.
- 9.29. Policy CA3 of the SHJAAP sets out the detailed design aspirations for the development of this character area, with site SP2 (Former Belgrave Centre and Adjoining) to form part of the comprehensive redevelopment area to enhance the existing townscape with development along Wellington Road being setback beyond the proposed green corridor.
- 9.30. The design and appearance of the proposed development has evolved to take account of comments provided during the evolution of the scheme. The arrangement of the apartment blocks, their form and structure has evolved in response to a number of key urban design principles, these include:
- Provision of a green corridor to the front on the site is referenced in the JAAP, the setback green area along Wellington Road extending in front of this development is welcomed as this provides for both a new cycle lane and area of landscaping that will provide a more attractive living environment for new residents.
  - Cues from the former historic urban form of St. James Square.
  - The scale and mass of the two building blocks has been reduced and the footprint amended to provide an enhanced relationship between the two primary built forms and that of the adjoining built context.
  - The new buildings have a clear and logical form and order that will provide a significant new presence on Wellington Road and an improved townscape
  - The development is one of good quality and will be a clear marker for the area's regeneration.
  - The private spaces within the scheme are secure. The central space permits public access along the north-south route but the introduction of gateway feature indicates that this is a space that is semi-private / semi-public and of a high quality with the main entrance to the apartments as well as individual ground floor apartments opening onto this space creating a strong sense of ownership and will benefit from natural surveillance.
  - The clean and restrained architectural language of the residential blocks provides a pleasing form and appearance, it will add a new landmark to this mixed-use areas industrial and residential character.
  - The brick facades will be punctured with larger powder coated windows and balconies, these provide pleasing elements to the overall built form.

- The steel arch into the main public space and the building sign on the western elevation provide cues to the areas former industrial heritage and a striking feature for the building form, giving it a subtle yet distinguishing feature and helps to contribute to the ambition of 'place making'.
- Safe and convenient cycle storage is provided to ensure that more sustainable modes of transit become more attractive for the new residents and their visitors.
- Tree and landscaping will help ensure a more human scale of built form at ground level is experienced
- The increased set back from the A259 enables the provision of a green corridor, meeting the objectives of CPP1 and the SHJAAP and benefitting the quality of the development and the place that is being created.

9.31. The proposed development and its design quality are explained in the supporting Design and Access Statement, the Tall Buildings Study and Landscape\_ Open Strategy including respective addenda. Although reading in contrast to the appearance of the immediate buildings, the character and nature of the site and area is such that the proposed blocks will sit well in this context and will make a positive contribution to the streetscene. Through the various reports it has been demonstrated that albeit taller than its neighbours, this is offset by the setback behind the green corridor, the variation in heights and the articulation of the facades. It is therefore considered that whilst acting as a catalyst for the development of CA3, the design and appearance maintain a respectful neutrality which would not constrain opportunities for the adjacent site to the west.

9.32. As a result, it is considered that the development would provide an acceptable standard in terms of its design, appearance and treatment of the main spaces in and around of the development including the main central space. The applicant has sought to improve the legibility of the development, improve placemaking and raise the standard of the public realm as well as landscaping. As such it is considered that the additional features would meet the policy requirement for a component. As a result, it is considered that the It is therefore policy compliant in this regard.

Amenity Provision:

9.33. Saved Policy HO5 seeks the provision of private useable amenity space in new residential development where appropriate to the scale and character of the development. There would also be 455 sqm of open space throughout the site which includes the courtyard which would offer a landscaped communal space for all residents, the scheme will provide 3 units to Block B with access to separate 'patio' areas. A further communal paved and grassed garden area is shown to the west of Block A. Each of the flats facing in the inner main space would have a small green semi-private 'amenity area. Above ground floor level, 26 flats in Block A and 27 flats in Block B, a total of 53 of the flats would be provided with projecting balconies to provide additional external amenity space. These are generally sited to the east and west elevations with a few on the north elevation in Block B. No balconies have been located on the south facing Wellington Road in order to protect the order of this primary façade.



9.34. The amenity space is significantly less than the requirement for the level of development proposed. Taking account of the quality of the development, the urban context and the benefits to be derived from the retention of a green wildlife corridor along with the central space, it is contended that the site is being used effectively and efficiently to deliver much needed housing for City. The amount of space in and around the built form is considered to be appropriate for the typical grain and plot ratios for flatted schemes. In addition, the lack of private amenity provision can be offset through s106 contributions to improve existing facilities' including local parks, indoor and outdoor facilities in accordance with the Indoor/Outdoor Space Contributor. As such the applicant is required to enter into a S106 Agreement to offset the lack of provision on site.

Access, Movement and Parking:

9.35. 'Saved' Policies TR4, TR7 and TR18 and CPP1 Policy CP9 seeks to ensure that developments provide safe access and movement to and from a site for vehicles, pedestrian and cyclists and provide sufficient on-site parking. There are however, situations where requirements for on-site provision of parking, for example, can be reduced particularly if the site is in a sustainable location and within walking distance of public transport.

