

No:	BH2018/03356	Ward:	Hove Park Ward
App Type:	Full Planning		
Address:	Kap Ltd Newtown Road Hove BN3 7BA		
Proposal:	Demolition of existing buildings in association with car dealership (sui generis) to facilitate the erection of a mixed use redevelopment to provide 148 dwellings (Class C3), 954sqm of office floorspace (Class B1), within a scheme of 3no Blocks ranging from 4 to 11 storeys in height with associated underground car parking, cycle parking and landscaping and 22 sqm of cafe floorspace (Class A3).		
Officer:	Chris Swain, tel: 292178	Valid Date:	15.11.2018
Con Area:	N/A	Expiry Date:	14.02.2019
Listed Building Grade:	EOT:		
Agent:	Mr Guy Dixon	Second Floor	72 High Street SEVENOAKS TN13 1JR
Applicant:	Tudor Holdings (UK) Ltd KAP Peugeot		

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 on the Heads of Terms set out below and the following Conditions and Informatives as set out hereunder, **SAVE THAT** should the s106 Planning Obligation not be completed on or before the **12 August 2020** the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 10.1 of this report:

Section 106 Head of Terms:

Affordable housing:

- Provision of 20 x 1-bed and 20 x 2-bed affordable housing (22%) with a split of 18 homes for affordable rent and 14 as shared ownership.
- Viability Review mechanism (including funds for providing specialist re-assessment of viability) after a certain time period. Review would allow for an update to costs and values initially assessed at application stage once additional details regarding actual sales prices and actual costs have been established.

Sustainable Transport and Highways:

Sustainable Transport Contribution

A sustainable transport contribution of **£130,200**. This will be allocated towards the following, in order of priority:

- Improving infrastructure at existing bus stops on Old Shoreham Road, including adding accessible kerbs, real time information and shelters where these are absent, and potential minor relocation.
- Improving pedestrian access along footways between the development and Hove Station, and other public transport infrastructure - including potential lighting improvement to the viaduct tunnel on Fonthill Rd.
- Improving local cycling infrastructure to enhance access for pedal cyclists between the development and other local destinations.
- Implementing additional BTN bike share docks/bikes in surrounding streets to encourage greater uptake of cycling for trips to/from the development.

S278 Highway Works

The following works to facilitate this development should be secured via a section 278/s38 agreement (to be secured in turn via a section 106 agreements).

- Introducing two new inset servicing bays outside the site within the northern footway of Newtown Road.
- Removing and reinstating four existing vehicle cross overs along Newtown Road
- Introducing a vehicle access to the far west of the proposed site.
- Introducing improved street lighting as required on the north side of Newtown Road.
- Adoption of additional public highway around the new loading bays to ensure that effective footway is maintained at no less than 2 metres wide.
- Resurfacing and alteration of Newtown Road as required.

A scheme setting out the above highway works shall be submitted to the Council and be approved by the Local Highway Authority. The development shall not be occupied until the approved works have been implemented.

Other obligations

- Permissive path agreements to provide public access through the site to link with the two existing alleys that interface with the eastern boundary.

A 5 year Residential Travel Plan including monitoring.

(For the C3 Residential Travel Plan)

- Offering the first occupants of each residential unit with subsidised tickets/memberships for each of the following local public and shared transport services -
 - Local buses and/or train services;
 - Brighton & Hove Bike Share; and
 - Enterprise Car Club
- Providing formal cyclist training to residents on request, to be marketed throughout the development,
- Providing maintenance stands together with pumps and basic tools within the cycle stores for resident use.
- Providing resident's a voucher of \geq £150 to go towards the cost of purchasing a bicycle.

- Establishing a Bicycle User Group. This should be subsidised for the length of the Plan to provide –
 - ‘Bike buddy’ services to other residents/workers thinking of taking up cycling
 - Several social rides per year, including an allowance for refreshments.
 - 2 or more ‘Doctor Bike’ sessions per year with both a direct repair and a teaching element.
- The User Group should also be consulted when reviewing the Travel Plan and in relation to ongoing operational management of cycle parking facilities. The later role should continue beyond the life span of the Plan.
- Providing information on sustainable transport options and measures in all marketing material (including any on-line).
- On site information boards.

A 5 year Workplace Travel Plan including monitoring.

(For the B1 Office Travel Plan)

- Providing formal cyclist training to staff on request, to be marketed throughout the development,
- Providing maintenance stands together with pumps and basic tools within the cycle stores for staff use.
- Providing interest-free loans to staff for the purchase of bus and rail season tickets and bicycle purchase.
- Providing annual personalised travel planning to employees for the duration of the plan.
- Establishing a Bicycle User Group, as for the residential component.

Education

- A financial contribution of **£116,128.00** for secondary school and sixth form education (Blatchington Mill and Hove Park Schools)

Public Art

- Commissioning and installation of an Artistic Component to the value of **£62,500** within the development in public view or in the immediate vicinity of the site. This could comprise an ‘uplift’ in the value of public realm provision to incorporate an artistic component.

Open space and recreation/sports:

- Provision of a financial contribution of **£369,278.66** towards enhancement of outdoor/indoor sports, parks and gardens, children’s playspace, allotments, amenity greenspace and semi-natural space at the following locations:
- Outdoor sport (£89,124.13) - Kingsways / Hove Seafront, Knoll Park, Aldrington Recreation Ground, Wish Park, Hove Park, Neville Recreation Ground,
- Indoor sport (£58,604.00) - Withdean Sports Complex and / or King Alfred Leisure Centre,
- Children’s Play (£9,421.34) - Hove Park, Stoneham Park,
- Parks and Gardens (£130,442.94) - Hove Park and / or Stoneham Park and / or Dyke Road Park / and or Three Cornered Copse,

- Allotments (£12,791.22) - The Weald and / or St Louis and /or North Nevill and /or Campsite and / or Eastbrook and / or Rowan Avenue,
- Amenity Green Space - (£10,458.49) - Hove Park and Stoneham Park and / or Three Cornered Copse, and / or Dyke Road Park and / or Hove Cemetery
- Natural and semi-natural - (£58,436.56) Three Cornered Copse and /or Green Ridge / and or Waterhall.

Employment:

- Submission of an Employment & Training Strategy to secure the use of at least 20% local construction labour,
- A financial contribution of **£46,200** towards the Local Employment Scheme

Conditions:

1. List of approved plans. To be added to the Additional Representations List
2. 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 shall take place until samples of all materials to be used in the construction of the external surfaces of that parcel of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
 - a) samples of all brick and tiling,
 - b) samples of all cladding to be used,
 - c) samples of all hard surfacing materials,
 - d) details of the proposed window, door and balcony treatments,
 - e) details of all other materials to be used externally,
 Development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory appearance to the development and to comply with policies CP12 and CP13 of the Brighton & Hove City Plan Part One.
4. The development hereby permitted shall not be occupied until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out and provided in full in accordance with the approved details prior to first occupation of that parcel and the refuse and recycling storage facilities shall thereafter be retained for use at all times.
Reason: To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton & Hove Local Plan, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

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. The office floorspace (B1) hereby permitted shall be used solely as an office (Use Class B1(a)) and for no other purpose (including any other purpose in Class B of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification), no change of use shall occur without planning permission obtained from the Local Planning Authority.
Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the supply of office floorspace in the city given the identified shortage, to comply with policies CP3 and DA6 of Brighton & Hove City Plan Part One.

7. Notwithstanding the submitted drawings 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;
 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.

8. Notwithstanding the plans hereby permitted, prior to first occupation of the development hereby permitted, details of secure, accessible and inclusive 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 paragraph 110b of the National Planning Policy Framework.

9. Notwithstanding the plans hereby permitted no development shall commence on site until a Scheme of Management and Layout of the vehicle parking areas has been submitted to and approved in writing by the Local Planning Authority. The scheme must include the following measures:

- Details of the layout of the bays and access within the basement car park, and any other motor vehicle parking areas, including provision of 5% of the total spaces for motor cycle use.
- Details of how each car parking space will be allocated and managed.
- Details of measures to ensure that each car parking space is for the sole use of its allocated owner and/or those they permit to use said space.
- Details of measure of control for vehicles entering and exiting the site.
- Details of electric charging bays, including arrangements to bring passive EVCB into active service.
- Details of disabled parking bays.
- Details of personal security measures for users of the car park.
- Basement carpark to include a minimum of 7 visitor parking spaces for residents.

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

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

10. 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, 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 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 and the Waste and Minerals Plan for East Sussex, South Downs and Brighton & Hove.

11. The wheelchair accessible dwelling(s) hereby permitted as detailed on the approved drawings 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.

12. 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.

13. 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.

14. Within 6 months of first occupation of the non-residential development hereby permitted a BREEAM Building Research Establishment has issued a Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM New Construction rating of ‘Excellent’ and such certificate has been submitted to, and approved in writing by, the Local Planning Authority.

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

15. Prior to the commencement of development (other than demolition works and works to trees) evidence should be submitted to demonstrate that the energy plant/room(s) have capacity to connect to a future district heat network in the area. Evidence should demonstrate the following:

a) 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.

b) A route onto and through site: space on site for the pipework connecting the point at which primary piping enters the site with the on-site 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.

- c) Metering: installed to record flow volumes and energy delivered on the primary circuit.

Reason: To ensure that the development is sustainable and makes efficient use of energy to comply with policies DA6 and CP8 of the Brighton & Hove City Plan Part One.

16. Prior to first occupation of the development hereby approved, details of the rooftop photovoltaic array referred 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.

17. All separating walls and floors between the residential units and commercial floorspace, plant rooms, recycling and refuse stores and vehicle and cycle parking areas shall be designed to achieve a sound insulation value of 5dB better than that required by Approved Document E of the building regulations performance standards for airborne and impact noise. Written details of the scheme, including calculations/specification of how this standard will be achieved, shall be submitted to and agreed by the Local Planning Authority prior to occupation.

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

18. No development above ground floor slab level shall take place until a scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration for the development parcel has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the first occupation of the development and shall thereafter be retained as such.

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

19. No development hereby permitted shall be first occupied until
- i) details of external lighting, which shall include details of; levels of luminance, hours of use, siting, 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 part1 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).

- iii) The submitted details should clearly demonstrate that areas to be lit will not disturb or prevent sensitive species using their territory or having access to their breeding sites and resting places.

The lighting installation shall comply with the recommendations of the Institution of Lighting Professionals (ILP) e.g. Guidance On Undertaking Environmental Lighting Impact Assessments. A report and certification on completion, from a competent person shall be submitted to show the lighting installation complies with the guidance. 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 protect light sensitive bio-diversity and to comply with policies QD25 and QD27 of the Brighton & Hove Local Plan and policy CP10 of the Brighton and Hove City Plan.

- 20. No development, including demolition and excavation, shall commence until a Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved.

Reason: To maximise the sustainable management of waste and to minimise the need for landfill capacity and to comply with policy WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan.

- 21. The development above ground floor slab level shall take place 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 residential unit, 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 for each development parcel shall ensure compliance with Building Regulations as well as provide suitable protection in terms of air quality and shall be implemented prior 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.

22.

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

- (a) A desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS 10175:2011+A1:2013 - Investigation of Potentially Contaminated Sites - Code of Practice;

And if notified in writing by the local planning authority that the desk top study identifies potentially contaminant linkages that require further investigation then,

- (b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS 10175:2011+A1:2013;
And if notified in writing by the local planning authority that the results of the site investigation are such that site remediation is required then,
 - (c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such a scheme shall include nomination of a competent person to oversee the implementation of the works.
- (2) The development hereby permitted shall not be occupied or brought into use until there has been submitted to, and approved in writing by, the local planning authority a written verification report by a competent person approved under the provisions of condition (1)c that any remediation scheme required and approved under the provisions of condition (1)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority the verification report shall comprise:
- a) built drawings of the implemented scheme;
 - b) photographs of the remediation works in progress;
 - c) certificates demonstrating that imported and/or material left in situ is free from contamination.
23. If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying and assessing the risk and proposing remediation measures, together with a programme for such works, shall be submitted to and approved in writing by the Local Planning Authority. The remediation measures shall be carried out as approved and in accordance with the approved programme.
- Reason:** To safeguard the health of future residents or occupiers of the site from unidentified contamination and to ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution or risk to public health from previously unidentified contamination sources at the development site and to comply with policies and SU3 and SU11 of the Brighton & Hove Local Plan and the terms of paragraph 170 of the National Planning Policy Framework.
24. Prior to the commencement of development hereby permitted, other than demolition, an Acoustic Report which shall include an Acoustic Design Statement shall be submitted to and approved in writing by the Local Planning Authority. The mitigation measures and design features required for the users of the site and those living and working nearby are to be outlined in detail, in

accordance with BS8233. WHO standards and ProPG guidance should be used to design acceptable internal noise levels in all habitable rooms for both day and night. The approved scheme shall be implemented prior to occupation of any of the development and shall be permanently retained thereafter. Prior to occupation the development details shall be submitted to the Local Planning Authority certifying that the agreed noise mitigation measures have been achieved and installed.

Reason: To protect the amenity of future residential and commercial occupiers of the development and also to protect the amenity nearby residents, in accordance with policies SU10 and QD27 of the Brighton & Hove Local Plan.

25. Prior to completion and occupation of the development hereby permitted, details of all plant and machinery and the noise associated with it shall be submitted to and approved in writing by the Local Planning Authority. Noise associated with plant and machinery shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed the representative background noise level. Rating Level and existing representative background noise levels to be determined as per the guidance provided in BS 4142:2014. In addition, there should be no significant adverse impacts from low frequency noise.

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.

26. Prior to the first occupation of development hereby permitted a Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall set out how noise will be managed throughout the site, including details of the management of the communal external amenity spaces, including roof terraces, smoking arrangements for commercial operations and management of on-site events.

Reason: To protect the amenity of future residential and commercial occupiers of the development and also to protect the amenity nearby residents, in accordance with policies SU10 and QD27 of the Brighton & Hove Local Plan.

27. The development hereby permitted shall not be commenced (other than demolition works) until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods 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.

28. No development above ground floor slab level of any part of the development hereby permitted shall take place until a drainage strategy detailing the proposed means of foul water disposal and an implementation timetable, has been submitted to and approved in writing by, the Local Planning Authority in

consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.

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

29. No development hereby permitted shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development parcel hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - all previous uses,
 - potential contaminants associated with those uses,
 - a conceptual model of the site indicating sources, pathways and receptors,
 - potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
5. A verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: As this matter is fundamental to the acceptable delivery of the permission and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with policy SU3 of the Brighton & Hove Local Plan and paragraph 170 of the National Planning Policy Framework.

30. The development hereby permitted shall not commence until a monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports to the local planning authority, has been submitted to, and approved in writing by, the local planning authority. Reports as specified in the approved plan, including details of any necessary

contingency action arising from the monitoring, shall be submitted to, and approved in writing by, the local planning authority.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by managing any ongoing contamination issues and completing all necessary long-term remediation measures. This is in line with paragraph 170 of the National Planning Policy Framework and to comply with policy SU3 of the Brighton & Hove Local Plan.

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

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

32. Piling using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed development, does not harm groundwater resources in line with paragraph 170 of the National Planning Policy Framework and Position Statement of the 'The Environment Agency's approach to groundwater protection' and to comply with policy SU3 of the Brighton & Hove Local Plan.

33. A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the local planning authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that require retention post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation.

Reason: To ensure that the proposed development, does not harm groundwater resources in line with paragraph 170 of the National Planning Policy Framework and Position Statement of the 'The Environment Agency's approach to groundwater protection' and to comply with policy SU3 of the Brighton & Hove Local Plan.

34. No development above ground floor slab shall take place until an ecological design strategy (EDS) addressing measures for the protection and enhancement of 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.

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

36. No development above ground floor slab shall take place until an example bay study showing full details of window(s) and their reveals and cills and the commercial ground floor frontages including 1:20 scale elevational drawings and sections for the development hereby permitted in that development parcel 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.

37. All boiler flues shall have vertical termination above roof.

Reason: To safeguard the amenities of the local residents and minimise air pollution and to comply with policies SU9 and QD27 of the Brighton & Hove Local Plan and policy CP8 of the Brighton & Hove City Plan Part One.

38. Prior to occupation of the development hereby permitted a wind mitigation scheme outlining specific landscaping and screening to ensure the safe use of the public realm and the external amenity areas shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safety and amenity of future occupiers and comply with policy QD27 of the Brighton and Hove Local Plan.

39. Prior to occupation of the development hereby permitted a Scheme for Crime Prevention Measures for the development shall be submitted to and approved in writing by the Local Planning Authority. The agreed crime prevention measures shall be implemented and retained within the development thereafter.

Reason: In the interests of crime prevention, to comply with policy CP12 of the Brighton and Hove City Plan Part One.

40. The glazed frontages to the ground floor office use adjacent to Newtown Road, other than for plant / storage shall be fitted with clear glass which shall be retained and kept unobstructed at all times.

Reason: To ensure an active frontage is maintained and to comply with policy CP12 of the Brighton and Hove City Plan Part One.

41. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of the construction of the green roofs have been submitted to and approved in writing by the Local Planning Authority. The details shall include a cross section, construction method statement, the seed mix, and a maintenance and irrigation programme. The roofs shall then be constructed in accordance with the approved details and shall be retained as such thereafter.

Reason: To ensure that the development contributes to ecological enhancement on the site and in accordance with policy CP10 of the Brighton & Hove City Plan Part One.

42. No development above ground floor slab level of any part of the development hereby permitted shall take place until full details of proposed planters and screening to balconies and flat roofs to ensure the protection of amenity for future and neighbouring residents been submitted to and approved in writing by the Local Planning Authority. The screening shall then be constructed in accordance with the approved details and shall be retained as such thereafter.

Reason: To ensure that the development is in accordance with policy QD27 of the Brighton & Hove City Local Plan.

43. No development shall take place until a Demolition & Environmental Management Plan (DEMP) has been submitted to and approved in writing by the Local Planning Authority. The DEMP shall include:

- (i) The phases of the Proposed Demolition including the forecasted completion date(s)
- (ii) A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to Commence Demolition 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 any demolition compound
- (vii) A plan showing demolition traffic routes

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

Reason: As this matter is fundamental to the protection of amenity, highway safety and managing waste throughout development works and to comply with policies QD27, SU9, SU10 and TR7 of the Brighton & Hove Local Plan, policy CP8 of the 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.

44. No development, including demolition, shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:
- (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 CEMP.

Reason: As this matter is fundamental to the protection of amenity, highway safety and managing waste throughout development works and to comply with policies QD27, SU9, SU10 and TR7 of the Brighton & Hove Local Plan, policy CP8 of the 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.

45. Prior to the first occupation of the development hereby approved a Delivery & Service Management Plan, which includes details of the types of vehicles, time and method of deliveries, servicing and refuse collection will take place and the frequency of those vehicle movements shall be 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.