9.36. The Transport Assessment indicates that the site is located within walking and cycling distance of many amenities with residents being able to able to access shopping, health and community facilities and some educational facilities within 2km of the site.

9.37. The scheme proposes to meet the maximum parking standards with 10 car parking spaces including 1 wheelchair accessible spaces, all car parking spaces will have electrical vehicle charging points and 6 motorbike spaces. The one wheelchair accessible space is proposed to meet the requirements of Traffic Advisory Leaflet 9/95 and 'Inclusive Mobility with bay dimensions of 6.6m x 2.7 m accommodating an access zone to the side. It is noted that the Transport officer comments that there is a need to provided no less than 2 disabled spaces with buffer strips to the side and in front. This would in the need to redesign the rear parking court, delete a proposed tree and result in only 9 spaces being provided. A condition has been recommended (Condition No. 20) with this in mind but also having regard to the planning balance and consideration of the availability of other sustainable modes of travel including cycling, use of the car club, bus and rail.

9.38. A total of 154 cycle spaces are proposed and include 115 long stay cycle parking spaces, 39 short stay (visitor) spaces are provided in a mix of Sheffield type stands and double stacking stands. As indicated these are shown in two main integral storage areas, one external storage area and also in small groups of external stands within the car parking area to the north-east section. The cycle parking is shared between Block A and B with the provision being as follows:

Building A - 57 long stay and 19 short stay = 76 spaces

- 38 spaces on 2-tier racks (50%)
- 38 spaces on 'Sheffield' type standard stands (50%)

Building B - 58 long stay and 20 short stay = 78 spaces

- 30 spaces on 'Josta' 2-tier racks (38%)

- 48 spaces on 'Sheffield' type standard stands (62%)
- 9.39. Concerns have been raised about the type and arrangement of stands and racks. This matter is considered to be resolvable through a suitably worded condition. Of the cycle spaces indicated, 39 are for short stays which should be more than adequate to serve visitors to the development. Notwithstanding this, the Transport Officer has indicated that there is a need for additional visitor spaces. Should this requirement be imposed, there will be direct negative impact on the quality and appearance of the development and a possible further reduction in space around the development including the already limited amenity area. On balance, bearing in mind the quantity of cycle parking indicated and with the view expressed that the site is likely to be a low cycling trip generator, and having regard to the provision of the 8 Brighton Bike Hub spaces, the proposed provision is sufficient to serve the development.
- 9.40. Access to the car parking spaces is proposed via Clarendon Place. Pedestrian/cycle access will be from Clarendon Place from the north and the A259 from the south. There are good links with bus services, trains and the coastal cycle route.
- 9.41. It is indicated that refuse stores are provided so not to require residents to carry waste more than 30 metres and refuse collection operatives are able to reach within a maximum of 25 metres. Refuse and delivery vehicles are also shown to be able to turn and exit in forward gear within the space available in Clarendon Place.
- 9.42. The applicant's Transport Consultant indicates that there would be an under-provision of 38 spaces with no additional availability on local streets to meet the demand. Attention is drawn to the location of the site, the good public transport provision by bus, train and the coastal cycle route. Additional supporting travel planning measures and parking controls are proposed and are aimed at encouraging a reduction in private car ownership, including:
- Two dedicated car club space and vehicle for occupants of all dwellings as well as the local community
  - Car club membership to the Enterprise Car Club offered to occupants within 3 years from first occupancy of the site enabling successive new residents to be able to benefit from free car club membership over this initial period plus £50 free drive time credit
  - Sustainable infrastructure improvements to the local footway network
  - Up to £150 cycle voucher per household as a contribution toward the purchase of a new bicycle or e-bicycle
  - 12-month season ticket (one per first occupant household, to the value of the B&H Buses and CitySaver ticket)
  - A travel welcome pack issued to each household including cycle voucher and other local travel information
- 9.43. The presented scheme is shown to include measures raised at the pre-application stage including:
- a) Narrowing of kerb radii at junction of Clarendon Place with North Street with construction of dropped kerb pedestrian crossing;
  - b) Footway on east side of Clarendon Place widened to a minimum of 2 metres or no less than 1 metre clearance;

- c) Pedestrian-priority treatment to the south-east section of Clarendon Place. The demolition of existing buildings and redevelopment of the site would allow a segregated footway to be provided which could not be accommodated within the current road width;
  - d) Additional parking restrictions introduced throughout Clarendon Place;
  - e) Redesign of vehicle crossovers in Clarendon Place and on North Street between Boundary Road and Clarendon Place to allow continuous access by mobility impaired users;
  - f) Creation of raised crossings leading from Clarendon Place into the site.
- 9.44. A Construction Management Plan is proposed to manage vehicular activity in and around the site and is to include matters such as a contractor's compound, lorry routes to and from the site; contractors parking, hours of operation.
- 9.45. Sustainable Transport has reviewed the scheme and provided comments on a number of occasions, these are summarised above. Following the submission of the amended plans Sustainable Transport continue to raise objections to the application for the following reasons:
- The potential for overspill parking to create a severe impact on local streets;
  - The trip generation and assignment remains unacceptable;
  - Insufficient provision of disabled parking;
  - The delivery and servicing demand created by the development has not been investigated in sufficient detail for Sustainable Transport to undertake an assessment of suitability of the proposals and the potential impact these activities present.
- 9.46. A number of further matters of concern were raised by Sustainable Transport, their impacts are not considered to be individually severe and include:
- The positioning and design of the car club, servicing and visitor bays and the impact this has on the public highway including the need for vehicles to manoeuvre into these bays;
  - The design of the proposals and the impact this places on the potential future provision of a segregated cycle route on Wellington Rd.
- 9.47. Planning officers have sought to resolve all outstanding highways matters and have made the following observations on the matters raised:
- The issue of overspill resulting from the provision of reduced car parking provision on site is not a new tension that the planning authority has had to consider and resolve. The application site is tightly configured and securing more car parking on the site would have impacts in terms of overall affordable housing provision and move away from the principle of creating a sustainable development.
  - There is potential for tension to be managed in the future through the introduction of a new Controlled Parking Zone (CPZ) in the area. Subject to consultation the CPZ is programmed for introduction by March 2021.
  - The Applicants have offered to enter into a Unilateral Undertaking to prevent residents from applying for and obtaining a car parking permit at this stage as a future proofing mechanism and to allay concerns.
  - Contributions are being sought toward the improvement to sustainable modes of transport including a Travel Plan with incentives to discourage movements by private car. Information as part of the travel plan would

remind residents of the alternatives and of the car parking restrictions.

- Sustainable Transport have undertaken some initial observation testing of trip generation likely to arise outside of peak hours, 7pm-7am Monday-Friday. This indicates that 23% trip generation arises outside of peak period and limited highways impacts would arise.
- It is agreed that a minimum of a least two disabled car parking spaces should be provided, this can be secured by condition and at the same time noting that the overall parking provision would reduce to 9 spaces as a result.
- A service bay has been provided adjacent to the site that measures approximately 6m with splays to 9m. Delivery and removal vehicles can access and manoeuvre into this space. This section of Clarendon Place terminates at the proposed car parking area for the site and therefore traffic volumes and movement is limited. The suggested impacts made by Sustainable Transport are a worst-case scenario. A Service and Delivery Management Plan should address this matter.
- The suggested 2no. Car Club spaces are provided off Clarendon Place is considered acceptable by Sustainable Transport. As suggested these can be secured by a legal agreement attached to a planning consent and will include obligations to secure the car club spaces, and prior to its signing, an operator is to confirm an 'in principle' agreement to operating it.
- Concern was raised at the location of the visitor bay and the impact this has on the pedestrian footway. It should be noted that at this location the pedestrian footway terminates at the development and there is no through route for pedestrians. A condition is to be applied to secure all pedestrian footpaths to a minimum width of 1m clearance.
- The applicant submitted amended plans (SK-016A Green Corridors Study)) that show how a new section of west-east cycle path could be accommodated on the section of Wellington Road frontage of the application site. It is considered that this goes some way to address the strategic objective of a cycle path on the route.

9.48. Therefore and in noting the comments from Sustainable Transport in respect of car parking requirements, overspill car parking on surrounding streets and the need for more visitor parking, it is considered that the development strikes an acceptable balance between the provision of much need affordable homes, the sustainable location of the site, the raft of sustainable transport measures including a Travel Plan, two on-site car club spaces with membership for occupants, bicycle parking and Brighton Hub Bikes with membership offered

9.49. It should be noted that Environmental Health are supportive of less car parking due to air quality issues. Therefore, to expect an increase in car parking above and beyond that shown would counteract the benefits to be gained in terms of air quality and pollution.

#### Sustainability

9.50. The requirement of CPP1, Policies CP8 and DA8, Policies CA3 and SH1 of the emerging SHJAAP have been taken into account by the applicant and addressed in a balanced manner and has been considered by the council's Sustainability Consultant.