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. Crime prevention measures could be evidenced by a Secure By Design Developers Award Certificate or equivalent.
3. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see [Gov.uk website](http://Gov.uk)); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under [Part L1A 2013](#), paragraph 2.13.
4. The water efficiency standard required under condition XX is the 'optional requirement' detailed in [Building Regulations Part G Approved Document \(AD\) Building Regulations \(2015\)](#), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the [AD Part G Appendix A](#).
5. The applicant is advised that the details of external lighting required by the condition above should comply with the recommendations of the Institution of Lighting Engineers (ILE) 'Guidance Notes for the Reduction of Light Pollution (2011)' or similar guidance recognised by the council. A certificate of compliance signed by a competent person (such as a member of the Institution of Lighting Engineers) should be submitted with the details. Please contact the council's Pollution Team for further details. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP (telephone 01273 294490 email: ehlpollution@brighton-hove.gov.uk website: www.brighton-hove.gov.uk).
6. The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting wild birds, their nests and eggs is a criminal offence. The nesting season is normally taken as being from 1st March – 30th September. The developer should take appropriate steps to ensure nesting birds, their nests and eggs are not disturbed and are protected until such time as they have left the nest.
7. The applicant is advised that a formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the

development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or www.southernwater.co.uk

8. Planning permission is no defence against a statutory noise nuisance investigation. The council is required to investigate under the provisions of the Environmental Protection Act 1990 to determine whether or not a statutory nuisance is occurring and if any action is appropriate.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application site is located to the north eastern side of Newtown Road on a prominent corner plot. As existing there are a collection of single storey buildings with a large expanse of hardstanding. The site is currently vacant but up until recently operated as a car dealership which included sales, servicing / repairs and vehicle recovery.
- 2.2. To the east the site adjoins a recently constructed residential scheme 'New Wave' which comprises of up to six storeys of apartments and several town houses which front onto Goldstone Lane. To the north of the site is Goldstone Retail Park where there are a number of large-scale retail sheds. The opposite side of Newtown Road consists of further industrial / warehouse sheds.
- 2.3. The gradient of the land on the site slopes up gently from south to north.
- 2.4. A number of revisions to the proposal were sought during the life of the application which included a reduction in the footprint of the built form and design, amenity, legibility, access and public realm improvements. The revised proposal is for the demolition of the existing commercial buildings on the site and the erection of a mixed-use redevelopment providing three blocks of 4, 8 and 11 storeys in height comprising the following:
 - 148 dwellings (Class C3) with a combined mix of 80 x one-bedroom units, 59 x two-bedroom units and 9 x three-bedroom units,
 - 954sqm of office floorspace (Class B1),
 - 22sqm Café (A3)
 - Underground vehicle parking with 103 spaces for residential and commercial occupiers,
 - Underground and surface cycle parking.

3. RELEVANT HISTORY

- 3.1. There is no relevant history of planning applications on the site but a number of pre-application proposals for mixed-use developments submitted were presented to the council during 2018 for consideration.

Design Review Panel

- 3.2. Two previous schemes were taken to the external Design Review Panel (February and May 2018). A summary of the comments is set out below.

February 2018

- 3.3. Mixed use residential-led development comprising 159 one, two and three bedroom residential units with outdoor amenity space and retention of 741 sqm of employment floor space up to twelve storeys in height.
- 3.4. This is a complex site that presents some very challenging conditions. We appreciate the ambition shown to raise the quality above the standard but feel fundamental aspects of the proposal must be addressed relating to issues such as how the building sits in the wider area, the level of overshadowing and façade design.
- 3.5. We feel further work is required to demonstrate how the scheme relates to its setting, exploring key issues such as how long-distance views from Hove Park will be affected and how this scheme could form a visual termination to Newtown Road. As well as the existing context, this proposal needs to further consider how the area is likely to develop. A masterplan summarising these issues and exploring how this scheme should respond should be developed.
- 3.6. The massing of this proposal is a concern, both in the level of overshadowing to the courtyard and the ambiguity of public and private space created. We feel that façade designs are overly complex and should be simplified, and that an energy strategy needs to be developed.

May 2018

- 3.7. Demolition of the existing buildings and the erection of 161 residential units, 431 sqm of A1 floorspace, 208 sqm of A3 floorspace and 440 sqm of B1 floorspace with associated landscaping. Three elements proposed with tallest up to 16 storeys.
- 3.8. The way the proposal integrates with and contributes to the surrounding area has improved since the previous review, with increased pedestrian permeability and more generous public spaces. However, we are concerned by the quality and function of some of these spaces and feel a clearer purpose for the main square is required and the early contribution of a landscape architect will be essential for this. The narrow alleyway forming the eastern connection is also problematic and, if retained, should be made more generous.
- 3.9. We have significant concerns over the architectural treatment of the proposal and feel some fundamental revisions will be required. Although façade proposals have been simplified to some extent since the previous review, the

form of the proposal is now overcomplicated. A lack of coherence is caused by the large degree of variation from plinth to upper levels as well as between blocks. A more elegant and efficient scheme should be developed, particularly as this may set a precedent in an area where large scale development is likely to take place.

- 3.10. The panel consider that it is essential for input from a landscape architect and sustainability/energy specialists be obtained before the design is taken any further.

Pre-application scheme presented to members – August 2018

- 3.11. Members reviewed a proposal that was similar in scope to the current planning application for a scheme of 148 residential units and 1400sqm of B1 office floorspace. The following observations by members are set out below under the key headings below:

3.12. Planning Policy

- The scheme was not ‘employment led’ in accordance with policy CP3 and the wider DA6 policy and justification would be required for the approach taken.
- Notwithstanding the above it was acknowledged that there was no loss of employment floorspace and the flexible office space to be provided would be a higher density than existing.

3.13. Design / massing / townscape / landscaping

- Members were generally in agreement that the overall design approach in respect of height, massing, appearance and form was appropriate for the site though this would still need to be demonstrated with CGI’s of the key views. Members who had viewed earlier versions of the scheme commented that the proposal had improved in quality,
- The use of brick for the facades and glazing / perforated metal for the balconies was generally supported,
- In discussion it was noted that the metal-clad ‘set back’ top storeys at the One Hove Park and the New Wave developments detracted from the appearance of those buildings and it was suggested a design without a set-back element would work better visually, specifically on the tallest tower,
- Measures should be implemented (eg. obscure glazing, set-backs) to ensure that additional ad hoc clutter / screening is not erected on balconies,
- The landscaped area to the front was seen as a positive addition subject to high quality implementation and maintenance.

3.14. Amenity

- Members all agreed that it would need to be clearly demonstrated that the development would not have a detrimental impact on the adjoining New Wave development in respect of residential amenity.

- Regarding the proposed residential units these should provide a good standard of accommodation for future occupiers in regard to light, outlook, layout, privacy. It was queried whether the lowest block (C) would be somewhat overshadowed.
- A noise report should be submitted to demonstrate that design measures can satisfactorily be implemented to mitigate for noise and disturbance from adjoining commercial operations.

3.15. Transport

- The level of car parking was generally considered to be appropriate for this location although it would need to be demonstrated that the development would not result in harmful overspill car parking to the north,
- It should be clearly set out how the car parking spaces would be split between the office and residential.

3.16. Viability / Affordable Housing

- It was noted that the proposal would not be providing the policy compliant level of affordable housing and a viability assessment would need to be submitted demonstrating that this could not be achieved.
- Members recommended that information is provided demonstrating that registered providers would take on the affordable rented units.

Pre-application advice from officers – August 2018

3.17. **PRE2018/00211** - Demolition of the existing buildings and the erection of 148 residential units, 1400 sqm of B1 floorspace and 30 sqm of A3 floorspace with associated landscaping.

3.18. The scheme has moved on positively from the previous pre-application proposals (PRE2018/00019 and PRE2018/00134) with a reduction in the overall scale of development, a more coherent design approach and is generally aligned with planning policy in regards to employment provision and housing mix. Notwithstanding the above there is still a challenging quantum of development on the site which is considered to negatively impact upon the overall form and appearance of the scheme and is likely to compromise living conditions for a number of the future occupiers.

4. REPRESENTATIONS

4.1. **Forty five (45)** letters has been received objecting to the proposed development for the following reasons:

Design / Appearance

- Excessive height,
- Out of keeping,
- Poor design,
- Lack of imagination,

- Falls well short of Brighton and Hove's proud tradition for architectural design,
- The design approach appears solely to be motivated by maximising developer profit,
- Overdevelopment of the site,
- Too high a density,
- Locals are not against change, but the built form must be appropriate for the area,
- Should be a maximum of 4 storeys,
- Proposal is unsympathetic and does not take into consideration the existing character of the area,
- Lack of green space built into the scheme,
- Insensitive design,
- The design is not compatible with the low-level housing which is the predominant built form in the area,
- Uninspiring, dull, ugly building,
- Does not contain a Tall buildings Statement or colour 3D visuals,
- Terraced housing with small gardens should be considered,
- Height should be restricted to the height of the adjoining New Wave development,
- Brighton and Hove is losing its individuality with bland high rise development proposed,
- Proposal looks like office blocks,
- The recent redevelopment of New England Quarter by Brighton station is predominantly 5-6 storeys. Development north of the railway in Hove should follow similar heights,
- Hove must be able to maintain its identity,
- Too bulky,
- Dominates views from adjacent buildings,
- Low level family housing would be more appropriate
- The proposal will completely dominate the landscape of the surrounding area,

Housing / standard of accommodation

- Lack of affordable homes,
- Lack of family homes in scheme,
- Not the sort of homes that the local population requires,
- Cramped dwellings with lack of storage,
- Too many smaller units,
- Unacceptably living conditions,
- Lack of decent gardens or green spaces,
- Inadequate children's play areas,
- New build developments of this sort have a track record for being of poor quality and poorly built,
- Too many units to provide a good standard of accommodation,
- High rise living does not promote social cohesion.

Transport

- Insufficient parking spaces for the residential or commercial,
- Concerns the proposal will add to traffic to the already congested and dangerous junction between Newtown Road and Fonthill Road,
- Traffic studies are inadequate,
- The proposal will increase congestion and traffic in the vicinity to the detriment of pedestrians and other road users,
- Will result in increased parking pressure,
- Cumulative traffic / parking considerations with other proposed developments have not been considered,
- The adjacent roads are already at capacity,
- Increased strain on the local train infrastructure,
- No parking for visitors will result in overspill parking,
- Goldstone Lane is already a rat run with speeding cars and the proposal will exacerbate these issues,
- Additional road users will endanger cyclists,
- The scheme should be doing more to reduce car use and attract cyclists,
- Parking is already a problem for those working near Hove Park in the schools and offices,
- The transport assessment is based on census data from 2011 and is out of date,
- Providing underground parking will encourage car use,
- Increased congestion,

Impact on neighbouring amenity

- Loss of daylight and sunlight to adjoining properties,
- Loss of privacy with views into adjoining properties and gardens,
- Totally disregards the impact on the existing low-level housing in the vicinity,
- The New Wave already harms the amenity of neighbouring properties and the proposal will worsen this,
- Overbearing,
- The proposal will result in overshadowing
- Will be detrimental in maintaining an amenable neighbourhood feel,
- Overconcentration of dwellings and offices,
- Noise pollution from increased traffic and also from future occupiers using external terraces,
- Will impact on 'ancient lights' deeds,
- Local area is already overpopulated,
- The greatest impact is on the adjoining New Wave block. This was largely unoccupied when the application was submitted and the new residents have not been adequately consulted,
- Health and wellbeing of neighbouring occupiers detrimentally impacted,
- The proposal is too tall and will block most of the sunlight to the development to the east, especially outside of the summer months.

Other Considerations

- Impact on air quality,
- Increased pressure on services, eg, school, colleges, doctors, dentists,

- Inadequate consultation,
- No green roofs or renewables,
- Inadequate consideration of sustainability - should be targeting zero carbon homes,
- The proposal does not provide community facilities such as affordable children's day care or community kitchen facilities,
- The area should be retained as commercial,
- The Risk Assessment Report refers to a 'high risk' of unexploded ordnance,
- The adjacent parks will not be able to support the additional residents of the proposed flats

4.2. **Councillor Vanessa Brown** objects to the application, a copy of the email is attached.

4.3. **Hove Civic Society:** objection

The Hove Civic Society supports the principle of a substantial residential development on this site, one which would be compatible with the ambition for this area within the emerging Hove Neighbourhood Plan, and which would raise the quality of the public realm in terms of landscaping and amenity.

4.4. That said, we are very disappointed with the proposed scheme presented in this application. The basic problem is the attempt to fit too much development into a site of this size and shape, alongside the new residential development now abutting the site.

4.5. Given such constraints with the site, this scale of development has resulted in a design in which the massing of buildings is very unsatisfactory. The issue of height within a new development need not be a problem if the massing of the scheme as a whole is well-managed, but in this case the degree of over-development being attempted has inevitably led to:

- A solid massing of the two main blocks with elevations which would be heavily overbearing in the streetscape.
- A heavy domination over the residential development in the neighbouring 'New Wave' buildings now nearly completed.
- Some undesirably deep layouts in some of the residential units within the two main blocks.
- An awkward overall layout within the site, which is not by any means the best response to the overall vision for this quarter being worked up in the Neighbourhood Plan.

4.6. **Brighton Society:** objection

The Brighton Society objects to this planning application on the following grounds:

1. Excessive height. The eleven storey and eight storey buildings will be far higher than any others in the vicinity and will change the character of this part of Hove between the railway and Hove Park and its surrounding low-rise residential areas in a detrimental way. It seems odd that the tallest building is located at the northern end – surely the height should be lower the nearer it reaches the northern edge of the Tall Buildings zone?
2. Poor visual design. The buildings conform to the current fashion for tall, characterless, impersonal boxes. Where is the elegance, where is the variety and diversity of style, where is the imagination that good design could bring to the city?

It is time we started insisting on better quality designs for all the major development proposals currently being proposed all over the city. Brighton has 34 Conservation areas, 1,233 listed buildings – the largest number of any English city outside London – and a magnificent architectural heritage.

Our new buildings should aspire to similar high standards. The buildings in this development wouldn't look out of place in Croydon.

3. Views from Hove Park. At the moment it is possible to see the sea from parts of the locally listed Hove Park. This development, particularly the eleven and eight storey buildings, will block those views and cut off the park from the sea, which will have a detrimental affect on the value and amenity of the park for local residents and all those of all other visitors to the park of whom there are many.

Brighton's heritage is closely associated with the sea and its views of the sea from the surrounding hills and is not something that should be lightly discarded in order to maximise the development value of private interests.

4. Relationship to the proposals for the Sackville Trading Estate
This development should be considered in relation to and in the context of the Moda planning application the adjacent Sackville Trading Estate to which we also objected on similar grounds. Together, these two massively scaled developments will represent an unacceptable conglomeration of tall buildings quite out of scale with this part of Hove and with locally listed Hove Park to the north and will have a severely detrimental effect on this part of Hove permanently changing its character considerably for the worse.

We acknowledge the need for more housing within the city but considerably more housing can be provided by low-rise high density accommodation.

This much more sympathetic design solution is rarely favoured by current developers who as a matter of course propose high blocks.

Over-concentration on high rise developments does little to help families – but it could help wealthy investors based overseas, prospective second home owners and landlords who want to charge high rents for wealthy tenants – very few if any of whom need that help. Developers of course prefer to sell to the high end of the market.

The traditional pattern of development in the central areas of Brighton and Hove is for high density, relatively low rise terrace type housing exemplified by its Regency terraces at one end of the spectrum or the tightly packed streets of Hanover at the other. Both of these housing types can create very high densities which would, if replicated in new developments, easily provide the numbers of extra dwellings required by the City Plan – but without building tall blocks.

Let's make an effort to preserve that tradition. From every point of view tall buildings are bad news. As well as the drawbacks referred to above, social commentators have highlighted loneliness and the lack of any real sense of community as all too common within tall buildings.

In fact Simon Jenkins, President of the Regency Society, recently described towers as *“the enemies of social vitality. They are silent stakes driven through a city's sense of community”*

- 4.7. **Two (2)** letters has been received supporting the proposed development for the following reasons:
- Acute housing shortage in the city,
 - Well located next to hove Station,
 - This is a brownfield site and the level of housing appears reasonable
 - The application should be designed so it can join a future heat network.

5. CONSULTATIONS

- 5.1. **Air Quality: Comment**
Monitoring suggests improving air quality in the area. The nearest monitor is adjacent with the Sackville Road and Old Shoreham Road junction.
- 5.2. A model test with 500 additional vehicles per day (24-hours) indicates a contribution to roadside pollution one metre from the kerb of Sackville Road. Following national guidance this is not significant at permanent residential dwellings set back from the road by three metres or more. The City Council's Air Quality Management Area will be reviewed in 2020. Confirmation and authority agreement on vehicle productions due to the development would be beneficial.

- 5.3. On full occupancy the developer shall seek ducting ready for electromotive charging points at least in line with City Council policy SPD14. Potentially 20% requirement will be surpassed by the year of occupation.
- 5.4. If CHP is the only viable energy option the developer shall seek the lowest possible NOx emission available on the market at the time of commissioning.
- 5.5. In recent years local air quality (within 1km of Newtown Road) is compliant with all standards set out with the ambient air quality directive.
- 5.6. There is some doubt relating to traffic production due to the development. This has not been agreed with the transport authority for inter peak service vehicles during the day and evening.
- 5.7. An increase of 500 vehicles a day is not significant for local air quality as nitrogen dioxide levels are compliant with the Air Quality Assessment Level across Hove.
- 5.8. The main bus services along Sackville Road from autumn 2019 have relatively low emissions. From 2022 it is probable there will be an increased percentage of regular vehicles with low emissions. The prediction with time is that road traffic emission will contribute less to roadside pollution.
- 5.9. Pollutants other than NO₂ including fine particulate matter have been screened out in the original assessment and Environmental Statement (ES).
- 5.10. The need for combustion on site will to some extent be reduced with photovoltaic array and modern design. If a Combined Heat and Power (CHP) plant is required. It is recommended that the developer seek ignition and combustion design for lowest available NOx emission rates.
- 5.11. **Arboriculture: Comment**
The site is currently used as a car sales showroom and forecourt and has no trees of any value either within or immediately adjacent to the boundaries. There are extensive areas of hard surfacing and no existing soft landscaping anywhere on the site. Consequently, there are no arboricultural issues associated with the proposals. There is an opportunity to increase the amenity of the local area by implementing appropriate soft landscaping within the scheme, and this has been proposed.
- 5.12. The inclusion of 10x *Amelanchier lamarckii* and 10x *Gleditsia tricanthos* along the frontage with Newtown Road and within the central portion of the site will create an attractive area and provide softening of the built form. The planting specification and methodology is acceptable to the arboricultural department. Aftercare has been considered and incorporated appropriately.