- 9.51. It is considered that the information presented with the planning application indicates that the apartments would be specified with sanitary fittings to reduce the impact of the new development on the supply of potable water, as much as possible, and built to advocate that the consumption of water does not exceed 110 litres per person per day. A controlled lower consumption will also save energy.
- 9.52. The energy strategy for the application site identifies significant improvements in the energy efficiency performance of the building fabric in order to reduce on-going operational and maintenance costs as well as maximising the benefits to future residents. The design is proposed to deliver reductions in energy to achieve up to 19% energy improvement over notional Part L1A 2013 targets due to improved fabric efficiency and renewable technology as required by the BHCC Sustainability Planning Checklist. The energy strategy for the proposed scheme is considered an optimum solution for the site due to a number of reasons relating to Part L of the Building Regulations.
- 9.53. The roof of the taller elements of each block are proposed to include approximately 269 Photovoltaic panels to maximise efficiency and also minimise the impact on the street scene, thus achieving further carbon reductions in addition to the Fabric First Approach. Although it would be possible to have further PVs to the remaining flat roofed areas, the quantity proposed is related to cost, consumption and offsetting and carbon savings.
- 9.54. Due to concerns regarding overheating, the updated Sustainability Statement indicates that where windows can open they will be used across the site to enable natural ventilation solar control glazing with a combination of low g-values and high light transmission values. This is also due to the fact that ground floor windows facing the A259 will not have front opening windows due to pollution concerns. Therefore, and along with a condition requirement details of ventilation, a condition is also recommended for further overheating controls to be submitted.
- 9.55. The Sustainability Statement also provides an assessment of other technologies and their suitability for this site. Solar Thermal energy to heat water cannot be accommodated due space limitations. Ground Source Heat Pumps (GSHP) are not considered acceptable due to prohibitively expensive installation costs, the need for increased floor depths and weights which would affect the viability of the scheme. GSHP would also require additional cooling for the building. Air Source Heat Pumps were not considered to be suitable due to the additional plantroom space that would be required and as with GSHP, increased floor depths and need for additional cooling. Wind turbines, stand alone and roof-mounted, were considered not to be suitable for the site due to space, planning and aesthetic issues.
- 9.56. The use of a stand-alone Combined Heating and Power facility on the site has been tested and discounted on cost and efficiency grounds. The development will be future proofed to ensure that it can draw on the energy provided by a district facility should one become operational. Condition 43 will ensure that this becomes a future requirement.
- 9.57. Overall, it is considered that the development meets existing and emerging policy requirements and works towards meeting the One Planet Principles

and UNESCO Biosphere Objectives. Specifically, it also focuses on the options which have been considered for renewable energy sources to serve this site, and sets out details of how the site could in the future be connected to a wider district heating network should one become available.

#### Landscape

- 9.58. Saved Policy QD15 and CPP1, Policy CP12 seek to ensure that the space in and around developments is designed to a high standard and integrated into to the scheme from the outside. Policies SH7 and CA3 of the emerging SHJAAP seek to ensure that the site delivers landscape, ecology and biodiversity enhancements to the site and the A259. One measure to the retention of a green corridor to the front of development along Wellington Road.
- 9.59. The proposed scheme is presented with a strong landscape strategy that seeks to create an attractive and welcoming place; wherever possible to improve the local landscape quality and character within its coastal and industrial location.
- 9.60. The landscaping scheme indicates the provision of:
1. Green Corridor is intended to provide a robust soft landscape buffer between the residential frontage and the Wellington Road (A259) as well as a soft green approach. It is intended that trees along the front will wrap around and continue into the central courtyard. This will provide a simple yet effective and immediate green edge to the development.
  2. Central Courtyard intended to be a simple, welcoming car-free spaces with access through from north to south. It is to provide open space for passive use and relaxation, set back from Wellington Road (A259). Tree planting is seen as softening the space and providing a green setting. 'Naturalistic' boulders scattered between the soft planting and hard paved areas are intended to provide opportunities for perching and incidental play. Low height planting within the courtyard is intended to define and frame residential frontages providing a soft defensible edge between public and private spaces. Low maintenance environments are proposed that provide biodiversity enhancement on the site.
  3. Private Gardens - A private area of hard and soft landscaping with some tree planting is shown to associated with the western block associates with the ground floor units.
  4. Parking Zones are located on the northern side of the development, accessed off Clarendon Place. This area also includes cycle parking and is intended to be a welcoming area. Hard landscaping is to be softened with tree, shrub and groundcover planting.
- 9.61. Although it would be possible to introduce green roofs, overall the landscape provision including the increased in the depth of the green strip are supported and will provide improved air quality conditions for the occupants of ground floor flats facing the A259/Wellington Road. The applicant has explained that the cost of green roofs including future maintenance would affect the viability of the scheme and therefore the affordable accommodation officer. Condition 12 and 45 are recommended to be applied to ensure a quality landscape scheme is implemented and maintained thereafter and include requirements for native species to be introduced.