- 5.13. **Artistic Contribution: Comment**
Adopted City Plan Policy CP5 supports investment in public realm spaces suitable for outdoor events and cultural activities and the enhancement and retention of existing public art works; CP7 seeks development to contribute to necessary social, environmental and physical infrastructure including public art and public realm; and CP13 seeks to improve the quality and legibility of the city's public realm by incorporating an appropriate and integral public art element.
- 5.14. To safeguard the implementation of these policies, it is important that instances in which approval/sign off from the council is needed is clearly identified and secured.
- 5.15. The level of contribution is arrived at after the internal gross area of the development (in this instance approximately 11,153 sqm) is multiplied by a baseline value per square metre of construction arrived at from past records of Artistic Component contributions for this type of development in this area. This includes average construction values taking into account relative infrastructure costs.
- 5.16. It is suggested that the Artistic Component element for this application is to the value of £62,500. The final contribution will be a matter for the case officer to test against requirements for s106 contributions for the whole development in relation to other identified contributions which may be necessary.
- 5.17. To make sure that the requirements of Policies CP5, CP7 and CP13 are met at implementation stage, it is recommended that an Artistic Component schedule be included in the section 106 agreement.
- 5.18. **City Clean: No objection**
- 5.19. **Ecology: Comment**
Potential impacts on biodiversity
There are no sites designated for their nature conservation interest that are likely to be impacted by the proposed development.
- 5.20. The biodiversity checklist submitted with the application was negative, and from the information provided, as well as an assessment of maps, aerial photographs and local biodiversity records, the site is predominantly buildings and hard standing and is of relatively low ecological value.
- 5.21. The site is unlikely to support any protected species. If protected species are encountered during development, work should stop and advice should be sought from a suitably qualified and experienced ecologist on how to proceed.

Mitigation Measures/Enhancement Opportunities

- 5.22. The development should also seek opportunities to enhance the site for biodiversity to help the Council address its duties and responsibilities under the NERC Act and NPPF, although no specific recommendations are included in the application. The sustainability checklist notes that no green walls or roofs will be provided, no semi-natural habitats will be created, and no bird, bat or insect boxes will be provided.
- 5.23. It is noted that a public open space is proposed to include soft and hard landscaping. The landscaping scheme should include locally native species and species of known value for wildlife. The planting plans do include some species listed on Annex 7 of SPD 11, but *Prunus laurocerasus* Cherry Laurel should be removed from the scheme as it provides relatively few benefits for wildlife in urban areas and its use is discouraged in landscaping schemes without specific justification. The proposed lawns should use a wildflower lawn mix, preferably one using chalk grassland species to help meet Biosphere objectives.
- 5.24. Green roofs and/or walls are strongly recommended as they provide multiple benefits in addition to enhancing biodiversity, including improving the efficiency of solar PVs, reducing the heat island effect and improving water quality. Green roofs should be biodiverse (chalk grassland) rather than sedum which offers minimal biodiversity opportunities.
- 5.25. Given the location of the proposed development and the heights of the buildings, the provision of swift boxes is strongly recommended.
- 5.26. In light of the above, and in line with BS42020:2013 *Biodiversity – code of practice for planning and development*, if the Council is minded to approve the application, it is recommended that a condition is applied to include an ecological design strategy (EDS) addressing ecological enhancement of the site.
- 5.27. In summary, the proposed development is unlikely to have an adverse impact on biodiversity and can be supported from an ecological perspective. The site offers opportunities to achieve net gains in biodiversity, and it is recommended that an Ecological Design Strategy is required by condition.
- 5.28. **Economic Development: Comment**
City Regeneration supports this application to provide 148 (C3) dwellings and 1,107sqm of (B1) office floor space with associated car parking, cycle parking and 22sqm of (A3) café floor space.

- 5.29. The current site is located within a designated employment zone. City Plan Part One DA6 – Hove Station area has acknowledged this area as a protected employment – led mixed use site. The development area policy encourages ‘regeneration of underused land and buildings that offers flexible employment space and high-quality design’. It is currently used as a Peugeot car dealership and employs 25 employees. The application states that the existing floor space under the heading of other is 1,350sqm and the new internal B1 floor space proposed will be 1,107sqm.
- 5.30. Using the latest OffPAT employment density guidance (Edition 3 – 2015) for class B1, would result in 92 FTEs and so the proposed figure of 140 FTE, whilst welcome, may be dependent on the nature of the business(es) occupying the space. It is noted that the application also states that 22sqm have also been designated for A3 (Restaurants and cafes) however using the latest OffPAT employment density guidance, would result in only 1 FTE. In terms of functional employment space this creates an overall loss of 221sqm however the application will offer high quality B1(a) office floorspace and with a better use of the space, as previously stated, will hopefully enable the proposed 140 FTEs.
- 5.31. The application also meets the local priority to continue to encourage more efficient use of under-used sites whilst retaining/replacing employment floorspace, protecting employment sites in accordance with CP3 Employment Land and undertaking measures to create employment opportunities for local communities. City Regeneration does cite that this is a welcome, albeit small in the overall scheme, addition to employment floor space within the city.
- 5.32. The Economic Development Team recognises that this scheme in addition to the much-needed high quality employment space, does contribute towards addressing the housing challenge facing the city. Should the application be approved, an Employment and Training Strategy will be required to be submitted for approval at least one month prior to commencement, with the developer committing to using an agreed percentage of local labour. It is proposed for this development that the minimum percentage of 20% local employment is expected for the demolition (where appropriate taking into account the specialist nature of this work) and construction phases of the development.
- 5.33. In respect of the training commitment, industry guidelines (CITB) for KPIs based on the value of the development should be referenced.
- 5.34. Early contact with the council’s Local Employment Scheme Co-ordinator is recommended to gain advice and guidance on the development of the

Employment and Training Strategy, in order to avoid any delays in the planned commencement of the development.

- 5.35. Also, if approved, in accordance with the Technical Guidance for Developer Contributions, City Regeneration requests a contribution through a S106 agreement for the payment of £46,600 towards the council's Local Employment Scheme.

Revised comments

- 5.36. The revised employment floorspace to 954sqm is noted. Using the latest OffPAT employment density guidance (Edition 3 – 2015) for class B1, would result in (79 FTE compared to 92 FTEs in the original submission). The scheme is supported.

- 5.37. A revised payment of £46,200 is sought.

5.38. **Education:** Comment

The Education Team is not requesting a contribution in respect of primary school places. This is because primary school roles are now falling in this part of the city and there is no justification for seeking a contribution. We will however still be seeking a contribution in respect of secondary and sixth form education of £116,128.00 if this development was to proceed as secondary numbers are continuing to rise in this phase of education. The development is in the catchment area for Blatchington Mill and Hove Park Schools. Both of these schools are currently full and therefore it is entirely appropriate to seek a contribution in this respect.

5.39. **Environment Agency:** Comment

The previous use of the proposed development site as Railway/Industrial Site presents a high risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is within source protection zone 2 & is located upon a principal aquifer.

- 5.40. The application's phase 1 site investigation demonstrates that it will be possible to manage the risk posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken. We believe that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the local planning authority.

- 5.41. We have no objection to the proposed development as submitted, subject to the inclusion of the following 6 conditions, in any permission granted. We consider that planning permission could be granted to the proposed development, as submitted, if the following planning conditions are included as

set out below. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

5.42. **Environmental Health:** Comment

Noise, vibration and dust from construction activities may be controlled using a Construction Environment Management Plan.

5.43. The main concerns are:

- potentially contaminated land due the previous commercial use of the site and surrounding area;
- noise to the prospective users of the site from transportation and the activities of neighbouring commercial units;
- the potential for restriction of the activities of surrounding businesses due to noise complaints from new residents. The report contains no information about current restrictions on the delivery times for existing units.

5.44. In detail the noise issues are:

- a. mitigation to produce a tolerable noise climate inside the dwellings;
- b. sound insulation between the residential and commercial, including plant and rubbish areas;
- c. Siting and shielding of balconies to make them suitable for relaxation.

5.45. The Syntegra acoustic report (September 2018, 18-4509B) refers to various standards, including the ProPGuide, Planning and Noise: New Residential Development, in order to demonstrate all methods have been considered in meeting this standard mitigation must be evaluated. Firstly, separation; layout and orientation, barriers, glazing and finally façade insulation/additional ventilation, so that internal comfort can be maintained with windows closed.

5.46. Almost all of Block B and the north facades of block A and C are said to need enhanced glazing plus MVHR to make the internal noise climate acceptable. However, Blocks A & C west facades are subject to similar noise as block B and therefore should also be considered for enhanced mitigation measures. This will mean relying on closed windows to keep out noise. Corresponding ventilation measures are required to make sure that there are adequate air changes and air cooling to avoid overheating. It is expected that the balconies will be provided with shielding construction and communal amenity areas screened, so that they attain as close to below the 55dB(A) standard and are usable for relaxation, etc.

5.47. It should be noted that the Environmental Protection Act 1990 sections 79/80 does not apply to traffic noise and therefore design mistakes cannot be corrected later using this legislation, it is therefore critically important that all steps are taken to mitigate transportation noise before the scheme is built.

- 5.48. The noisy plant and equipment e.g. extractor fans, air conditioning units and so on, are not yet known and have not been considered.
- 5.49. A lighting plan is required so that light nuisance is not caused to neighbours or those on the site.
- 5.50. **Heritage: No objection**
The Proposal and Potential Impacts
The site falls within the Hove Station tall building node as set out on policy CP12 of City Plan Part 1 and SPGBH15 and is therefore suitable for development of over 6 storeys in height, although SPGBH15 states that tall buildings here “*may represent an opportunity to contribute to the delivery of the council’s employment policies*”. The proposed density of development substantially exceeds the minimum density required by policy CP14.
- 5.51. As identified above, the site itself does not contain any heritage assets but potentially impacts on the settings of some designated and non-designated heritage assets. Regrettably there is no mention or assessment of these potential impacts in the submitted documents.
- 5.52. It is not clear from the application whether there would be any impact on the setting of Hove Station and the Hove Station conservation area. The 11-storey building could potentially be visible from Station Approach looking north-west over the original 1865-6 Station building, but the application does not include a view from this location. The potential impacts on the settings of the listed building and on the Hove Station conservation area cannot therefore be assessed at this stage.
- 5.53. With regard to the Dubarry building, its architectural significance and townscape interest lies largely in its southern elevation and roofline, particularly as viewed from within Hove Station and from the Station’s car park but also as seen, looking westwards, from the bridge over the railway line on The Drive. In current views it acts a local landmark due to its scale and distinctive mosaic panels. Again, no views have been submitted from relevant viewpoints to enable a full assessment of impacts, it would seem very likely that from the west footway on The Drive bridge the development would rise up directly behind the Dubarry Building. The scale of the new development would to some degree diminish the scale of the Dubarry building and its role as a local landmark. There would, therefore, be some harm to the building’s setting. However, it must be noted that development on the Sackville Trading Estate and Goods Yard site as envisaged in the City Plan would have a similar impact on the building’s setting.
- 5.54. With regard to the impact on the locally designated Hove Park, the submitted view images suggest that the development would sit comfortably within the

height of the tree canopy and respect the shallow bowl of the park at its southern end, However, the accuracy of these images is questioned in comparison with the verified views submitted for BH2018/03697, the Sackville Trading Estate and Goods Yard site. It will also be important to consider the combined and cumulative impact of these developments on these views.

- 5.55. The proposal can be seen from View C in the Design and Access Statement to impact on the silhouette of the locally listed 101 Conway Street. Its townscape interest – and setting – have already been diminished by past redevelopment to the south and development and therefore the harm to the building’s setting would be minor. Again too, development on the Sackville Trading Estate and Goods Yard site as envisaged in the City Plan would have an impact on the building’s setting in this view.
- 5.56. It is not considered that there would be any impact on the setting of the locally listed Fonthill Road Railway Bridge.

Revised comments

- 5.57. A set of Accurate Visual Representations has been submitted to address the issues raised in the previous Heritage comments. This document shows that the proposed development would not be visible from the east end of Station Approach and would have no impact on the silhouette of the listed buildings of Hove Station. It would be visible beneath the Station forecourt canopy from close in front of the Station above the recent cycle store building, but it is not considered that this would have any significant impact on the way in which the Station is viewed or experienced. Therefore, it is concluded that the proposed development would cause no harm to the setting of the listed Hove Station or to the setting of the Hove Station conservation area.
- 5.58. In the submitted view from the locally listed Hove Park to the north the development would sit comfortably within the bowl of the park and the rolling height of the tree canopy. It would not greatly change the existing view and would cause no harm to the Park’s setting. However, it would have a potential cumulative impact with future development of the Sackville Trading Estate (as envisaged by policy DA6) that would potentially cause some harm to the setting of the Park arising from an erosion of the Park’s secluded suburban character. This could be mitigated through future tree planting at the southern end of the Park.
- 5.59. **Housing Strategy: Comment**
The application proposes 32 affordable homes to be provided which represents 22% of the overall units and is not therefore compliant with Policy CP20. To be compliant with Policy CP20 the scheme would provide 59 affordable homes (with a tenure split of 32 Affordable Rent/27 Shared Ownership). A Financial

Viability report has been provided to support the proposed position. This will now be independently assessed.

- 5.60. Policy HO13 requires and 10% of the affordable housing (5% of all the housing) to be provided as wheelchair accessible from the outset. Wheelchair accessible housing does not appear to be identified in this application.

Tenure

- 5.61. Policy CP20 currently requires mixed tenure to be provided, which is the most effective way of ensuring a balanced community is achieved. The Affordable Housing Brief sets out a broad tenure split of 55% as Affordable Rent and 45% as affordable home ownership i.e. Shared Ownership sale, as a citywide objective. A position compliant with City Plan Part 1 Policy CP20 Affordable Housing of 40% affordable homes would equate to 59 homes as Affordable Housing, split provided as 32 for Affordable Rent and 27 for Shared Ownership sale.
- 5.62. At present the developer has offered 32 units (22%) as Affordable Housing with the tenure unspecified. Affordable Housing in the city is generally provided through the Local Authority or a Registered Provider from the council's Affordable Housing Development. At present, Registered Provider partners cap the rents payable at Local Housing Allowance and the council can nominate people from the Housing Register to Affordable Rented properties. Shared ownership housing is an accepted way to allow those who could not afford a home outright to get a foot on the ownership ladder.
- 5.63. The Council's wheelchair accessible standard requires that it meets national technical standards Part 4 M (3) at build completion (i.e. fully wheelchair accessible at time of first letting/ sale).
- 5.64. There should be 5% wheelchair accessible homes provided across the whole development and 10% within the affordable housing development. This equates to 6 homes within the affordable element of this scheme at a 40% provision and 7 units on the site overall. The schedule of accommodation does not seem to identify and wheelchair housing. Affordable Rent is the preferred tenure for wheelchair accessible homes.

Design and Size of units

- 5.65. Affordable housing units should be indistinguishable from market housing in the scheme's overall appearance. The scheme will be expected to meet Secure by Design principles. To ensure that all new homes developed are of a good standard that is flexible, adaptable and fit for purpose, our Affordable Housing Brief offers support for schemes that meet the new nationally described space standards. The current accommodation schedule lists that the units all meet the minimum space standards. Wheelchair accessible units have

required living space areas defined within the Building Regulations which should also be met.

Unit mix

- 5.66. Assessment of housing needs shows that although greatest need numerically, is for smaller one and two bed properties there is significant pressure on larger family sized homes, and the affordable housing brief scheme mix is based on this, requiring a balance of unit sizes. This would generally require a scheme with a mix of one bed, two bed and three bed homes.
- 5.67. The council's affordable housing brief currently asks for a mix of 30% 1 beds, 45% 2 beds and 25% 3 beds. This development overall has a higher proportion of smaller units and the affordable housing element can be adjusted to reflect the scheme mix.

Revised comments

- 5.68. The application proposes 32 affordable homes which equates to 22% of the total homes to be provided. These were offered as shared ownership homes for sale as the only viable option for the development. The council accepts that developments must be viable and seeks independent confirmation of viability proposals in order to assess this.
- 5.69. The Financial Viability provided by the applicant to support the proposal has now been independently assessed by the DVS who conclude that it is financially viable to provide a scheme with both Affordable Rent and Shared Ownership.
- 5.70. Affordable rented housing is the council's priority and we welcome the chance to agree a suitable allocation of affordable housing that includes housing for rent.
- 5.71. Policy HO13 requires and 10% of the affordable housing (5% of all the housing) to be provided as wheelchair accessible from the outset. This would equate to 3 units within the affordable housing and 7 units on the site overall. Plans currently identify 10 units of wheelchair accessible housing.
- 5.72. Supported by Housing subject to provision of Affordable Rent within the overall affordable housing.
- 5.73. **Hove Station Neighbourhood Forum: Object**
The Hove Station Neighbourhood Forum supports the principle of a mixed-use redevelopment of the KAP site, but objects to this application, on the grounds of overdevelopment, which includes unacceptably high 8 and 11 storey blocks, and very limited provision of 'affordable' housing, However, the project includes

many of the features of an appropriate mixed use development which should be included in a revised submission.

1. The Draft Hove Station Neighbourhood Plan and the KAP application

- 5.74. The Forum was authorized by the City Council in December 2014 to prepare a statutory Neighbourhood Plan (NP) for an area which focuses on the City Plan Hove Station Development Area 6 (DA6) and includes this site. The Plan aims to guide the comprehensive redevelopment of the run-down areas around the station so that it creates a new Hove Station Quarter, which will straddle the railway, and bring positive benefits for current residents, whilst minimizing adverse impacts of large-scale redevelopment which helps to meet the city's urgent need for housing and employment space.
- 5.75. The Forum's preparation of the Hove Station Neighbourhood Plan, which includes this site, has now reached the stage of a published Regulation 14 Pre-Submission Draft Plan for public consultation from March 23rd to May 15th. Therefore, the applicant's statement that the NP '...is currently in the early stage of preparation' (Planning Statement para 5.42) is significantly out of date. Nonetheless, it is still the case that the Draft Plan is not yet a part of the City's Development Plan and thus, in strictly legal terms, the applicant can state that 'it carries no weight in the determination of the application'.
- 5.76. But the Draft Plan has emerged from an unprecedented level of community engagement, sustained over four years, which identified residents' concerns about redevelopment and support for its emerging policies. This has included 8 Have Your Say Days (average 70 residents attending), many smaller group meetings with local stakeholder organisations, newsletters and the development of a web-site with associated social media platforms - www.hovestationforum.co.uk. This participatory process has shaped this submission and the 240 Forum members were consulted on the draft text.
- 5.77. Thus, the Forum's submission should carry significant weight, as it articulates the local community's view of the KAP proposal.

2. The Hove Station Quarter Concept Plan and the KAP application

- 5.78. In February 2018 the official Design Review Panel considered the initial project design on behalf of the Council and its report gave the project consultants the following advice;
- 5.79. Although the Neighbourhood Plan has not yet been adopted, we suggest that there is a wealth of research and information provided that could help inform how this scheme could better respond to the wider area and that reference to this could be beneficial (Planning Statement Appendix 1 pp 3/4)

- 5.80. The 'research and information' referred was the draft Neighbourhood Plan, available on the Forum website, which includes the Hove Station Quarter Concept Plan, developed to illustrate how the vision of the wider area of a Hove Station Quarter could be delivered. The applicant refers to this as a '...speculative Master Plan strategy' (Design and Access Statement para 3.1). But having dismissed the Draft Plan as having 'no weight' the applicant then explains (para 3.2) the 'pointers from the Hove Station Masterplan' which they took to '... at least inform some elements' of their design.
- 5.81. The Forum welcomes the fact that the consultants eventually took key design elements from the Concept Plan, including high quality public open space and the pedestrian routes and links which create pedestrian friendly environment. These elements help to join up their proposal with neighbouring existing and possible future housing.
- 5.82. Unfortunately, the applicant used an early and out of date version of the Concept Plan to justify the location of a 'signature height building' in the north-west corner of their site. Informed by our on-going community engagement work (including the July 2018 Have Your Say Day which the KAP did not attend) the current July 2018 version of the Concept Plan reduced the number of signature buildings to two – one at each of the entrance points to the Concept Plan Area - at the Old Shoreham Road and Fonthill Road junctions with Newtown Road,
- 5.83. Thus, the Concept Plan included in the current Regulation 14 Consultation Draft Plan cannot be used as a justification for including a very high signature building within the KAP project.

3. Building height, scale and design

- 5.84. The Council informed the applicant that this site had been identified as having the capacity to deliver 60 residential units as part of a mixed-use scheme. But they state that 'the submitted proposals demonstrate that the site is capable of delivering a significantly greater quantum of development without having a detrimental effect upon the surrounding area or upon neighbouring amenity' (Planning Statement (para 6.14)
- 5.85. The Forum and the local residents reject this assertion. The 'greater quantum' of 148 residential units and 1,107 sqm of office floor space on a small 0.4 hectare site is substantial over-development which will have serious detrimental impacts on the character and amenity of the adjacent New Wave development and neighbouring streets to the east.

- 5.86. A great majority of the 45 objectors to the scheme to date have voiced this concern, including the ward Cllr. Vanessa Brown. Only one respondent has supported the application.
- 5.87. The location of the 11-storey building is not suitable for a signature high building. Although it is the furthest away from nearby residential properties this building will stick up like the proverbial sore thumb, when viewed from both the four storey housing in Goldstone Lane and the 3-4 storey housing up the hill to the east in Fonthill Road and also when viewed from Hove Park.
- 5.88. To varying degrees it will have significant negative impacts on the daylight and privacy currently enjoyed by longstanding neighbouring residents and the (as yet mainly prospective) occupants of the adjacent recently constructed New Wave development. Moreover, it will hugely overshadow and visually dominate any future redevelopment of the adjacent Goldstone Retail Park, such as that which is illustrated in our Concept Plan. It is for these reasons that this location is inappropriate for a landmark building.
- 5.89. The proposed 8 storey block will also have these negative impacts, albeit to a lesser extent. This block will be much taller than the adjacent 6 storey New Wave development. The 6 storey limit was imposed by the Council Planning Committee to align the New Wave block with the height of the adjacent former church building and should be regarded as a precedent. This decision informed the development of the Draft Neighbourhood Plan Tall Buildings Policy 11 which states
- 5.90. In the DA6 part of the Neighbourhood Plan Area, building heights will generally be limited to six storeys with the following exceptions. To the north of the railway taller buildings may be acceptable with in locations that allow them to act as Hove Station Quarter landmarks and aid wayfinding. Potential locations include the junctions of Shoreham Road/Newtown Road and the south eastern part of the area closest to the railway.
- 5.91. Reducing the height and bulk of the two big blocks would significantly improve the design quality of the development by enabling the evolving Newtown streetscape to be less overbearing and much more coherent and attractive, whilst minimizing its negative impacts.
- 5.92. Thus, the Council should require the 8-storey block to be reduced to 6 storeys and the 11 storey block to be reduced to 9 storeys.
4. Affordable Housing
- 5.93. The Draft Neighbourhood Plan adopts the City Plan target of securing 40% 'affordable' housing in all developments of more than 15 dwelling units. This has been fully supported in all our community engagement work. But local

residents have increasingly voiced their dismay that the government imposes a definition of 'affordable' as 80% of market rent or sale price. They point to the New Wave development as an example of housing provision which attract purchasers from outside the city, be they commuters or second home owners and thus does very little, if anything, to meet local housing needs.

- 5.94. The proposed provision of 22% of affordable housing in the form of shared ownership is not compliant with Council policy and therefore not acceptable to the Forum.
- 5.95. The applicant commissioned a viability assessment which demonstrated that the project is not financially viable, even at 0% affordable housing provision But '...in order to achieve a satisfactory planning permission.....the applicant has agreed to offer a degree of affordable housing. The applicant already owns the site and therefore is able to agree a reduced return from the development which would allow for the provision of 32 affordable units on site' (Planning Statement para 3.13)
- 5.96. The statement goes on to say that more affordable housing could be provided by one of two options - reducing the office space or increasing the amount of development on site. But as the Council would not support either option, the proposed project 'appears to be a suitable compromise between the various competing interests' (para 3.14).
- 5.97. But shared ownership is the version of 'affordable' housing which is nearest to full market value. So the 'reduced return' (meaning the reduced profitability of the project) is very modest. A third option of a further reduction in the return would deliver more 'affordable' housing and be a better compromise in terms of housing provision.
- 5.98. Thus the Council should require the developer to deliver 40% 'affordable' shared ownership properties to meet the target of both the City Plan and the Draft Neighbourhood Plan.

5. Employment space and jobs

- 5.99. The proposal includes the provision of 1,107 sqm of office space located in the ground floor of the two big blocks, thus creating 'an active frontage' - i.e. people moving in and out of the buildings and using the park/café. This is slightly less than the existing office space but will have the capacity (assessed by using the national standard of 85 sqm per employee) to provide 140 jobs on site compared with the current 25 jobs.
- 5.100. This approach is fully supported as it is consistent with that which Forum representatives have taken with council officers during the development of the Draft Plan proposals for mixed use sites i.e. the balance between employment

space and space for housing provision in mixed use development in DA6 should be determined by job creation capacity, rather than simply by the quantity of employment space.

6. Traffic generation

- 5.101. The applicant provides technical evidence to support the proposition that the additional traffic generated by this development will have no adverse impacts. However, this does not take full account of the impact of the traffic it will generate in combination with that now being generated by the New Wave development.
- 5.102. This combined impact will worsen the already stressful everyday experience of pedestrians, cyclists and motorists at the uncontrolled junction of Fonthill Road and Newtown Road. The inadequacy of the current design of this junction is demonstrated the frequency with which the traffic bollards are destroyed by cars.
- 5.103. The technical appraisal of this application by council officers should assess the combined impact of the New Wave development and this proposal and establish whether there will be a need to improve this already dangerous junction.
- 5.104. Furthermore, this assessment should be part of a wider assessment by the Council of the combined impact on traffic movement on the local road network (especially the Sackville Road/Old Shoreham Road junction) of the New Wave development (65 dwellings) and the KAP proposal, the recently approved Hove Gardens project in Conway Street (188 dwellings), the currently proposed Sackville Trading Estate/Goods Yard development (some 600 apartment units plus a 200 unit care facility) and the major Toads Hole development (some 700 dwelling units).

7. Parking provision

- 5.105. The basement car will provide 93 car parking spaces and 238 cycle spaces for the occupants of 148 dwellings and the anticipated 140 workers in the new office jobs. The provision of cycle spaces is generous and welcome as it anticipates and will help to promote the increase in cycling which the Neighbourhood Plan aims to achieve over the next few years as the new Hove Station emerges.
- 5.106. However, the project is outside the Council's car parking zones (CPZs). In the continued absence of parking control, this level of on-site parking provision will inevitably increase overspill on-street parking in Newtown Road and the narrow Goldstone Lane.

- 5.107. This adverse impact of the project should be minimized by Council including the Newtown Road area in a CPZ and refusing on street parking permits for the occupants of the new dwellings and the employees of the new businesses.
- 5.108. Additionally, given the proximity of public transport options at Hove Station the Council should also impose a planning condition which requires office employers to require their employees, by employment contract, to travel to work by public transport, or by cycling or walking.

8. Community Engagement

- 5.109. In preparing a statutory Neighbourhood Plan the Forum is required to engage with landowners and developers to ensure that residents' concerns, ideas and priorities are fully taken account of. Thus, when Matsim submitted their Hove Gardens project the Forum's Technical Team had a series of joint meetings with Matsim's consultants and their evolving scheme was presented at two of our Have Your Say Days, attended by a total of 170 local residents. As a result, their final planning application included substantial improvements to Conway Street east of Fonthill Road and this very high profile project generated only 23 objections. Moreover, Matsim agreed to express support for our proposal that some of their Section 106 funds they have to pay to the Council are invested in improve the Honeycroft and Vallance Centre Community facilities. The Forum has had a similar joint working arrangement with MODA as their proposals for the regeneration of the Sackville Trading Estate/Goods Yard have evolved since June 2018.
- 5.110. In sharp contrast, the Forum has had much less success in engaging with the KAP consultants. Our team had a joint introductory meeting and individual members participated in the informal discussions at their two public exhibitions in May and June which attracted 14 and 30 attendees respectively (KAP Community Engagement Statement). But the KAP team were not able to participate in our July 2018 Have Your Say Day.
- 5.111. In the context of increasing concerns about the final proposed scheme being voiced by our members and their neighbours, the Forum wrote to KAP in early February asking for a joint team meeting on the final proposal. But this has yet to happen. We recently re-iterated this request and invited KAP to participate in our next Have Your Say Day on March 23rd. To date there has been no response. Yet the Community Engagement Statement submitted with the planning application states that 'Tudor Holding is committed to engaging with the local community and, following the submission of the application, will ensure that interested parties and key stakeholders remain informed and updated regarding the proposals'

5.112. Rather than delivering on this commitment the evidence is that KAP are continuing with their minimalist and token approach to engaging with the local community. A revised proposal should be developed through a process which includes effective engagement with the local community.

8. Conclusion

5.113. For the reasons set out above, the Hove Station Neighbourhood Forum requests the Council to refuse this application.

5.114. However, the early mixed-use redevelopment of the site would make a significant contribution to meeting the city's housing needs and to the delivery of the Neighbourhood Plan vision of a joined up and vibrant mixed use Hove Station Quarter.

5.115. Thus, the Forum would welcome the opportunity to work with the applicants to develop a revised project which would have the support of the local community.

5.116. Such a revision would include a reduction in the density of the development and the height of the blocks, provide a higher proportion of 'affordable' housing, and include improved proposals for dealing with traffic and parking, whilst maintaining the provision of office space, a public park and high-quality landscaping in a pedestrian friendly environment.

5.117. **Hove Park Neighbourhood Forum:** No comment

5.118. **Planning Policy:** Comment

The development site lies within development area DA6 Hove Station area. The strategy for the development area is to secure the long-term regeneration opportunities around the Hove Station area and enable its development as an attractive and sustainable mixed-use area focussed on employment. The City Plan Part One is guided by City Council's Employment Land Study Review 2012, which identified growth requirements of 112,240m² of office (B1a, B1b) floorspace over the City Plan period. The city is ambitious in terms of its strategic growth objectives and commitment to ensure sufficient quantities of high-quality modern premises to meet economic output and jobs target (Employment Land Study, 2012).

5.119. Whilst it is regretful that the redevelopment proposal is not an employment-led scheme as per CP3.4 and policy DA6, it is accepted that the proposed B1a floorspace could generate a much higher job density than the existing Sui Generis use on the site. The views of the BHCC Economic Development should be sought in respect of the employment element of the proposed scheme. The café use is considered acceptable as a small ancillary use.

- 5.120. The proposed 148 units are considered to make a valuable contribution to the city's housing supply, and this is welcomed in principle. The Council's latest housing supply figures in the SHLAA Update 2018 (published in February 2019) show a five-year housing shortfall of 576 dwellings (equivalent to only 4.5 years supply). Therefore, when considering the planning balance for this proposal, 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).
- 5.121. In relation to the proposed housing on site, the following points should be clarified:
- 5.122. Housing Mix (CP19) - it is concerning that the scheme is proposing only 7% 3-bed units (compared against the city-wide requirement of 42% 3 and 4+ bed units in CPP1 para 4.213) and is proposing only 1 affordable 3-bed unit.
- 5.123. Affordable Housing (CP20) - The application proposes 32 units which represents 22% of the overall scheme which is considered to be significantly less than the policy requirement of 40%. It is also noted that the applicant is proposing that the affordable housing should be 100% shared ownership. This would not meet the standard affordable housing mix specified in the council's Affordable Housing Brief (55% social/affordable rent and 45% shared ownership). In terms of the affordable housing unit size mix, the preferred mix to be achieved across the city is 30% one-bedroom units; 45% two bedroom units and 25% 3+ bedroom units. The scheme is significantly underproviding 3+ affordable units. The applicant's viability evidence should be subject to independent assessment before an affordable housing offer at this level can be considered.
- 5.124. In relation to waste management policies WMP3d & e need to be given sufficient consideration.

Revised scheme November 2019

- 5.125. It is understood that the scheme has been amended to address concerns raised regarding the design of the proposal. This has resulted in the reduction of employment floorspace from 1,107sqm to 954sqm along with the mix of residential units proposed. Additional policy comments in respect to these specific changes are therefore provided below:

Amended Employment Floorspace

- 5.126. Whilst the small reduction in employment floorspace is unfortunate, the loss of 154sqm in the amended scheme is considered marginal in terms of the overall delivery of usable employment space for the development.

Amended Housing Mix

- 5.127. The housing mix of the proposed 148 x C3 residential is now as follows;
- 80 x one-bedroom units (54%) = 60 market (52%) and 20 (14%) affordable
 - 59 x two-bedroom units (40%) = 34 market (32%) and 8 (8%) affordable
 - 9 x three-bedroom units (6%) = 9 market (1%) and 0 affordable
- 5.128. In terms of the market housing mix the accommodation is biased towards smaller dwellings with one bedroom and two bed units comprising 64% of the total scheme and only 6% of units being of three bedrooms. There are no larger units proposed.
- 5.129. The supporting text to Policy CP19 at 4.213 and within the latest objective assessment of housing need for Brighton & Hove (Objectively Assessed Need for Housing: Brighton & Hove, GL Hearn June 2015) indicates that for market housing, most demand is likely to be for 2 and 3 bedroom properties (35% each) - although the analysis also suggests a notable need for both 1-bedroom and 4 or more bedroom homes. In this case, a higher proportion of smaller units would be expected given the development format and location. However, it is concerning that the scheme is proposing only 6% 3-bed units (compared against the city-wide requirement of 42% 3 and 4+ bed units in CPP1 para 4.213) and the scheme is not proposing any affordable 3 beds.
- 5.130. In terms of the affordable housing unit size mix, the preferred mix to be achieved across the city is 30% one-bedroom units; 45% two-bedroom units and 25% 3+ bedroom units. The amended scheme is underproviding in all these categories with no affordable three bed units provided.
- 5.131. Policy CP20 allows flexibility for a lower proportion of affordable housing/different tenure mix where this is supported by viability evidence. It is understood that the applicant is proposing 22% affordable units which would be 100% shared ownership. This does not meet the 40% affordable housing target in Policy CP20 of the City Plan Part One or the preferred tenure mix sought in the council's Affordable Housing Brief. The Brief states that assessments of housing need indicate that the greatest need in the city is for additional rented affordable housing. The following broad tenure split remains a citywide objective; 55% rented (social or affordable rented) and 45% intermediate (e.g. shared ownership). The DVS report received November 2019 indicates that the 55:45 split on 22% affordable units may be a viable option for this development and suggests that the developer is invited to provide this split or an alternative mix that lies nearer to a policy compliant scheme. The applicant is therefore invited to review their offer or affordable housing based upon this evidence. The views of the Housing Strategy team should also inform the preferred tenure and unit size mix for the affordable housing.

- 5.132. In addition, since the affordable provision falls short of the Policy CP20 requirement, it would be appropriate to include a viability review mechanism in any S106 agreement to ensure that any future uplift in development values will provide for an improved affordable housing contribution.
- 5.133. Policy CP20 states that where feasible, the affordable housing units should be appropriately integrated throughout the development. Whilst the integration of affordable and private units in Block B of the development is welcomed comments are welcomed from Housing Strategy around the likely management of these units by likely affordable housing providers.
- 5.134. **SGN: Comment**
On the mains record you may see the low/medium/intermediate pressure gas main near your site. There should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system. You should, where required confirm the position using hand dug trial holes.
- 5.135. **Southern Water: Comment**
Our initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.
- 5.136. Southern Water has undertaken a desk study of the impact of the proposed development on the existing public surface water network. The results of this assessment indicate that with connection at the “practical point of connection” as defined in the New Connections Services implemented from 1st April 2018 that there is an increased risk of flooding if the proposed surface water run off rates are to be discharged at proposed connection points.
- 5.137. It is the responsibility of the developer to make suitable provision for the disposal of surface water. Part H3 of the Building Regulations prioritises the means of surface water disposal in the order:
- a. Adequate soakaway or infiltration system
 - b. Water course
 - c. Where neither of the above is practicable sewer
- 5.138. Alternatively, the developer can discharge surface water flow no greater than existing levels if proven to be connected and it is ensured that there is no overall increase in flows into the surface water system. You will be required to provide a topographical site survey and/or a CCTV survey with the connection application showing the existing connection points, pipe sizes, gradients and calculations confirming the proposed surface water flow will be no greater than the existing contributing flows.

5.139. The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS). Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long-term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SUDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.
- This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.
- The detailed design for the proposed basement should consider the possibility of the surcharging of the public sewers. We request that should this application receive planning approval, the following informative is attached to the consent:
- The design of drainage should ensure that no land drainage or ground water is to enter public sewers network.

5.140. **Sussex Police:** Comment

Secure By Design (SBD) is owned by the Police service and supported by the Home Office that recommends a minimum standard of security using proven, tested and accredited products.

5.141. The National Planning Policy Framework demonstrates the government's aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. With the level of crime and anti-social behaviour in Brighton & Hove district being above average when compared with the rest of Sussex, there are no major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends should be considered.

5.142. The applicant should refer to the SBD Homes 2019 and the SBD Commercial Development 2015 documents. These provide the applicant with in-depth crime prevention advice pertinent to the design and layout.

- 5.143. It is unclear if the basement parking is solely for the residential development, if this is so it is supported, but there would be concerns if the space was shared without strict separation and control measures being implemented to remove any unauthorised access into the residential areas from the basement.
- 5.144. In order to create a safe and secure communal environment for residents occupying blocks of multiple flats, bedsits or bedrooms, and to reduce the opportunity for antisocial behaviour by restricting access to all areas and floors of the building to all residents, SBD asks for compartmentalisation.
- 5.145. **Sustainable Urban Drainage: Comment**
Flood risk from surface water runoff is a particular concern at site particularly because a basement car park is proposed.
- 5.146. Our GIS data indicates the area to have groundwater levels between 0.5m and 5m below the ground surface. Applicant should be made aware of Sustainable Drainage Systems Supplementary Planning Document (Nov 2018). Given a basement is proposed, further investigation is required to determine depth of groundwater at site before any work commences. Calculations are acceptable given the stage of design however it is recommended the applicant use at least a 30% climate change factor as per LLFA guidance. Applicant has used 20% factor. No maintenance plan for attenuation tank (with pumped connection) is referenced.
- 5.147. The applicant will need to provide the following to discharge the condition: Conduct an appropriate ground investigation to determine the groundwater level to ascertain flood risk at site given a basement carpark is proposed by the applicant.
- 5.148. Appropriate calculations to demonstrate that the final proposed drainage system will be able to cope with both winter and summer storms for a full range of events and storm durations.
- 5.149. The applicant should demonstrate the surface water drainage system is designed so that flooding does not occur on any part of the site for a 1 in 30 year rainfall event, and so that flooding does not occur during a 1 in 100 (+40% allowance for climate change) year event in any part of a building or in any utility plant susceptible to water.
- 5.150. The applicant will also need to provide a comprehensive maintenance plan for the drainage system in a formal maintenance plan. This should describe who will maintain the drainage, how it should be maintained, and the frequency needed to monitor and maintain the system for the lifetime of the development.