## **Neighbour Impacts:**

### Daylight and Sunlight:

- 9.62. The applicant's Daylight/Sunlight report has been carried for the original 8-storey scheme submitted utilising methodology and guidelines in the BRE Report 'Site layout planning for daylight and sunlight: a guide to good practice.' The assessment has not been updated as the findings are a worse case scenario now the development has been reduced but has not been re-assessed by BRE on behalf of the council.
- 9.63. It is therefore considered that the reduced scheme with the greater setback from the A259, realignment and reduction in the height of the west block will lead to improvements in daylight/sunlight conditions for adjacent developments and the development itself. It is likely that as per the original assessment which identified minor losses of daylight to dwellings at 85, 86 and 87 Station (Boundary) Road, 1, 12 and 14 Wellington Road; moderate adverse loss to 16 Wellington Road that overall the loss of sunlight to all existing and proposed developments would be within the BRE guidelines.
- 9.64. Within the new development the reduction in the height of the west block would assist in reducing overshadowing to the inner side of the east block and the main open amenity area. However, it is envisaged that lower than 7% of flats compared to the original position would not meet the minimum daylight standards for living/kitchen/diners and studios and a smaller number would not meet the higher recommendation for a kitchen. According to the applicant's report, figures 86% of the living rooms and studios would meet both recommendations and high percentage would meet the minimum standard.
- 9.65. Sunlight provision would be average for a scheme like this with little obstruction to the south, although there are only a small number of single aspect purely north facing flats. It is estimated 59% of living rooms and studios in the development would meet the sunlight recommendations in full; another one would meet the annual target but not the winter one, and five would meet the winter target but not the annual one. This figure should increase with the lowering of the height of the west block.
- 9.66. The most poorly lit rooms are studios in the internal courtyard, which receive sub-standard daylight and little or no sunlight, partly because of projecting elements to the south. These projecting elements also limit sunlight to the internal courtyard. On March 21, just under 27% of it would receive 2 hours' sunlight, under the recommended 50%. During summer months when the sun is in a higher position it is considered that the space will receive high levels of sunlight.
- 9.67. Overall the assessment demonstrates that the impact on existing and the proposed development on Clarendon Place are acceptable in terms of daylight and sunlight. It is recognised that whilst some of the courtyard units and communal space do not receive the desired sunlight the majority of the accommodation does.
- 9.68. It is recognised that there are some assumptions with which the BRE consultant engaged by the council criticises. In general, it is considered that the proposal has taken account of the constraints of the site and has sought to deliver a high quality in the standard of accommodation. With urban sites,

such as this, it is highly unlikely that all flats would meet Daylight/Sunlight standard. In general, the percentages that do not meet the recommended standards is low and does not render the accommodation unacceptable or of a poor quality.

Overlooking:

- 9.69. The new development is set back from Wellington Road and some 22 m from the frontages of the properties opposite. Harmful overlooking will not arise. The properties on Boundary Road include some residential units, Block B windows that face directly onto the rear windows are some 24m away at the nearest point, this distance is considered and in accordance with established guidance.
- 9.70. The north facing elevations of Block A include secondary windows for bedrooms and living rooms, the elevations face onto Clarendon Place, which is a public space. The level of overlooking that is likely to arise as a result on the existing industrial properties and approved flats on Clarendon Place is considered acceptable given the street context and the nature of the windows.

Tall Building Statement

- 9.71. In its amended form, a Tall Building Statement explains the provision of building heights of 4, 5, 6 and 7 storeys given that SPG15 defines a tall building as being 18m or taller, approximately 6 storeys. The Tall Building Statement adopts an approach contained within overarching Guidelines for Landscape and Visual Impact Assessment (Landscape Institute), the Urban Design Compendium (Homes and Communities Agency) and By Design: Urban Design in the Planning System: Towards Better Practice (DETR/CABE). The application of the adopted approach considers Magnitude of Townscape and Visual Effects and the ability of the site and surrounding townscape and landscape to accommodate change to the scale and extent proposed.
- 9.72. Six verified 'Accurate Visual Representations' (AVRs) are presented including positions along the A259 to the east and west, and to the north located within circa. 0.3 and 2.7km of the site. These include:
1. Boundary Road near junction with New Church Road
  2. Kingsway near junction with St. Leonard' s Gardens
  3. Fishersgate Terrace near the Albion Inn
  4. Vale Park
  5. Kingsway near Carlisle Road
  6. Kingston Village Green next to Kingston Buci Lighthouse
- 9.73. A further AVR is provided from Toads Hole Valley. Account is also taken of Strategic Views referred to in the BHCC Tall Buildings Study (BHCC, 2003) including Strategic Viewpoints 1. Mile Oak; 2. Foredown Water Tower; 3. Shoreham Maritime; 4. Toad Hole Valley; 14. View from A27 and the seafront visual experience.
- 9.74. The proposed development has been reduced in scale and bulk to address officers' concerns. The building line and scale is now considered appropriate for the site and context. The views to the site from along Wellington Road are considered acceptable, the building has a presence that is considered beneficial but it does not over dominate. The staggered



building height and footprint ensures that the building edge, particularly to the east is blended to its context. The Clarendon Place building edge is set back some 8-12m from existing and proposed buildings and is considered acceptable.

#### Heritage Impacts

- 9.75. The site does not have any buildings of heritage value and is not within a conservation area.
- 9.76. There are locally listed assets in Station Road and Wellington Road, it is considered that the proposed development will not have a material impact on their setting. The Conservation Advisory Group (CAG), have been consulted on the proposals and are supportive.
- 9.77. The site is within an Archaeological Notification Area, a desk based assessment concludes that it is unlikely that any significant archaeological remains are likely to be affected by these proposals. County Archaeology have reviewed the proposals and supporting documents and have not requested any further assessments or requested conditions.
- 9.78. As a result, the proposed development meets the requirements of the NPPF, Chapter 16 and CPP1, Policy CP15.