- 5.151. Examples of suitable maintenance plans can be found at www.susdrain.org.
- 5.152. **Sunlight and Daylight (BRE): Comment**
Comments 5 February 2019:
The Point 2 report accompanying the application evaluated loss of daylight and sunlight to existing properties using the BRE Report BR209, Site Layout Planning for Daylight and Sunlight, a guide to good practice.
- 5.153. To assess the impact on the amount of diffuse daylighting entering existing buildings, the BRE Report uses the vertical sky component (VSC) on the window wall.
- 5.154. The BRE report sets out two guidelines for vertical sky component:
- 1) If the vertical sky component at the centre of the existing window exceeds 27% with the new development in place, then enough sky light should still be reaching the existing window
 - 2) If the vertical sky component with the new development is both less than 27% and less than 0.8 times its former value, then the area lit by the window is likely to appear more gloomy and electric lighting will be needed for more of the time.
- 5.155. The BRE report also gives guidance on the distribution of light in the existing buildings, based on the areas of the working plane which can receive direct skylight before and after. If this area is reduced to less than 0.8 times its value before, then the distribution of light in the room is likely to be adversely affected and more of the room will appear poorly lit. This guideline has also been addressed in the Point 2 report. The areas receiving direct skylight will depend on room layout, and the BRE report does state that where room layouts are not known, which may be the case for the houses in Goldstone Lane, the calculation cannot be carried out. Point 2 have given results for the existing buildings analysed. Where these are based on assumed room layouts, the results may be unreliable.
- 5.156. Point 2 have also used the average daylight factor (ADF) method and tabulated ADFs for all of the affected rooms. Normally, this is not recommended in the BRE report. The guidance states that 'the use of the ADF for loss of light to existing buildings is not generally recommended. The use of the ADF as a criterion tends to penalise well daylighted existing buildings, because they can take a much bigger and close obstruction and still remain above the minimum ADFs recommended in BS 8206-2. Because BS 8206-2 quotes a number of recommended ADF values for different qualities of daylight provision, such a reduction in light would still constitute a loss of amenity to the room. Conversely if the ADF in an existing building were only just over the recommended minimum, even a tiny reduction in light from a new development would cause it to go below the minimum, restricting what could be built nearby.

5.157. However, Appendix F of the BRE report states that the ADF approach can be used 'i) where the existing building is one of a series of new buildings that are being built one after another and each building has been designed as part of the larger group' or ii) where the existing building is proposed but not built. A typical situation might be where the neighbouring building has received planning permission but not yet been constructed.'

5.158. It is not clear whether either statement applies to the New Wave Hove development on the adjoining site. At the time of the site visit in December 2018, this development appeared to have been fully constructed but not yet occupied.

5.159. If the average daylight factor approach is used, it should be carried out for the development as built, including balconies and overhangs. The average daylight factor calculation needs to be carried out for the development as actually constructed not how it might have been if it had been designed differently.

5.160. The BRE report recommends that in existing buildings sunlight should be checked for all main living rooms of dwellings and conservatories, if they have a window facing within 90 degrees of due south.

1 – 19 Goldstone Lane:

5.161. This is a row of houses, facing the proposed development, but some distance away behind New Wave Hove and across Goldstone Lane.

5.162. Loss of daylight to all these windows would be small and well within the guidelines and classed as negligible.

5.163. Loss of sunlight would not be an issue for numbers 1 – 17 as the windows in question face slightly north of due west. Loss of sunlight to number 19 would be very small, well within the guidelines, and classed as negligible.

New Wave Hove:

5.164. This is a newly built block of flats with a row of new townhouses. West facing windows in the side of the flats and at the rear of the houses would be impacted by the proposed development.

5.165. The worst affected flats on each floor are in the middle of the building. Living room R8 is already poorly lit (average daylight factor around 1%) because it is in the internal corner of the building with limited window area and a balcony above it. On the first, second, third and fourth floors these rooms would have a substantial reduction in daylight and be left with very little light (there is no habitable room in this position on the ground floor). For the living room

windows the vertical sky components are currently 13 – 15% and they would be reduced to 5 – 10% with the new development in place. On floors 1 – 3 there would also be a significant worsening of the daylight distribution in these rooms. The bedrooms in these flats would be less affected as they do not directly face the development site, though on the ground, first and second floors the room in position R7 in figure 5 would have a loss of light marginally outside the guidelines. This is partly due to the balcony and projecting wall that already obstruct this bedroom. The impact on the flat as a whole is tentatively classified as moderate adverse, because although the living room would lose a large proportion of its light, it is already poorly daylighted anyway.

- 5.166. The other substantially affected flat contains (on floors 1 – 4) living room R11 and bedrooms R9, R10 and R12. On the ground floor the corresponding flat contains living room R7/610 and two bedrooms, R6/610 and R8/610. On the ground, first and second floors there would be a substantial loss of light. For the living room windows the vertical sky components would drop from 20-21% currently, down to 13-23% with the new development in place. There would also be substantial worsening of the daylight distribution in these rooms. This would count as a major adverse impact on daylight to these flats.
- 5.167. Point 3 mention that the living room windows are already obstructed by overhangs which reduce their access to daylight. In such cases, the BRE guidelines suggest additional modelling of the daylight received by the window without the overhang in place. Point 2 have down this, by the results show that there would still be a substantial reduction in daylight and sunlight even without the effect of the overhang.
- 5.168. On the third floor in this location, the loss of light would either be within or only marginally outside the guidelines, and the impact would be minor adverse.
- 5.169. The other flats, at the western end of the building, would be less affected as their main windows face south towards Newtown Road. There are windows in the end wall which would have very large losses of light, but they are secondary windows, the main windows to each space do not directly face the new development. Loss of daylight to these main windows would be within the BRE guidelines, except for one window at ground floor level (this lights a bedroom). The impact to these flats would be classified as minor adverse.
- 5.170. In the townhouse element of the scheme, windows at the rear of each house face towards the new development. Loss of vertical sky component would be outside the BRE guidelines for five of the ground floor living rooms and three of the first-floor bedrooms. According to Point 2's average daylight factor calculations, the rooms would still be reasonably well lit, and the impact is assessed as minor adverse.

- 5.171. Loss of sunlight to all applicable windows in the New Wave Hove development would be within the BRE guidelines.
- 5.172. Point 2 have not analysed daylight or sunlight provision to rooms in the new development. This is recommended as the development will contain new dwellings.
- 5.173. Sunlight provision has not been assessed to surrounding open spaces.

Comments 8 August 2019:

- 5.174. The February review identified three main areas where additional material should be provided. These were an assessment of daylight and sunlight provision with the new development itself, sun on ground data to assess overshadowing of nearby gardens and similar data to assess sunlight within the development's own open spaces. Point 2's further letter has addressed the issues of daylight in the new dwellings and sunlight in open spaces and provided the data required. However, although it says that an internal sunlight assessment to proposed residential units has been undertaken, no sunlight data have been provided and it has not been possible to review this.
- 5.175. For daylight in new dwellings, the main criticism is the average daylight factor (ADF) which is a measure of the amount of daylight within a room. The ADF depends on the room and window dimensions, the reflectance's of interior surfaces and the type of glass, as well as the obstructions outside.
- 5.176. The British Standard recommends the following minimum values for ADF
- Bedrooms 1.0%
 - Living rooms 1.5%
 - Kitchens 2.0%
- 5.177. These are minimum values. The standard states that if a space has an ADF of 5% it will not normally need supplementary electric lighting provided the uniformity is satisfactory and that a space with an ADF of 2-5% will normally need supplementary electric lighting.
- 5.178. Where a room has a shared use, the British Standard states that the higher minimum value should apply. However, local authorities frequently accept the living room standard for a shared kitchen/living room, as a small kitchen would not be considered as a habitable room. This is a practical approach, as it is seldom in the final resident's interest to have a closed off, small kitchen which is completely artificially lit in order to force compliance with the Standard for the living room. In this case an average daylight factor of 1.5% or more might be acceptable.

- 5.179. Point 2 have analysed a subset of the flats in the development comprising all those on the lowest two floors in each block. This is a reasonable approach. Flats on the upper floors would be expected to receive more light.
- 5.180. Looking at the results in more detail, all the rooms in Block C would meet the recommendations and this building would be well daylit. In Block A, two bedrooms on each floor would be below the recommendations, these have balconies above them which restrict the light they get. It might be possible to enlarge the windows so that they receive more light. Finally, one living/kitchen/dining in Block A is just below the kitchen standard for ADF but does meet the lower living room standard.
- 5.181. The main problems would occur in Block B. One LKD on each floor would not meet the minimum ADF for a living room and would have low levels of light (0.8% on the first floor, 1.0% on the second floor). This is a very deep room with a balcony above it. Another three LKDs on each floor would have ADFs below the higher minimum for a kitchen. Four bedrooms on each floor would be below the minimum recommendations. Two of them could be improved by enlarging the windows but the other two are very close to the flank wall of the New Wave Hove development and would have poor outlook as well as very little light (0.0% ADF in one room per floor).

Overshadowing of existing external amenity spaces:

- 5.182. These amenity spaces comprise the outdoor communal area to New Wave Hove and individual gardens to the six townhouses that form part of the same development. Guidance recommends that no more than half of such an area 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. If as a result of new development, the area receiving two hours sunlight is less than this and less than 0.8 times the previous area, the loss of sunlight is significant.
- 5.183. The BRE guidelines would not be met for the communal amenity space and two of the gardens. The communal amenity space is not well sunlit currently because of its position to the north of the New Wave Hove building and would have a substantial loss of afternoon sunlight as a result of the new development. The two gardens that would not meet BRE guidelines would also have a substantial loss of afternoon sunlight, being overshadowed by Block B. This would make a significant difference to the amenity of these gardens.
- 5.184. Point 2 state that 'the other gardens experience no reduction whatsoever as a result of the proposed development.' Although the areas receiving two hours sun on March 21 are the same before and after, the gardens would be

overshadowed by the new development in the afternoon. So, they would experience some reduction in sunlight, while meeting the BRE guidelines.

Sunlight in proposed amenity spaces:

5.185. Point 2 have also assessed sunlight in the proposed amenity spaces. The information shows that most of the proposed amenity space could receive two hours sunlight on March 21. This includes the seating areas and table tennis area between blocks A and B, and most of the private gardens to Block C but not the lawned area between blocks A and C. Overall the proposed amenity space would be adequately sunlit.

5.186. **Sustainable Transport:** Object

Final comments

As Local Highway Authority, the application for major mixed-use development is a concern because of its location in an employment area that is accessed from a classified road and the lack of on-site facilities for deliveries and servicing. The site is on the inside of a bend so inappropriate kerb-side parking or other activity could obstruct forward visibility for drivers/riders. Newtown Road also isn't part of a CPZ which makes controlling on-street parking, servicing and other kerb-side activity much more difficult in the absence of suitable on-site provision. Key risks include the following:

- In the immediate vicinity of the site – currently parking is permitted along the opposing side of Newtown Road to this development only. This is necessary to retain two-way access for commercial traffic serving the various employment sites in the area. All parking is restricted along the development's side – amongst other things to maintain forward visibility. Given the need to retain access and visibility this is generally well observed whilst little loading is attempted from this side either for the same reasons. (Here it is important to note that unlike the existing development – the proposed much more intensive development will not provide any on-site servicing). In the absence of appropriate design, overspill parking activity relates to this development may occur along the restricted side. This could obstruct access along and into Newtown Road and displace existing parking/servicing demand from other commercial premises. It also may promote errant pavement parking/loading. Such congestion from commercial traffic outside the site could pose a potential risk to the new residents who will be introduced into the area by this development, as well as discouraging them from walking and cycling.
- In the surrounding local area: Overspill parking could also lead to parking and other kerb-side activity being displaced into surrounding residential streets, noting that some of these are not within CPZs. This may again obstruct traffic and lead to vehicles parking in inappropriate places and obstruct visibility splays at junctions.

5.187. The latest TA does not contain enough information to assess the likely impact on the highway of a key matters of interest mentioned above. The information is lacking in the following areas:

- 5.188. Parking overspill: whilst the applicant's parking demand forecast has been updated, this still fails to address some of our concerns and it cannot be accepted. The LHA's own assessment suggests a significantly higher demand than the applicant predicts and overspill of around 39 spaces. The applicant has declines to provide a parking survey to demonstrate that there is sufficient spare capacity on-street to accommodate this overspill with impacting unacceptably on the highway – even though Newtown Road and some other streets within a reasonable walking distance are not within CPZs (meaning that overspill there cannot be managed). Even with nearby CPZs, overspill from visitors to the proposed residential units and short-term parking associated with the B1 and A5 uses has the potential to displace day-time resident permit holders from shared-use bays.
- 5.189. The LHA raise a number of objections to the proposed development, including:
- In the absence of satisfactory assessment information to demonstrate otherwise it is considered that the concern listed above are sufficient to meet the test for refusal on highway grounds specified in NPPF para 109. Similarly, the proposals must be deemed non-compliant with range of other policies including road safety, residential amenity, reducing negative impact of vehicle traffic and parking and various aspects of NPPF paragraphs 108 and 110.
- 5.190. Though not necessarily reasons for refusal individually, there are a range of other issues:
- 5.191. The non-compliance of various aspects of cycle parking proposals with policy TR14, SPD14 and NPPF paragraphs 108a and 110b. For development in such a sustainable location this is very disappointing. Key concerns include the following:
- Long stay parking for the office use appears to be provided in external shelters in publicly accessible areas rather than in stores within buildings. It is not clear how these could be made secure whilst it seems that visitor parking for the different uses would also be collocated in them, increasing this concern.
 - Access for disabled cyclists will be difficult, as the ramped access to the basement cycle stores is too steep for use and they would otherwise have to negotiate a number of doors and narrow corridors to reach lifts. It should be recalled that disabled cyclists are likely to be using larger, specially adapted bikes and the lifts and other features appear to be too small for these. The proposals therefore don't yet comply with policy TR14 requirements for cycle parking to be "readily accessible at ground level" and NPPF para 110b requirements to "address the needs of people with disabilities and reduced mobility in relation to transport".
 - Visitor cycle parking is located far back at the rear of the site, out of sight of the main entrances. This also means that users are likely to cycle through intended pedestrian-only parts of the site to meet them

(noting that internal areas have not been designed for shared use). This will create conflict with various vulnerable pedestrians who aren't able or comfortable sharing space with vehicles (e.g. visually impaired people and older people). Unfortunately, we are unable to see appropriate alternative locations that might be secured via condition.

- 5.192. There are further aspects of the application where we do have enough information to assess impacts/compliance and where we mind them to be unacceptable. However, these are distinguished from the above by the fact that we are comfortable that our concerns could be addressed by securing appropriate conditions and obligations. The arrangements for car parking allocation, can be managed though securing a car parking management plan, however this will not resolve our concerns relating to overspill parking.
- 5.193. Other aspects of the development would be satisfactory and acceptable. Examples include the following
- Sufficient electric charging points are proposed.
 - Enough parking bays for blue-badge holders have been provided, and the layouts of these are reasonable.
 - A high proportion of cycle parking is provided as universally-accessible Sheffield stands, which is welcomed. However, this does not overcome our other concerns about the proposed cycle parking arrangements.
- 5.194. **Viability (District Valuation Service): Comment**
Initial Report – March 2019:
“Viability assessment is a process of assessing whether a site is financially viable, by looking at whether the value generated by a development is more than the cost of developing it. This includes looking at the key elements of gross development value, costs, land value, landowner premium, and developer return.
(National Planning Policy Framework)
- 5.195. BHCC City Plan Part One (Policy CP20) requires the provision of Affordable Housing on all sites of 5 or more dwellings with a target of 40% onsite Affordable Housing on a site such as this. For all applications where the proposal does not meet policy compliant requirements or developer contributions and this is being justified on viability grounds, a detailed Viability Assessment is required to be submitted with the planning application, which will be published on the Local Authority website.
- 5.196. The recommended approach is to assess viability based on a residual valuation basis. This means assessing the Gross Development Value (GDV) of the proposed scheme and deducting from this the costs of the development, including profit and planning obligations, to leave a residual value. This residual site value is then compared to a Benchmark Site Value.

5.197. BHCC guidance and the NPPF has stated a preference for using the Existing Use Value of the site when establishing the Benchmark Site Value. If the residual site value is in excess of the Benchmark Land Value the scheme is considered able to viably provide planning contributions, up to an amount equal to the difference between the two figures. If it falls below the Benchmark Site Value it could be considered unviable although a later review should be undertaken, particularly in large schemes or those with high abnormal cost or a long development timescale.

5.198. The applicant outlines in their report the following:

- the proposed scheme with no Affordable Housing provision produces a residual land value of **£2,195,370**;
- the Benchmark Site Value, adopting an EUV+ approach, is **£3,600,000** (£3,000,000 plus premium of 20%)
- a deficit of **£1,404,630** below the Benchmark Site Value exists.

5.199. The agent concludes that the site cannot viably provide Affordable Housing as the Existing Use Value of the site exceeds the residual land value of the proposed scheme.

5.200. In the agent’s report, it is stated that the developer intends to provide some on-site Affordable Housing anyway. Paragraph 64 of the recent NPPF 2018 states:

“Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership.”

5.201. At present the proposed all Private provision would not comply with this statement in the NPPF.

5.202. Having reviewed the inputs of the agent’s appraisal, it is not agreed that no Affordable Housing can be viably provided. The proposed office values are too low and the profit levels too high. Adjusting for this, the proposed scheme has a higher value than the amended Benchmark Land Value. The surplus available between the residual land value and the Benchmark Land Value can be viably provided as a contribution to Affordable Housing. The DVS conclusion is as follows:

Appraisal	Benchmark Land Value	Residual Land Value	Surplus/ Deficit
100% Private (Agent)	£3,600,000	£2,195,370	-£1,404,630
100% Private (DVS)	£2,850,000	£5,601,711	+£2,751,711

5.203. Given the available surplus, the DVS modelled what was considered to be viably provided, using the approximate tenure split of 55% Affordable Rent,

45% Shared Ownership. On this basis, it is considered 32 units on the lower levels of Block B could be viably provided as Affordable Housing (17 units of Affordable Rent and 15 units of Shared Ownership. For the Affordable Housing, I have adopted a lower profit level of 6% profit on cost and I have shortened the timescale of the Private sales period by 3 months to reflect the lower number of units to sell. I arrive at a valuation of **£2,836,283** which is broadly in line with the Benchmark Land Value. This is a notional unit mix, based on the assumption that the lower levels of Block B would be Affordable Housing, with Affordable Rent on the first and second floors and the Shared Ownership units on the third and fourth floors. This is also assuming a notional s106 payment of £500,000 which may change once all BHCC consultees have confirmed the contribution.

- 5.204. The main areas of difference in our report are the office values, profit levels and the Benchmark Land Value. This leads me to conclude that the proposed scheme is more viable than the applicant's appraisal suggests.

Additional Addendum – July 2019:

- 5.205. Following receipt of further information:
- 5.206. In the original reports Savills valued the site at £3m (194.83/sf) in its existing use based on a rent of £13.29/sf (overall) and a 6% (net) yield with a 1-year deferment to reflect voids and incentives. DVS adopted a rent of £11.35/sf (overall) and a yield of 6.5% (net) which totalled £2,371,552 (£153/sqft).
- 5.207. In regard to the rent on the site it is agreed that £11.35/sf may be too low when considering the new evidence provided and the valuation is adjusted, and the overall rate is now £12.19/sf based on the below calculation.
- 5.208. Based on the yield evidence, the applicant has provided sufficient new evidence to support a 6% (net) yield.
- 5.209. Based on the new evidence provided by Savills regarding the Benchmark Land Value, and having considered the other inputs discussed in the Savills review of our report, I agree with Savills that the scheme cannot viably provide a policy compliant scheme and also cannot provide DVS' previously proposed 32 units of affordable housing.
- 5.210. I have tested the applicants proposed offer of a 22% shared ownership scheme and consider that while it is marginally in deficit that a developer would be prepared to move forward on this basis and is therefore viable.
- 5.211. Consideration should be given to whether a review mechanism should be included within the S.106 agreement to review the various inputs at a later date

to see if the property could viably provide more Affordable Housing above the offered 22% or provide a better mix of affordable tenure types.

Final comments on Amended scheme

- 5.212. Appraisals based on the information provided in November 2019 as the scheme was amended:
1. A revised 100% market sales appraisal
 2. A revised mixed shared ownership (45%) and affordable rent (55%) appraisal based on the 22% of units propose by the applicant
 3. A revised scheme offering 22% shared ownership units, based on the number of units proposed by the applicant.
- 5.213. Based on the appraisal results a scheme offering 22% Shared Ownership is viable with a healthy surplus over the Benchmark Land Value of £3.3m.
- 5.214. 22% Affordable housing units split on the basis of 45% shared Ownership and 55% Affordable Rent results in a shortfall of £236,222 against the Benchmark Land Value.
- 5.215. On this basis it is suggested that the developer is invited to provide the 45:55 split on 22% or to propose an alternative mix that lies nearer a policy compliant scheme.
- 5.216. While it may seem unusual that a scheme that has been decreased in size and has smaller units might be more viable, this change is the result of greater intensification of the site. The units themselves are now worth a higher £/sf and there is now a lower build cost because the building is smaller resulting in a better return.
- 5.217. **UK Power Networks:** No objection

6. MATERIAL CONSIDERATIONS

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

- East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only - site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.

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

7. **POLICIES**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
DA6	Hove Station Area
SA6	Sustainable Neighbourhoods
CP1	Housing delivery
CP2	Sustainable economic development
CP3	Employment land
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP13	Public streets and spaces
CP14	Housing density
CP15	Heritage
CP16	Open space
CP17	Sports provision
CP18	Healthy city
CP19	Housing mix
CP20	Affordable housing

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

TR4	Travel plans
TR7	Safe Development
TR14	Cycle access and parking
SU9	Pollution and nuisance control
SU10	Noise Nuisance
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

HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas
HE10	Buildings of local interest

Supplementary Planning Guidance:

SPGBH15 Tall Buildings

Supplementary Planning Documents:

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

Developer Contributions Technical Guidance (March 2017).

Affordable Housing Brief (December 2016)

8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to:
- The principle of re-development of the site, and type and scale of uses proposed in this location,
 - Housing: layout, mix, viability and affordable housing provision,
 - Impact on the amenity of neighbouring occupiers,
 - Standard of accommodation including provision of private and communal amenity space,
 - Design: including scale, form, density, materiality and impact on the character and appearance of the locality, including the setting of heritage assets,
 - Sustainable transport: parking, access and highway safety,
 - Air Quality,
 - Sustainability, biodiversity, ecology and flood risk,
 - Accessibility,
 - Infrastructure and developer contributions.

Planning Policy Context and Principle of Development

- 8.2. The site is set within the DA6 Hove Station Area which consists predominantly of land to the east of Hove Station and extends both to the north and south of the railway line. DA6 is one of eight development areas allocated in City Plan Part One adopted in March 2016 and contains a large number of commercial uses. The regeneration and redevelopment of this area of the City is strongly supported by policy and represents a prime location to increase the density of development supported by the sustainable transport hub of Hove Station.

DA6 Hove Station Area

8.3. The site is set within the Hove Station Development Area. The strategy for the development area is to secure the long-term regeneration opportunities around the Hove Station area and enable its development as an attractive and sustainable mixed-use area focussed on employment. The aim is to secure the creation of a high-quality employment environment that will attract investment and new employment opportunities for the city and promote the efficient use of land through, predominantly employment and residential, mixed use developments. The policy sets out 10 local priorities to achieve this strategy. Those most relevant to the application site include:

- Ensure that development takes account of and contributes to the appropriate provision of public open space and essential community services and provides environmental, biodiversity, pedestrian and public safety improvements
- Enhancing the sustainable transport interchange at Hove Station by improving the walking and cycling network in the wider area, improving permeability within the area, encouraging accessibility improvements over the railway at the station, strengthening north-south connections across the railway and beyond the area and east-west connections along Old Shoreham Road;
- Continuing to encourage more efficient use of under-used sites whilst retaining/replacing employment floorspace,
- Maintaining and strengthening the creative industries business cluster in the area,
- Creative use of development to integrate new green infrastructure including green space, accessible green roofs, green walls and other features which support Biosphere objectives;
- Consideration of low and zero carbon decentralised energy and in particular heat networks.

8.4. Over the plan period a minimum of 525 additional residential units are sought. Outside the Conway Street Industrial Area, the existing employment floorspace shall be retained/replaced with an additional 1,000sqm employment floorspace to be provided.

Hove Station Neighbourhood Forum

8.5. The site also sits within the designated Hove Station Neighbourhood Area, which is the subject of an emerging Neighbourhood Plan being prepared by the Hove Station Neighbourhood Forum (HSNF). A draft Neighbourhood Plan is being prepared by HSNF which includes an intention to promote the site for a mixed-use redevelopment and a policy supporting comprehensive and integrated approach to development in the DA6 area. The Regulation 14 Pre-Submission Draft Hove Station Neighbourhood Plan was published for public consultation from 23 March to 15 May 2019.

Employment provision

- 8.6. The existing site is in a 'sui generis' use as a car sales dealership. The floor area of the existing building is 1,350sqm. The proposed scheme as revised would provide for 954sqm of flexible office space (B1).
- 8.7. The site is located within a specific site 'Land of Newtown Road' allocated for employment led (residential and employment) mixed-used development in CP3.4.
- 8.8. The site is identified by the council as suitable for employment led mixed use (residential and employment) development where the twin benefits of high-quality modern business floorspace and additional housing units can be achieved through a more effective and efficient use of the sites. The starting position is that there should be no net loss of employment floorspace.
- 8.9. In considering proposals where a net loss of employment floorspace is being proposed the council will take into consideration the following factors:
- Site constraints (current site coverage and opportunities for more
 - effective and efficient use of the site)
 - The need for environmental and townscape improvements
 - Access arrangements (improved access/circulation space)
 - Safeguarding the amenity of surrounding users and occupiers
 - The quality of the employment offer in terms of the type of employment and density of jobs
 - Viability
- 8.10. Whilst the proposed floorspace being created is less than existing it must be acknowledged that the existing lawful use is a car sales dealership and whilst there are car repair / MOT elements which would be classed as B2 in isolation the overall site is a sui generis use (and not a B class employment use) and as such is not specifically protected by policy CP3.
- 8.11. Notwithstanding the above, whilst the proposed employment floorspace is less than the existing provision on the site it is acknowledged that the modern, flexible floorspace to be provided would be a significant upgrade in quality and usability in comparison to the existing offer. Furthermore, the proposed B class floorspace of 954sqm could provide for approximately 79 FTE jobs (based on 10.5m² per job) which would be a significant increase in employment density and in the number of jobs on site and this is welcomed.
- 8.12. Whilst the improved density, quality and flexibility of the employment floorspace to be provided weighs in favour of the scheme it is acknowledged that the proposed scheme is not 'employment led' as set out in CP3.4 and this does weigh against the proposal to a degree.

- 8.13. Similarly, the scheme would not fully accord with the wider policy for the development area (DA6) which states that the “strategy for the development area is to... enable its development as an attractive and sustainable mixed-use area focussed on employment.”
- 8.14. Whilst the proposed scheme is clearly housing led, it is also acknowledged that a more employment focussed scheme would likely further reduce the viability of the scheme with residential floorspace generally more profitable and therefore this would likely impact upon the deliverability of the scheme and also the level of affordable housing that could be provided.
- 8.15. Whilst the overall employment floorspace is less than the existing provision on the site it is acknowledged that the modern, flexible floorspace to be provided would be a significant upgrade in quality and usability in comparison to the existing offer. The proposed spaces all have the potential to cater for different employment uses and as such this does accord with the DA6 criteria of maintaining and strengthening the creative industries business cluster in the area.
- 8.16. City Regeneration support the scheme stating that it meets the local priority to encourage more efficient use of under-used sites whilst retaining/replacing employment floorspace and does cite that this is a welcome, albeit small addition to B Class employment floor space within the city.
- 8.17. Whilst it is disappointing that the employment potential of the site has not been fully maximised, the modern and flexible employment provision is welcomed as is the increase in employment density.
- 8.18. Overall, whilst the proposal is not an employment- led scheme in accordance with the thrust of policies CP3.4 and DA6 any under provision of B class employment floorspace is weighed against the other positive benefits of the scheme, which include the need to provide a deliverable redevelopment proposal with significant levels of housing and as such the proposed employment provision is accepted in this instance.

Housing provision:

- 8.19. The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five-year housing land supply position is assessed annually.
- 8.20. The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this

minimum housing requirement that the City's five-year housing land supply position is assessed annually.

8.21. The council's most recent housing land supply position published in the SHLAA Update 2019 shows a five-year housing supply shortfall of 1,200 (equivalent to 4.0 years of housing supply). As the council is currently unable to demonstrate a five-year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

8.22. In the context of Brighton & Hove, this is considered a large scale C3 residential development proposal. The provision of 148 C3 residential units represents a significant proportion of the annual housing supply based on the city's housing delivery target of 13,200 as set out in City Plan Policy CP1. In this respect the proposal would make a valuable contribution to the city's housing supply and this is welcomed in principle. The proposed amount of C3 development also makes a significant contribution towards the requirement for 525 residential units for the Policy DA6 Hove Station Development Area as a whole.

Affordable Housing and Viability:

8.23. City Plan Policy CP20 requires housing development of over 15 units to provide 40% affordable housing. The 40% target may be applied more flexibly where the council considers this to be justified, in accordance with the specific criteria set out in the policy. Of consideration specifically is the financial viability of developing the site, as demonstrated through the submission of a verified Financial Viability Assessment (FVA).

8.24. The applicant's FVA set out that the overall Residual Land Value generated by the scheme would result in a deficit against the Site Value Benchmark and as such the scheme is not considered commercially viable in development viability terms. Notwithstanding this, the FVA set out that the applicant was prepared to take a financial decision to proceed with the scheme and to provide some affordable housing on-site. The affordable housing originally proposed by the applicant is made up of 32 units (20 x one bed and 12 x two bed) all of which would be shared ownership.

8.25. A scheme that solely provides for shared ownership units is not considered to accord with policy. Policy CP20 currently requires mixed tenure to be provided, which is the most effective way of ensuring a balanced community is achieved. The Affordable Housing Brief sets out a broad tenure split of 55% as Affordable Rent and 45% as affordable home ownership i.e. Shared Ownership sale, as a citywide objective.

- 8.26. In respect of the councils identified housing need, affordable housing for rent remains the council's key priority. Affordable Housing in the city is generally provided through the Local Authority or a Registered Provider from the council's Affordable Housing List. At present, Registered Provider partners cap the rents payable at Local Housing Allowance and the council can nominate people from the Housing Register to Affordable Rented properties. Shared ownership is an accepted way to allow those who could not afford a home outright to get a foot on the ownership ladder but there is currently no local connection condition attached to purchase of shared ownership homes.
- 8.27. The District Valuer Service (DVS) appraised the development as originally submitted and due to a number of different viability assumptions (compared to the applicant) whilst finding a policy compliant split of 40% affordable housing was not viable, they broadly considered that 22% affordable housing as shared ownership was viable. They also tested a policy compliant 55/45 split of affordable rent / shared ownership model and considered that 14% affordable housing was viable.
- 8.28. Whilst the revised scheme (to improve design and amenity outcomes) resulted in a reduction in floor area, the number of units at 148 remained the same due to alterations to the mix which provided an increased number of smaller units. When the DVS re-evaluated the scheme, the increased number of one-bedroom flats which have higher value per square metre (than larger flats) resulted in a more viable development and they agreed that 22% of affordable housing was achievable with the councils preferred 55/45 split.
- 8.29. This would work out as 18 affordable rent units and 14 shared ownership units. The applicant has agreed to provide this mix with the precise details to be set out in the s106 legal agreement.
- 8.30. In addition, since the affordable provision falls short of the Policy CP20 requirement, it would be appropriate to include a viability review mechanism in any S106 agreement to ensure that any future improvement in the viability of the scheme will provide for an improved affordable housing contribution.
- 8.31. The proposal would provide for 22% affordable housing in accordance with split set out in AHB and the proposal is considered to be in accordance with policy CP20.

Design, Scale and Appearance and impact on wider townscape:

- 8.32. National and local policies seek to secure good quality design which respects general townscape and the setting of heritage assets. Taller and higher density development than that is typically found in an area can be considered appropriate in the right location. Policies DA6, CP12 and the Supplementary

Planning Guidance on Tall Buildings (SPGBH15) identify the application site as within an area with the potential for development of higher density and tall buildings (18m in height or approximately 6 storeys above existing ground level).

- 8.33. Policy CP12 on Urban Design sets that development should hit certain criteria. The keys points are set out below:
- Raise the standard of architecture and design in the city;
 - Establish a strong sense of place by respecting the diverse character and urban grain of the city's identified neighbourhoods;
 - Achieve excellence in sustainable building design and construction;
 - Conserve or enhance the city's built and archaeological heritage and its settings;
 - Protect or enhance strategic views into, out of and within the city;
 - Be inclusive, adaptable and accessible;
 - Ensure that the design of the external spaces is an integral element of the overall design approach, in a manner which provides a legible distinction between public and private realm;
- 8.34. SPGBH15 requires all new tall buildings to be of a high quality of design, such that they can make a positive contribution to the city's urban form and skyline, support the city's continued regeneration, and are generally well received. All tall buildings must be integrated into the public realm, be responsive to environmental conditions and embrace principles of sustainability. A full visual assessment is required to enable a full appreciation of the likely resultant townscape.
- 8.35. The design of the current scheme has been progressed through two Design Review Panels, a number of pre-application meetings and further revisions post submission.
- 8.36. The character of the immediate area consists of predominantly low-rise retail, or commercial sheds along Newtown Road and also to the west on Sackville Trading Estate and to the north on the Goldstone Retail Park. Immediately to the east of the site fronting Newtown Road is a recently constructed 6 storey residential block and a also number of associated townhouses which front Goldstone Lane. Existing development on Old Shoreham Road to the north is also predominantly a mix of low rise residential and commercial buildings. The wider commercial area is flanked by a more traditional suburban built form which includes terraced properties along Sackville Road to the west and Goldstone Lane to the east. To the south of the railway line there are four 10 storey residential towers which are currently the most prominent buildings in close vicinity of the site.

- 8.37. The site itself has very limited townscape merit with a low-rise functional car showroom building and ancillary workshop / garage facilities and an expanse of hardstanding for car parking fronting the street.
- 8.38. Whilst it is acknowledged that the application site, as set out in policies CP12 and DA6 is suitable for higher density development and tall buildings (over 6 storeys) the proposed built form is required to raise the standard of architecture and design in the city and establish a strong sense of place by respecting the diverse character and urban grain of the city's identified neighbourhoods.
- 8.39. The proposed scheme comprises of an eleven storey block to the north west of the site (Block A), an 8 storey block with an inset top storey to the south of the site (Block B), adjoining the New Wave residential block and a 4 storey split-level town house block to the north east of the site backing onto the rear gardens of the existing newly built townhouses fronting Goldstone Lane (Block C). The top floor of Block B is finished in metal and is set away from the existing 6 storey residential block to the east to provide a transition in heights. The ground floor of Blocks A and B is proposed as office floorspace.
- 8.40. A central landscaped area has been provided adjacent to the highway, separating the two main blocks and contains a café of a simple and contemporary flat-roofed design.
- 8.41. The architectural language is similar throughout with angled elevations with protruding balconies set within the angled spaces created. The buildings are to be finished in light coloured buff brick with a mix of glazed and perforated bronze coloured metal balconies. The ground floor office is to be predominantly glazed with metal panelling.
- 8.42. A document titled Accurate Visual Representations has been submitted with the application which has assessed the scheme from a number of key views including from Hove Park to the north and from Station Approach to the south west. The view from Hove Park shows a proposed image of the scheme whilst all other views include a line drawing showing the outline of the proposed scheme.
- 8.43. The proposed scheme as originally submitted broadly followed the approach of the final pre-application scheme. The tallest part of the scheme is sited to the north west of the site, away from the existing residential development to the east to order to limit negative amenity impacts as much as possible. The Design Review Panel agreed this could be an appropriate approach with the tallest part of the development providing a termination to Newtown Road as it turns the corner and changes alignment to the north.

- 8.44. A number of design and amenity concerns were initially raised by officers in respect of the scale of the eleven-storey block, its close proximity to the other two blocks and also to the impact on the street frontage. Further issues were raised in relation to squat nature of the ground floor office and the lack of defined entrances throughout which lacked legibility.
- 8.45. During the life of the application revised proposals were submitted that set blocks A and B back further from the highway between 2 and 3m and reduced the overall depth of Block A by 6m which increased the separation distance between blocks.
- 8.46. Whilst the massing of the scheme has been reduced this is still a development of significant scale that will inevitably alter the character of the immediate locality. The alterations to Block A have reduced the horizontal massing of the building and it has taken on more of a slender form. Notwithstanding the improvements in form, Block A will still appear as an imposing building when viewed from Hove Park, although it is noted that the proposal would still sit within the tree canopy in this view which does provide mitigation.
- 8.47. In more localised views the proposal is considered to have an acceptable impact on the Newtown Road street scene. The development is set further away from the existing built form on Goldstone Lane and St Agnes Church than the adjoining 6 storey New Wave development to the east and such it is considered that the site can accommodate a stepping up in height to a maximum of 8 storeys at the adjacent block B. The revised scheme has been set between 2 and 3m further back from the pavement and as such allows for increased breathing space with the street frontage and allows more opportunity for landscaping. The tallest building (Block A) presents a narrower elevation to Newtown Road and this in conjunction with the proposed central amenity space which breaks up the mass on the street frontage ensures that despite the height of this block it does not result in a significantly overbearing impact on the immediate locality.
- 8.48. The angled facades to blocks A and B provide visual interest and help to break up the mass of the elevations. To the front elevation the balconies are either inset or in the case of the protruding balconies set within the junction of the angled facades and the proposal is considered to present a consistent and coherent design to the public realm.
- 8.49. Alterations to the ground floor office included increasing the floor to ceiling height by 1m. These revisions ensure that the ground floor has more generous proportions which clearly distinguish it from the residential accommodation above. Further alterations have created more defined entrances which more

clearly signposts visitors and future occupiers to both the office and residential accesses.