#### **Environmental Impacts**

##### Air Quality:

- 9.79. An Air Quality Assessment undertaken in October 2018, was submitted as part of the application documents, this has not been updated as part of the revised proposals as it tested the worst-case impacts of a larger scheme. The Assessment concludes that pollution concentrations can be high at junctions close to the site but that the proposed development is set far enough back from Wellington Road to ensure concentrations of NO<sub>2</sub> at the facades of habitable rooms will be below the AQS thresholds.
- 9.80. The proposed development will have a negligible impact in terms of traffic generation and localised air pollution. Mitigation measures such as restricted car parking, electric vehicle charging points, cycle parking provision and a travel plan will all help ensure air quality impacts from car use is managed and reduced. A Demolition and Construction Management Plan, that will, include air quality management will be a condition of any planning permission.
- 9.81. Environmental Health reviewed the proposed scheme and assessment and made a number of recommendations and suggestions, this included:
- The proposed buildings will enclose the A259 inhibiting dispersion of road traffic emissions which risk delaying revocation of the Air Quality Management Area (AQMA) for Portslade.
  - As large size and massing of proposed buildings come close to the A259, a dispersion modern assessment shall include a street canyon option for Wellington Road.
  - Mitigation is required to reduce the risk of ground floor residential exposure, it may not be acceptable to hermitically seal ground floor flats.
  - Brighton & Hove and Worthing-Adur wish to improve cycle Lane connectivity between Portslade and Shoreham. A cycle lane does not appear in the plan.

- Any gas fired boilers shall be ultralow NOx with emissions of < 30 mg/kWh
  - The development will have a number of measures to encourage low emission travel including cycling, public transport and car clubs.
  - The council's recently revised CEMP (Construction Environment Management Plan) conditions a number of measures to reduce emissions and improve local air quality.
- 9.82. The proposed development ground floor elevation as part of the revised proposals is now some 7-8m set back from Wellington Road pavement edge with the green corridor increased in depth to between 4.25 - 5.35m and that a green screen has been provided. It is considered that the proposed residential units will now enjoy a satisfactory level of air-quality and is supported by Environmental Health. The development would not however, enable the AQMA to be extinguished.

Noise:

- 9.83. An Environmental Noise Survey and Acoustic Design Statement Report undertaken in November 2018, was submitted as part of the application documents. This has not been updated as part of the revised proposals as it tested the worst-case impacts of a larger scheme. The noise survey established the current noise climate around the site. The assessment was undertaken in the context of national and local planning policies and best practice guidance.
- 9.84. Appropriate internal noise targets were set, these can be met providing appropriate mitigation measures are put in place including suitable glazing and acoustically attenuated ventilation. The level of mitigation required will be provided in accordance with Building Regulations Approved Document F. The window detail and acoustic ventilation is to be approved by Condition 47 and reflects the mitigation measures suggested by the applicant's consultant.

Ecology and Biodiversity:

- 9.85. An ecology and habitat assessment has been submitted with the application, the County Ecologist has reviewed the scheme and recommended approval subject to a number of conditions. The site is not subject to any nature conservation designations, is within an urban environment and is dominated by buildings and hardstanding. The proposed development is unlikely to have any impacts on sites designated for their nature conservation interest.
- 9.86. The site has the potential to support breeding birds, protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended). To avoid disturbance to nesting birds, ideally any demolition of buildings or removal of scrub/trees that could provide nesting habitat should be carried out outside the breeding season (generally March to August) otherwise a nesting bird check should be carried out prior to any demolition/clearance works. Alternative nesting habitat should be provided and bird boxes to Condition 27 refers.
- 9.87. Japanese knotweed has been identified on the on-site, it should be treated and disposed of in accordance with best practice guidance. Condition 48 sets out the requirement for a scheme for its identification and removal to be agreed before the development commences. The site offers some, albeit low, potential for hedgehogs, care should be taken during site clearance to avoid

harm to hedgehogs that may be present. The site is unlikely to support any other notable or protected species. If protected species, or signs of their presence, are encountered during development, work should stop and advice should be sought on how to proceed from a suitably qualified and experienced ecologist.

- 9.88. The County Ecologist has commented that the site offers opportunities for enhancement that will help the Council address its duties and responsibilities under the NERC Act and NPPF. Opportunities include, but are not limited to, the provision of a green (biodiverse not sedum) roof, bird, bat and insect boxes and wildlife friendly planting. Conditions are recommended to secure an Ecological Design Strategy setting out mitigation and enhancement measures (Condition 45).

Flood Risk:

- 9.89. Despite the fact that the site falls with Flood Zone 1 and there is no evidence of flooding, the applicant has provided a Flood Risk Assessment Report. The report seeks to demonstrate that the site is at a low risk of flooding and is not at risk from tidal breach or tidal over-topping. There are also no incidents of surface water flooding although, occasionally foul or surface water sewers are sometimes temporarily over-loaded due to excessive rainfall or blockage. The risk is considered to remain low. Equally the potential to cause flooding elsewhere is low.

- 9.90. The development presents the opportunity to reduce the hard surface percentage on the site and to ensure new ground surfaces are porous, thus delivering a Sustainable Urban Drainage scheme. Conditions are recommended to ensure that a suitable scheme can be delivered and maintained in perpetuity. Although rainwater is not being harvested, the development would improve the sustainable characteristics of the site and address the requirements of 'saved' Policies SU3 and SU5 and CPP1, policy CP11.

Land Contamination:

- 9.91. The Land Contamination Assessment indicates that there is a potential for a Moderate risk of contamination, has been identified. It is recommended that an intrusive investigation is therefore necessary to further quantify the risks identified. Any subsequent intrusive investigation may reveal additional on-site sources of contamination that were not identified in the Preliminary Investigation and Site Walkover. Any additional sources of contamination or unexpected ground conditions that may promote the migration of contamination would be included and assessed in terms of significance within an updated Conceptual Site Model.
- 9.92. It is further stated that there may be areas of contamination not identified during the course of the investigation. Such occurrences may also be discovered during the demolition and construction phases for the redevelopment of the site. A suitably worded condition is recommended to address further assessments

Developer Contributions and Viability

- 9.93. The Joint Venture (JV) of Brighton & Hove Design and Build Company Ltd, which is Brighton & Hove City Council and The Hyde Group, a Housing Association. The Housing Association will develop, manage and fund the

development. The JV seek to deliver a higher proportion of Affordable Housing than may be required under local planning policy and is to provide 100% Affordable Housing. In order to protect the value of the site and satisfy lending criteria, the application is submitted on the assumption of 50% Affordable Housing.

- 9.94. A Financial Viability Assessment (“FVA”) for the proposed redevelopment, dated November 2018, was submitted as part of the planning documents. An updated financial appraisal of the amended scheme has not been prepared as it is assumed the findings would be similar.
- 9.95. The agreed land purchase price of £1.8m has been factored into the appraisal as has the principle objective of delivering an entirely affordable housing scheme with a 50/50 split of social rented and shared-equity. Oakley were instructed to assess if it is viable to both offer the agreed level of land receipt in the joint venture, provide a 50% affordable housing allocation and also pay a policy compliant level of Section 106 contribution, which is assessed at the level of £764,312. In addition Oakley were instructed to carry out an FVA of the site upon a policy compliant basis with only 40% affordable housing, which requires a Section 106 payment of £737,158.
- 9.96. The cost of constructing the proposed development was identified as £19m. In accordance with the NPPF a reasonable benchmark target rate of return for the developer from the Proposed Scheme, based upon 50% affordable housing, would be in the order of a 15.29% (blended) profit on GDV. Based upon the assumptions set out in the FVA it is concluded that the proposed scheme cannot offer both in excess of the planning policy requirements and support the proposed land price, falling substantially short of offering the Applicant a commercial return.
- 9.97. A 50% affordable housing scheme, a policy compliant basis, the joint venture cannot sustain the proposed land purchase price. Even with the financial viability being mitigated by the exclusion of the Section 106 planning contribution payment and the land receipt, there is a shortfall within the development viability of £0.77m. The shortfall represents the gap to be funded to ensure the Applicants receive the target rate of return. This will require the gap to be funded by either the Council as the land owner or by the Applicants taking a view upon what would be a commercially acceptable level of return.
- 9.98. The applicants also ran an FVA upon the basis of the scheme only delivering the policy compliant level of affordable housing at 40%. As this will require the delivery of more private market sale units the benchmark target development profit increases to 16.6%. Upon the basis that the scheme is delivered subject to payment of the Section 106 contribution the appraisal shows a negative land value, or gap to be funded in the amount, of £0.55m. Removing the Section 106 payment enables the development to make a positive land value, which therefore provides a sales receipt to the Council in the sum of £0.146m. However, this falls substantially short of supporting the land price of £1,800,000, currently agreed between the Applicant and the Council.
- 9.99. The District Valuers Service (DVS) undertook an independent appraisal of the FVA. The main areas of difference in the DVS report are the inclusions

of inflation in the construction costs and sales timing. However, it is the conclusion that no more than 50% Affordable Housing can be viably provided which is the same as the Agent. There are however, a number of points, that include:

- A 40% policy compliant affordable housing scheme can be provided with an assumed s106 contribution of £737,158 with a land value of £800,000. This would provide a profit of 15.73% GDV (£4,250,050).

9.100. As the projected s106 for the proposed scheme is in the region of £300,000, the land value for the site can be raised accordingly as can the % of affordable housing offered and the scheme is still considered viable and deliverable in planning terms.

9.101. On the basis of the DVS' findings, the S106 contributions are set out at the beginning of this report.

## **10. CONCLUSIONS**

10.1. Paragraph 11 of the NPPF makes it clear that planning application decisions should apply a presumption in favour of sustainable development.