- 8.50. Whilst the proposal is for a very high-density scheme and contains buildings of significant massing, it is acknowledged that further reductions in the built form would erode the viability of the scheme further and would result in compromises on other important aspects of the development, reducing the level of affordable housing and could jeopardise the deliverability of the scheme.
- 8.51. In summary, the design of the scheme has improved significantly throughout the application process and whilst some concerns remain, considering the public benefits of the scheme that will accrue with the redevelopment of the site, the overall design, scale and appearance of the scheme and its impact on the character of the surrounding area is considered acceptable and any concern is not considered so significant as to warrant refusal.
- 8.52. Conditions requiring details / samples of materials and detailed large-scale drawings / sections of elevational details are proposed to ensure a high-quality build is maintained through to completion.
- 8.53. During the application process details were provided as to how potential development could come forward to the north. Whilst the height and form of future development on adjoining sites to the north may be restricted to a degree by the proposed scheme, it is considered that subject to sufficient spacing this would enable a satisfactory level of built form on these sites without significant detriment to the amenity of future occupiers and the application is acceptable in this regard.

Heritage

- 8.54. The site itself does not contain any heritage assets but due to the height and scale of the proposals there are potentially impacts on the settings of some designated and non-designated heritage assets and these impacts are required to be assessed in accordance with national and local planning policy and in accordance with the relevant Acts of Parliament. At national level this is the National Planning Policy Framework (NPPF) and locally under policy CP12 of CPP1 and policies HE3, HE6 and HE10 of the saved Local Plan.
- 8.55. In considering whether to grant planning permission which affects a listed building or its setting the Council has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 8.56. Case law has held that the desirability of preserving a listed building or its setting must be given “considerable importance and weight”.

- 8.57. It must also be noted that Paragraph 196 of the NPPF sets out that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 8.58. Furthermore, it is pertinent to set out that paragraph 197 of the Framework sets out that there is a lower level of protection for non-designated heritage assets stating, *The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset*
- 8.59. The grade II listed Hove Station and the Hove Station Conservation Area are both sited to the south east of the site.
- 8.60. A document titled Accurate Visual Representations (AVR) was submitted during the life of the application to address the issues raised in the original Heritage comments in respect of the quality of the visuals. This document shows that the proposed development would not be visible from the east end of Station Approach and would have no impact on the silhouette of the listed buildings of Hove Station. It would be visible beneath the Station forecourt canopy from close in front of the Station above the recent cycle store building, but it is not considered that this would have any significant impact on the way in which the Station is viewed or experienced. Therefore, it is concluded that the proposed development would cause no harm to the setting of the listed Hove Station or to the setting of the Hove Station Conservation Area and the Heritage Team is satisfied with the application in this regard.
- 8.61. The Heritage Team state that in the submitted view from the locally listed Hove Park to the north that the development would sit comfortably within the bowl of the park and the rolling height of the tree canopy. It would not greatly change the existing view and would cause no harm to the Park's setting. The Heritage Team do identify however, that there was the potential for a cumulative impact with future development of the Sackville Trading Estate (as envisaged by policy DA6) which could potentially cause some harm to the setting of the Park arising from an erosion of the Park's secluded suburban character.
- 8.62. The Heritage Team have identified that the scale of the proposals is likely to result in some harm to the setting of the locally listed Dubarry Building when viewed from the bridge over the railway line on the Drive and there would also be some minor harm to the setting of the locally listed 101 Conway Street to the south of the railway line. However, it must be noted that development on

the Sackville Trading Estate and Goods Yard site as envisaged in the City Plan would also likely impact on both of these building's settings to a degree.

- 8.63. Overall all, the Heritage Team do not object to the proposal on conservation grounds and the proposal is considered to accord with relevant local and national planning policy.

Landscaping / public realm

- 8.64. National and local plan policies place great emphasis on securing good design and placemaking. City Plan Policy CP13 requires the quality, legibility and accessibility of the city's public urban realm to be improved in a comprehensive manner through new development schemes, transport schemes and regeneration schemes. Such proposals are required to produce attractive and adaptable streets and public spaces that enrich people's quality of life and provide for the needs of all users by:
1. Positively contributing to the network of public streets and spaces in the city;
 2. Enhancing the local distinctiveness of the city's neighbourhoods;
 3. Conserving or enhancing the setting of the city's built heritage;
 4. Reducing the adverse impact of vehicular traffic and car parking;
 5. Utilising high quality, robust and sustainable materials for all elements of the street scene;
 6. Incorporating street trees and biodiversity wherever possible;
 7. Encouraging active living and healthier lifestyles;
 8. Helping to create safe and inclusive public spaces;
 9. Incorporating an appropriate and integral public art element; and
 10. Reducing the clutter of street furniture and signage
- 8.65. The general layout of the site and public realm was progressed through the pre-application process including two Design Review Panels. Initial pre-application proposals included a solid building line on Newtown Road with amenity space set further into the site. This layout would have provided for a poorly lit and enclosed amenity area with little sun penetration. The application layout provides for a landscaped wedge-shaped amenity area facing south west with a café in the centre and pedestrian routes through from west to east and will provide both an amenity space for the future residents and the public. The proposed amenity areas will generally achieve good levels of sunlight and whilst the height and siting of the built form will impact upon the sunlight penetration into the north eastern amenity space, especially in the winter months it is acknowledged that the nature of a high-density scheme will invariably result in some compromises in this regard. The proposed café use has the potential to help enliven the public realm and this is welcomed. Whilst further details of materials and planting will be secured by condition the overall approach to the landscaping is considered acceptable.

- 8.66. Whilst ideally the layout of the site would have included a greater level of public and private amenity space, subject to further details in respect of the materials and the proposed trees and planting the development is considered to provide a good quality of landscaping and public realm.

Artistic Component

- 8.67. Contributions are sought from significant major schemes towards direct on-site provision by the developer as part of a scheme or in the immediate vicinity of the development. City Plan Policy CP5 Culture and Tourism supports investment in public realm spaces suitable for outdoor events and cultural activities and the enhancement and retention of existing public art works. Policy CP7 Infrastructure and Developer Contributions seeks development to contribute towards necessary social, environmental and physical infrastructure including artistic components secured as public art and public realm improvements; and policy CP13 Public Streets and Spaces seeks to improve the quality and legibility of the city's public realm by incorporating an appropriate and integral public art element.
- 8.68. The artistic component is calculated via a standard formula linked to the overall floorspace of the scheme and in this instance the value of the contribution totals £62,500. This contribution is not a monetary payment to be sought by the council but rather an uplift to the quality of the scheme to the value of this amount and will be secured within the legal agreement.
- 8.69. It is recommended that an overall Artistic Component Strategy is sought allowing delivery of the artistic component elements where required which should consider a consistent approach across the site.
- 8.70. Taking into consideration an approved Artistic Component Strategy for suitable projects this may include street furniture, hard or soft landscaping, internal or external murals or sculptures or uplift in materials and may also include improvements to adjacent public realm. The objective is to bring an individual identity to the scheme with an uplift to the public realm and the development over and above the proposed plans.

Open Space and amenity / sports provision

- 8.71. Policy CP16 on Open space sets out a number of key criteria in respect of open space. Developments will be required to optimise the provision of safe onsite public open space with good passive surveillance and accord with Biosphere Reserve principles and objectives. Where it is not practicable for all or part of the open space requirements to be provided on site, an appropriate alternative agreed provision and / or contributions towards off-site provision will be required.

- 8.72. All new provision should optimise accessibility to all users (including the local community and visitors), reflect the open space requirements, facilitate sustainable means of access, provide measures to improve public safety within and around the respective spaces and seek to improve the variety and quality of safe provision in the city.
- 8.73. The scale of the proposed development generates a significant demand for all of the open space typologies. These cannot all be feasibly accommodated on site in most instances and as such contributions will be sought.
- 8.74. The 2011 Open Spaces study requires amenity green spaces to be able to accommodate recreational function beyond acting as a visual amenity or a landscape buffer and a certain degree of informal activity is envisaged in them and it should be of the size and scale to accommodate that activity.
- 8.75. It is acknowledged that to ensure an efficient use of the site that this has resulted in limited space on site for amenity greenspace, and no designated children's play or any indoor or outdoor sport provision and as such a full contribution has been sought.
- 8.76. It is welcomed that the applicant has agreed to fully meet the financial contribution of £369,278.66 towards enhancement of outdoor/indoor sports, parks and gardens, children's playspace, allotments, amenity greenspace and semi-natural space in accordance with the requirements of policies CP7, CP16 and CP17 and the Developer Contributions Technical Guidance.

Impact on Neighbouring Amenity

- 8.77. Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.78. The main impacts will be to the properties immediately to the east in the recently constructed residential block and associated townhouses
- 8.79. A sunlight and daylight assessments by Point 2 Surveyors was included with the original application which assessed the impact of the scheme on neighbouring properties. Additional information was also submitted assessing the internal layouts of the proposal and further supplementary addendums were later submitted, which considered later alterations to the scheme and also the impact on the scheme on the external spaces of the neighbouring properties.

- 8.80. In respect of the methodology, it is noted that for the neighbouring New Wave flats a revised Annual Daylight Factor (ADF) figure has been calculated. It is noted that this methodology is generally used to calculate the daylight in newbuild schemes or phased schemes and not to assess changes to existing homes. Notwithstanding the above, whilst the current scheme is not linked to the development of the New Wave scheme it is noted that the assessment was undertaken prior to the full occupation of this building and the BRE are satisfied with the approach taken.
- 8.81. The Council has commissioned an independent review of the applicant's daylight assessment which was completed by the Building Research Establishment (BRE). In respect of the impact on neighbouring properties the BRE sets out,

Loss of daylight and sunlight to 1-17 Goldstone Lane would be well within the BRE guidelines and classified as negligible.

There would be loss of daylight to newly constructed flats in New Wave Hove. The worst affected flats would be in the side directly facing the new development, on the ground, first and second floors.

These have a living room and three bedrooms (two on the ground floor), all of which would have substantial losses of light, which would count as a major adverse impact. On the third floor in this location, the loss of light would either be within or only marginally outside the guidelines, and the impact would be minor adverse.

Another column of flats in the internal corner of the building would also be affected. On the first, second, third and fourth floors the living rooms would have a substantial reduction in daylight and be left with very little light (there is no habitable room in this position on the ground floor). On the ground, first and second floors one of the bedrooms would have a loss of light marginally outside the guidelines. The impact on these flats is tentatively classified as moderate adverse, because although the living room would lose a large proportion of its light, it is already poorly daylit anyway.

Other flats, at the western end of the building, would be less affected as their main windows do not directly face the new development. There are windows in the end wall which would have very large losses of light, but they are secondary windows. The impact to these flats would be classified as minor adverse.

In the townhouse element of the scheme, windows at the rear of each house face towards the new development. Loss of vertical sky component would be

outside the BRE guidelines for five of the ground floor living rooms and three of the first floor bedrooms. According to Point 2's average daylight factor calculations, the rooms would still be reasonably well lit with the new development in place. The impact is assessed as minor adverse.

- 8.82. The applicant updated its daylight assessment in respect of the neighbouring property after the design of the block were revised. This showed a negligible change in the impact on daylighting in neighbouring properties and as such the BRE response is considered robust.
- 8.83. It is agreed that the main impact to the New Wave development is to the flats in the west facing side return of the main block. The west facing ground, first and second floor flats would all have substantial losses of light, although only the Kitchen/Living area/diners (LKD) windows would be below the BRE target for ADF. It must be noted the greatest impediment to light in these flats is actually the existing balconies above these windows which block significant amounts of light.
- 8.84. The four corner flats (first to fourth floor) are poorly lit as existing and are single aspect with small windows that are also impacted by the existing balcony treatments. Whilst the situation worsens with the proposed development it must be acknowledged that it is the design of the existing layouts which is the main contributing factor to the poor daylight in these units rather than the proposed development as these flats need to be artificially lit in their current situation before any future impact is considered.
- 8.85. Whilst the west facing side windows immediately adjacent the proposed development would be significantly affected, these are secondary windows with most of the light received from the front windows (south facing) of these units and as such any loss of light is not considered too significant.
- 8.86. The New Wave townhouses would be impacted to a lesser degree than the main block. Whilst there would be a reduction in light to rooms to the rear of these units they would all retain reasonable levels of daylight and the BRE states there would be a minor adverse impact.
- 8.87. Overall, whilst the proposed development does reduce light significantly to a number of units in the New Wave development, only 7 rooms of the adjoining development would have light levels below the specified ADF target. Four of these rooms are below this target as existing.
- 8.88. It is acknowledged that any high-density development on the application site would likely have some detrimental impact on daylight and sunlight of the New Wave development, due to the existing design, siting and internal layout of this scheme.

- 8.89. As such, it would not likely be possible to maximise the development on the application site and provide a deliverable whilst providing an acceptable design and standard of accommodation for future occupants without some loss of daylight.
- 8.90. The BRE set out in respect of sunlight,
- Loss of sunlight to all applicable windows in the New Wave Hove development would be within the BRE guidelines. The most affected windows face north of due west and would therefore not be covered by the guidelines.*
- 8.91. The loss of sunlight to the New Wave block units is considered to be acceptable.
- 8.92. The proposal would also result in some loss of sunlight to the rear gardens of the town houses and a communal space which is sited close to the western boundary of the site. It is noted that the main affected areas of the gardens are predominantly the western ends. The western ends of the gardens currently have sheds in this location which also overshadow parts of their gardens as existing and as such any detrimental impact is not considered to significantly harm the occupiers of these units.
- 8.93. The 'communal space' area of New Wave which is impacted in respect of overshadowing is the roof area, covering the underground car park. It is modest in size and appears to have limited benefit as an amenity area. Whilst this area would have increased overshadowing with the proposed development in place it is not considered that there would be significantly harmful impact on the adjoining development in respect of a loss of amenity.
- 8.94. The properties on the east of Goldstone Road have been assessed with the impact of the proposed development on these properties in respect of sunlight and daylight considered to be negligible by the BRE.
- 8.95. Overall, in respect of sunlight and daylighting, whilst acknowledging that there would be a detrimental impact to some of the adjoining occupiers in the New Wave development this is weighed against the need to maximise the development on the site to ensure that a viable and deliverable mixed-use scheme providing much needed housing with can come forward. In this context, the negative impacts on neighbouring amenity in respect of sunlight and daylight are not considered so significant to warrant the refusal of the application.
- 8.96. Given the close proximity of all three proposed blocks to the new build flats and townhouses there will be a degree of overlooking towards the existing New

Wave Development. Notwithstanding the above there is existing mutual overlooking within the properties of this development. Whilst the proposed development will result in additional overlooking to New Wave development, the proposal has been designed in such a way with angled facades and the use of screening, balconies and the siting of fenestration to minimise views towards the existing properties. Sufficient screening to the external balconies and terraces will be secured by condition and overall any overlooking is deemed acceptable within an area which has been allocated for higher density development and overall the proposal is considered to have an acceptable impact on the adjoining development in respect of privacy.

- 8.97. The separation distances between the proposed development and neighbouring residential properties to the east on Goldstone Lane are such that there is not considered to be any significant loss of amenity as a result of the proposed development.
- 8.98. Noise and disturbance from the proposed development, be it from future occupiers or transport related impacts can be controlled via either a Delivery and Servicing Management Plan and a Noise Management Plan to be secured via the legal agreement or relevant condition and it is not considered that neighbouring properties will be significantly impacted in this regard.
- 8.99. Noise and dust during the construction of the scheme will be controlled by a Demolition and Environmental Management Plan (DEMP) and Construction and Environmental Management Plan (CEMP).
- 8.100. Impacts in respect of the loss of daylight and sunlight to the neighbouring commercial occupiers have not been assessed by the applicant. Due to the height, massing and siting of the proposed built form and its proximity to neighbouring commercial properties there is likely to be some level of detrimental impact. It is considered though that for commercial premises, which have a lower level of protection than for residential properties that any harm to amenity would not be so significant as to warrant refusal.
- 8.101. Furthermore, consideration must be given to the council's future aspirations for the site, which is for a higher density mixed use scheme. It is acknowledged that any redevelopment scheme aiming to maximise the capacity of the site is likely to include residential development in relatively close proximity to adjoining commercial occupiers and as such the proposed arrangement is considered acceptable in this regard.

Standard of accommodation

- 8.102. Whilst the Local Planning Authority does not have adopted space standards, for comparative purposes the Government's Technical Housing Standards – National Described Space Standards March 2015 document sets out

recommended space standards for new dwellings. The proposed units have all been designed to meet or exceed the Nationally Described Space Standards. It is noted that a large proportion of the two-bedroom units contain a smaller second single bedroom which reduces the usability of the spaces. Due to the staggered design of the elevations some of the rooms are slightly contrived with angled partitions which has comprised layouts to a degree but overall the proposal provides acceptable standards in respect of size, layout and circulation space.

- 8.103. The originally submitted daylight and sunlight report reviewed the lower floors of the scheme to assess the daylighting with the results extrapolated which set out that approximately 87% of the units would be achieving the required Annual Daylight Factor (ADF). The information has been reviewed by the BRE who are satisfied that the modelling is robust. The BRE set out that whilst Block C had good daylighting throughout and Block A was generally satisfactory there were some concerns with a Block B where several units failed to meet the minimum ADF.
- 8.104. The final revised scheme provides greater separation distances between the blocks, a number of revised layouts and increased size window openings in some of the flats on the lower floors. The revised sunlight and daylight report assessing the proposed units set out that only one room within the 96 habitable rooms tested failed to meet the required ADF target which was a significant improvement on the originally submitted scheme and as such results for the scheme would be close to 100% compliance and overall the development is considered to perform very well in terms of daylight for a scheme of this high density.
- 8.105. Of the living rooms which have at least one window orientated within 90 degrees due south and therefore material for sunlight provision the Annual Probable Sunlight Hours (APSH) assessment, only two rooms achieve marginally below the winter APSH target of 5; these achieve 2 and 4 WPSH. All rooms do, however, achieve greater than 25 APSH which is fully BRE compliant. This is considered a good level of sunlight provision for the relevant units.
- 8.106. It must be noted though there are a significant proportion of units which face north, or within 90 degrees of due north and as such these will get limited sunlight.
- 8.107. The proposal is considered in compliance with Local Plan Policy HO5 which requires private useable amenity space in new residential development with only a very limited number of units without good sized balconies. The communal amenity spaces provided at ground floor will not be private spaces

in accordance with HO5 though nevertheless will provide an alternative amenity offer for residents.

- 8.108. Considering the scale and density of the scheme and the need to provide public amenity space at ground floor level the overall quantum of private amenity space provision is considered acceptable.
- 8.109. Whilst the revised scheme provides greater separation distances between the buildings than the original submission there will still be a significant level of mutual overlooking between the windows and balconies of the respective blocks and the external communal areas and also some views from the existing residential occupiers to the east. The angled facades, balcony planters and screening will though provide a degree of mitigation. Whilst this will impact the privacy of future residents there will inevitably be a certain degree of overlooking in a scheme of this density and overall the scheme is considered acceptable in this regard.