Furthermore, it sets out that where relevant development policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

10.2. As noted previously the Council is currently unable to demonstrate a 5-year housing supply as well as a 20% buffer year-on-year. As such the relevant planning policies relating to housing delivery are considered to be out-of-date and the tilted balance of paragraph 11 is therefore applied. Consideration is given to the acceptability of the principle of development with a substantial uplift in the indicated units numbers as set out in Policy DA8, SHJAAP Policy CA3 and emerging Policy H1 of CPP2.

10.3. In the current climate, this scheme would make a significant contribution to the housing shortfall and the provision of affordable housing for the city. There is also a realistic opportunity for its delivery through the Joint Venture and with funding mechanisms that are in place. As a result, and in applying the tilted balance, it is considered that there is considerable public benefit to be gained from the proposed 100% affordable housing provision. This position would therefore demonstrably act to outweigh or counterbalance any the harm that was identified.

10.4. The proposed housing mix, which is skewed towards smaller units, is justified based on the approach and targeting of the JV who are focusing on a 100% affordable housing provision aimed at specific hidden households and needs. The significant uplift in the housing provision and the fact that is to be built as a 100% affordable scheme, is considered to more than compensate for the fact that there is a greater number of one and two bedroom flats and less 3 bed flats.

10.5. Although there are some deficiencies in sunlight/daylight, and overshadowing of the main central space, it is considered that overall, the proposed development will provide an acceptable quality of accommodation and overall a positive residential environment. It is accepted that there are a number of single aspect flats, however the accommodation will still be of a high quality.

There are also flats that have dual aspects and all, apart from the ground floor units, are provided with a balcony. Some ground floor units have individual amenity patio areas or direct access to the shared area.

- 10.6. The proposal presents an opportunity to integrate the development into the existing urban environment providing connectivity and permeability along a new north-south route through the central space. It provides a positive interface with Wellington Road and Clarendon Place and the design is considered elegant and suitably restrained in its context.
- 10.7. The limited provision of car parking and electric charging points would improve the air quality of the area and would receive support from Environmental Health due to the reduction in air pollutants, air quality and the environment for future residents. The applicants have included reduced car-parking provision (10 spaces of which 2 are for disabled use) maximum cycle parking within the site as well as a raft of sustainable transport offers including 2 car club spaces, bike hubs, visitors bicycle stands and a Travel Plan offering a number of measures to reduce reliance on the private car. The lack of car parking on site is considered acceptable as accessibility to public transport is excellent given the close proximity to the bus stop on the A259 and the train station being a short walk away. In addition, the applicants are agreeable to future proof the development for the provision of a segregated cycle path. It is considered that the proposals would go some way towards mitigating against highway, traffic and parking concerns.
- 10.8. The LPA is mindful of the need to maximise this important brownfield site, achieve a viable and deliverable scheme and these impacts must also be weighed against the positive benefits of the scheme and wider public benefits as well as acting as a catalyst for the visual improvement of the immediate area and Character Area 3.
- 10.9. Other factors including impacts relating to ecology, sustainability, landscaping, flood risk, land contamination, wind and air quality have been assessed and have been considered acceptable.
- 10.10. The development generates the need for s106 contributions to offset and mitigate against pressures and needs of the development. As a result, and having regard to the independent assessment by DVS, the recommendation is based on securing the financial contributions set out at the beginning of this report. Not all issues have been resolved at this stage and some matters require the submission of further details. Those matters are addressed / mitigated through condition/s106/s278.
- 10.11. The proposed development will make a significant contribution towards sustainable development in the City and thus complies with the NPPF and contributes towards meeting the objectives of City Plan Part One Policy CP1 and approval of planning permission is therefore recommended subject to the completion of a s106/s278 planning legal agreement.

## **11. EQUALITIES**

- 11.1. 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.

11.2.

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.

## **12. S106 AGREEMENT:**

12.1. Please ensure this marries up with the recommended S106 Heads of Terms

12.2. 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 proposal fails to secure a minimum of 40% of the development as Affordable Housing contrary to Policy CP20 of City Plan Part One.
2. 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.
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 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.
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 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 and the City Council's Developer Contributions Technical Guidance.
8. The proposed development fails to provide a s278 Agreement for off-site highway works contrary to CP9 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.

9. The proposed development fails to provide a Unilateral Undertaking to future proof against the ability of residents to obtain parking permits should a CPZ be introduced contrary to policy TR14 of the Brighton & Hove Local Plan and the City Council's Developer Contributions Technical Guidance.
10. The proposed development fails to provide a Delivery & Service Management Plan (DEMP) contrary to Policy CP7 and CP9 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
11. The proposal fails to deliver a Demolition and Construction Environmental Management Plan (CEMP) contrary to Policies CP7 and CP9 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
12. The proposal fails to deliver a Car Parking and Open Space/Public Realm Management Plan contrary to Policies TR14 and QD15 of the Brighton & Hove Local Plan and Policies CP12 and CP13 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
13. 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.