Noise Impacts for future occupiers

- 8.110. There are a number of potential noise sources in close proximity to the site. This includes traffic noise from Newtown Road and also operational noise from nearby commercial / industrial units. The closest of these commercial noise sources would be the retail units abutting the northern boundary of the site.
- 8.111. There will also be a number of potential noise sources from the proposed development, eg. from plant, cycle and refuse stores, external terraces and deliveries.
- 8.112. An Acoustic Report (September 2018, 18-4509B) has been submitted by Syntegra Consulting. This report outlines that in a number of locations in the proposed development that enhanced glazing (over and above standard double glazing) will be required to ensure satisfactory noise levels for future occupiers.
- 8.113. A condition is recommended requiring further noise assessment of the revised scheme and then a later assessment considering the potential noise sources within the development along with necessary mitigation to ensure acceptable noise conditions for future occupiers.
- 8.114. A condition requiring a noise management plan is proposed which would clearly set out how the differing uses, and related external amenity areas will be effectively managed to ensure the amenity of future occupiers is safeguarded.

- 8.115. Further conditions are required in respect of deliveries / servicing, hours of use for specific commercial operations, soundproofing and noise and odour measures for any relevant plant.
- 8.116. Subject to compliance with the suggested conditions it is not considered that there will be any significant impact to future occupiers in respect of noise and disturbance.

Housing Mix:

- 8.117. Policy CP19 relates to housing mix and states it should be demonstrated that proposals have had regard to housing mix considerations and have been informed by local assessments of housing demand and need.
- 8.118. The scheme as originally submitted had the following housing mix;
- 55 x one-bedroom units (37%)
 - 82 x two-bedroom units (56%)
 - 11 x three-bedroom units (7%)
- 8.119. The revised scheme contains the following:
- 80 x one-bedroom units (54%)
 - 59 x two-bedroom units (40%)
 - 9 x three-bedroom units (6%)
- 8.120. The applicant has set out that the nature of flatted developments in general are such that a mix more in favour of smaller units is required.
- 8.121. Policy CP19 does not set specific requirements for housing mix but does expect developments to provide an appropriate mix of housing type, size and tenure informed by local assessments of housing demand and need, whilst having regard to the characteristics of existing neighbourhoods and communities. Compared to the overall pattern of need/demand across the city set out in CPP1 (para 4.213) the proposed mix is strongly focused towards smaller 1 and 2 bed units.
- 8.122. The revised Planning Policy response sets out that in terms of the market housing mix the accommodation is biased towards smaller dwellings with one bedroom and two bed units comprising 64% of the total scheme and only 6% of units being of three bedrooms. There are no larger units (4 or more bedrooms) proposed.
- 8.123. The supporting text to Policy CP19 at 4.213 and within the latest objective assessment of housing need for Brighton & Hove (Objectively Assessed Need for Housing: Brighton & Hove, GL Hearn June 2015) indicates that for market housing, most demand is likely to be for 2 and 3 bedroom properties (35%

each) - although the analysis also suggests a notable need for both 1-bedroom and 4 or more bedroom homes.

- 8.124. In this case, a higher proportion of smaller units would be expected given the development format and location, though there is a concern that the scheme is proposing only 6% 3-bed units (compared against the city-wide requirement of 42% 3 and 4+ bed units in CPP1 para 4.213) and the scheme is not proposing any affordable 3 beds.
- 8.125. Notwithstanding the above, it is acknowledged that the location of the site, close to transport hubs, and the nature of flatted developments does not necessarily lend itself as well to larger family sized units. Furthermore, the smallest units are all one-bedroom units (not studios) and as such are able to provide accommodation for couples and thus do provide some flexibility for future occupiers.
- 8.126. It must be further noted that whilst the revision of the scheme to improve design and amenity outcomes also resulted in an increased percentage of smaller units, these revisions also resulted in an increase in affordable housing (from 14 to 22% as assessed as viable by the DVS) which does weigh in favour of the scheme and does provide some mitigation for the deficiencies in the housing mix.
- 8.127. Overall, whilst the proposed residential housing mix, which is skewed towards smaller dwellings weighs against the scheme, when the proposal is assessed in its totality, with the benefits of a significant provision of housing units and the viability implications of a higher percentage of larger units which would result in reduced affordable housing provision, the policy conflict is not so significant as to warrant refusal of the scheme and as such the proposed housing mix is considered acceptable in this instance.

Sustainable Transport:

- 8.128. City Plan policy CP9 seeks to promote sustainable modes of transport and cycling and walking in particular to reduce reliance on the private car. Local plan policy TR4 promotes the use of Travel Plans. Policy TR7 seeks to ensure highway safety. Development is expected to meet vehicular and cycle parking standards set out in SPD14.
- 8.129. It is noted that a significant proportion of the objections received from local residents are in the respect of increased parking pressures in the vicinity, localised traffic congestion and highway safety concerns.
- 8.130. The site is in a sustainable location close to services and is well located to take advantage of existing public transport links, including Hove Station.

- 8.131. The scheme has been designed with a basement car park with the development built above on a podium above. The centre of the site contains a publicly assessable landscaped space with a link from Newtown Road through the New Wave Development to the east to join with Goldstone Lane.
- 8.132. A Transport Assessment (TA) was submitted with the original application with further transport information submitted by the applicant as the application progressed.
- 8.133. There has been significant input from the LHA Transport Team on this application who provided comments on the initial proposals and further comments during the life of the application as the scheme was revised and more information was provided by the applicant.
- 8.134. Early responses from the LHA Transport Team raised a number of issues and asked for further information in some key areas. The main concerns raised in respect of the originally submitted application are set out below:
- Additional assessment and design consideration of proposed public space,
 - Alterations and additional information was required on the cycle parking provision and arrangements,
 - Servicing demand forecasts were insufficient, as they did not reveal the full mix of vehicles or cover the full operating times of the site.
 - An acceptable servicing capacity analysis had not been provided to show that proposed facilities could meet demand
 - Poisson Assessment of vehicle access ramp,
 - Details of basement parking allocation and management of the space,
 - Swept path assessment of proposed access and car park,
 - Trip generation (that provided is insufficient),
 - Parking demand/overspill assessment,
 - Road Safety Audit required.
- 8.135. Further information during the life of the application was provided which have satisfactorily addressed a significant number of the concerns. The key issues outstanding relate to overspill parking and the provision of fully policy compliant cycle parking.
- 8.136. In respect of the potential for overspill parking the LHA Transport Team is objecting to the application. Their response sets out that there is likely to be an overspill of 39 vehicles from the proposed development which cannot be accommodated on site. This is made up of 16 from the office and 23 from residential visitors. The applicant does not agree with the above assessment in respect of the residential overspill which they consider would be a lower amount.
- 8.137. The LHA Transport Team comments set out that there is a concern that this overspill could result in illegal parking in close vicinity to the site on Newtown

Road, restricting access and posing a highway safety risk as well as parking being displaced into surrounding residential streets, some of which are not within Controlled Parking Zones (CPZ). This may also obstruct traffic and lead to vehicles parking in inappropriate places and obstruct visibility splays at junctions.

- 8.138. In the absence of an agreed Lambeth Method parking audit to show whether the overspill could be accommodated on the street then the LHA Transport Team consider that the applicant has failed to demonstrate that there would not be a severe impact on the highway as set out in paragraph 109 of the NPPF.
- 8.139. Notwithstanding the concerns of the LHA Transport Team in respect of overspill, even if it were demonstrated by a parking audit that there was no spare capacity in the surrounding area it is noted that the overspill from the office (16) and the residential (23) would likely be during different times of the day which would likely spread the overall impact of any increased parking stress. It is also noted that parking by commercial vehicles in Newtown Road would likely be replaced by residential vehicles from the early evening. The presence of CPZs in the immediate vicinity which would further limit the potential for overspill parking. Whilst the negative impacts of overspill parking weigh against the scheme to a degree, it must be noted that the scheme is providing 103 parking spaces on site (10 for the office and 93 for the residential) in the basement car park. This is the maximum parking allowed in accordance with SPD14 Parking Standards, the aim of which is to reduce the use of private vehicles, especially in assessable and sustainable locations such as the Hove Station Area. Travel Plan measures will further promote a shift to sustainable modes and this could reasonably be expected to further reduce overspill parking in the longer term.
- 8.140. Furthermore, it is noted that the thrust of policy DA6 (Hove Station Area) is to promote employment-led regeneration. Solely reducing the commercial floorspace would be contrary to the aims of DA6 which is to provide employment focussed redevelopment. To reduce the level of development overall significantly in order prevent overspill parking would erode the viability and deliverability of the scheme. Increasing basement parking provision, contrary to SPD14 has a significant cost implication and would also impact negatively on viability. Overall the public benefits of the scheme, which includes modern office floorspace and significant levels of housing is considered to outweigh any potential detrimental impact relating to overspill parking. It is considered that the scheme strikes an acceptable balance between minimising overspill parking and an over reliance on private vehicular parking on site.

- 8.141. Revisions during the life of the application to overcome concerns in respect of deliveries capacity have resulted in the provision of two inset delivery bays off Newtown Road. These are satisfactorily sited and are sufficient in length to cater for the expected number of deliveries and the application is acceptable in this regard. A Delivery and Servicing Management Plan will be secured by condition.
- 8.142. The applicant has submitted (11/03/20) an acceptable independent Road Safety Audit that looks at all aspects of the highway impacted by the proposed development. The LHA Transport Team are satisfied that these designs can be implemented safely without adverse impact on the highways,
- 8.143. The LHA Transport Team are satisfied with the information submitted in respect of the general trip generation, distribution and modelling.
- 8.144. The likely impact of the development on various local road junctions has been modelled within the TA (and subsequent additional information) and is considered acceptable.
- 8.145. The applicant has set out in the TA that the site is well connected to local transport hubs and that future occupiers of the site will be encouraged to use sustainable modes. To help achieve these ends specific Travel Plans are proposed. These will be secured in the legal agreement.
- 8.146. Disabled parking provision is in accordance with the standards set out in SPD14.
- 8.147. Cycle parking provision has been provided for residents in stores either at basement level with further visitor cycle parking provision and resident parking at ground floor level within the public realm. A number of concerns with the proposed cycle parking provision have been raised by the LHA Transport Team in respect of the siting, access and type of provision. These were set out in their final response. Notwithstanding these concerns it is considered that there is sufficient space on the site to achieve acceptable policy compliant cycle parking provision. To help demonstrate this, the applicant has provided some illustrative plans (basement and ground) which show how alterations could be made to overcome the LHA Transport Team concerns. As such the Local Planning Authority has comfort that there is sufficient capacity on site to achieve policy compliant cycle storage provision and a condition will be attached to secure the necessary revisions.
- 8.148. A sustainable transport contribution has been calculated based on the 868 total trip increase (including sustainable modes) of £130,200. Any contribution would be allocated towards the following improvements, in order of priority:

- Bus stop infrastructure improvements to existing stops on Old Shoreham Road.
- Pedestrian access improvements between Newtown Road and Hove Station, and other public transport infrastructure, including potential lighting improvement to the viaduct tunnel on Fonthill Rd.
- Improvements to Local cycling infrastructure to enhance access between the site and local facilities for cyclists.
- Implementing additional BTN bike share docks/bikes in surrounding streets to encourage greater uptake of cycling for trips to/from the development.

8.149. A Demolition and Environment Management Plan (DEMP) and a Construction and Environmental Management Plan (CEMP) will be required as a condition to ensure the demolition and construction of the scheme does not result in any adverse environmental health or transport impacts.

8.150. Overall, notwithstanding the concern over overspill parking and subject to the proposed conditions and the s106 agreement obligations the scheme is broadly in accordance with the development plan in respect of transport impacts. It is considered that acceptable cycle parking can be achieved by revisions to the scheme that can be secured by carefully worded conditions. The objection from the LHA Transport Team in respect of overspill parking has been carefully considered and in this case the scheme is considered to strike an acceptable balance between competing highways aims and weighed against the many public benefits of the scheme the potential impact of overspill parking is not considered so significant as to warrant the refusal of the application of highways grounds.

Sustainability:

8.151. City Plan policy CP8 requires that all developments incorporate sustainable design features to avoid expansion of the City's ecological footprint, achieve significant reductions in greenhouse gas emissions and mitigate against and adapt to climate change.

8.152. Relevant local priorities in policy DA6 include;

8.153. Creative use of development to integrate new green infrastructure including green space, accessible green roofs, green walls and other features which support Biosphere objectives and for development to consider low and zero carbon decentralised energy and in particular heat networks.

8.154. Policy CP8 specifies the residential energy and water efficiency standards required to be met, namely energy efficiency standards of 19% reduction in carbon emissions over Part L Building Regulations requirements 2013 and water efficiency standards of 110 litres per day and conditions are proposed to

secure these standards. A further condition is proposed to secure a BREEAM rating of excellent for the commercial elements of the scheme.

- 8.155. A number of green roofs are proposed, and further details will be secured by condition.
- 8.156. Photovoltaic panels are proposed for a number of the flat roofs. The exact quantum and siting will be secured via a proposed condition.
- 8.157. Ten percent of the parking spaces on-site will have active electric charging, with a further ten percent having passive provision to allow for later introduction.
- 8.158. The applicant has indicated that the proposed development is designed in such a way that it will be able to integrate into a future district heating system and these details will be conditioned.
- 8.159. Each balcony is provided with a separate planter which could be used for food growing.
- 8.160. Overall, subject to compliance with the suggested conditions the proposal is considered to have an acceptable impact in respect of sustainability.

Ecology

- 8.161. There are no sites designated for their nature conservation interest that are likely to be impacted by the proposed development.
- 8.162. The site is currently covered in buildings and hardstanding and has very little biodiversity value.
- 8.163. It is suggested that bird boxes, swift bricks, bat boxes and also bee bricks / bug boxes are provided throughout the scheme and these are to be secured by condition.
- 8.164. Further nature enhancements to the scheme will be secured via an Ecological Design Strategy condition and subject to compliance with conditions the overall proposal is in accordance with development plan policies in respect of ecology.

Arboriculture:

- 8.165. The existing site is currently used as a car sales showroom and forecourt and has no trees of any value either within or immediately adjacent to the boundaries. There are extensive areas of hard surfacing and no existing soft landscaping anywhere on the site and as such there are no existing arboricultural issues associated with the proposals. There is an opportunity to

increase the amenity of the local area by implementing appropriate soft landscaping within the scheme, and this has been proposed.

- 8.166. The Arboriculture department consider that the inclusion of 10 *Amelanchier lamarckii* and 10 *Gleditsia tricanthos* along the frontage with Newtown Road and within the central portion of the site will create an attractive area and provide softening of the built form. The Arboriculture department are satisfied with the planting specification and methodology and that aftercare has been considered and incorporated appropriately. Overall, in respect of arboriculture the application is considered acceptable.

Contaminated Land

- 8.167. A desk study Preliminary Risk Assessment Report (ref 18-4509) by Syntegra Consulting, dated August 2018 has been submitted as part of the application. This study highlights that there are a number of previous industrial uses on the site and as such there is a risk of contamination. In addition, a risk of unexploded ordnance has been highlighted. This report forms a desk-top study and sets out that further work is required to fully evaluate potential contaminants. The Environmental Health Team is satisfied with the information submitted at this stage. A full land contamination condition is required should planning permission be granted.

Sustainable Urban Drainage / Flood Risk

- 8.168. Policy CP11 in the City Plan Part One sets out that the council will seek to manage and reduce flood risk and any potential adverse effects on people or property in Brighton & Hove, in accordance with the findings of the Strategic Flood Risk Assessment (SFRA). Saved policies SU3, SU5 and SU11 in the B&H Local Plan relates to water resources and their quality, surface water and foul sewage disposal infrastructure and Polluted land and buildings.
- 8.169. A Drainage Impact Assessment by Nolan Associates was submitted in support of the application. In addition, further information was submitted during the life of the application in response to consultation responses by relevant internal and external consultees.
- 8.170. The Local Lead Flood Authority is satisfied that the proposal would not result in an unacceptable flood risk and subject to the imposition of a condition requiring a management and maintenance plan for surface water and further information detailing how the coal yard currently infiltrates do not object to the proposal.
- 8.171. Southern Water has now confirmed that the additional foul sewerage flows from the proposed development will not increase the risk of flooding in the existing public sewerage network. Southern Water can hence facilitate foul sewerage disposal to service the proposed development.

- 8.172. Southern Water do not object subject to satisfactory measures for the proposed means of surface water run off disposal to ensure that there is not an increased risk of flooding and as such a specific condition is proposed.
- 8.173. Due to the previous industrial uses on the site there is considered to be a high risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is within source protection zone 2 & is located upon a principal aquifer.
- 8.174. The site is situated on head deposits underlain by the Tarrant Chalk, which is considered a principal aquifer by the Environment Agency. Groundwater levels are highly variable in the area and can come close to ground level during periods of high recharge.
- 8.175. The site is located down hydraulic gradient from a major public groundwater abstraction (Goldstone), however, during pumping periods, groundwater can flow preferentially toward abstractions. These variables combine to produce a high risk to groundwater beneath site.
- 8.176. The Environment Agency response sets out that further information is required before they are satisfied that development can commence in order to protect the integrity of the aquifer from potential contamination. The Environment Agency has not objected to the proposed development subject to this further information being submitted and agreed prior to commencement and as such relevant conditions are proposed to be attached to any grant of planning permission.

Air Quality

- 8.177. Policy SU9 of the Local Plan relates to pollution and nuisance control. The policy states that development that may be liable to cause pollution and/or nuisance to land, air or water would only be permitted where human health and safety, amenity and the ecological well-being of the natural and built environment is not put at risk; when such development does not reduce the Local Planning Authority's ability to meet the Government's air quality; and other sustainability targets and development does not negatively impact upon the existing pollution and nuisance situation.
- 8.178. Since 2013 an Air Quality Management Area (AQMA) has been designated in Brighton Hove. The AQMA takes in Sackville Road and part of Old Shoreham Road, including the junction between these roads.
- 8.179. Since 2018 Hove's ambient air quality is within national limits and complies with the Air Quality Assessment Levels (AQAL) for nitrogen dioxide (NO₂) and particulate matter (PM). This includes the receptor at Hove Park Tavern at the

northern end of Sackville Road. Sustained improvement in NO₂ levels at this site is required in order to revoke the Air Quality Management Area (AQMA) across Hove.

- 8.180. Given the proposed size of the development with potential to introduce road traffic emissions and residential emissions in an extant AQMA, the applicant has submitted an Air Quality Report (Syntegra Consulting, dated September 2018) with their planning application. The report assesses air quality at the development site and potential impacts on the nearest Air Quality Management Area (AQMA) and concludes that based on the traffic generation figures supplied by the applicant's Transport Assessment, that the air quality consultant predicts that the developments contribution to NO₂ and particulate across the local area are negligible.
- 8.181. Whilst the Highway Authority has not agreed all of the traffic numbers (in respect of some of the delivery totals) the Air Quality Officer has model tested the scheme and following national guidance does not consider that the proposal would result in any significant contribution to road side pollution.
- 8.182. Subject to suggested conditions in respect of boiler emissions, further details of the Combined Heat and Power (CHP) system, electric charging points for car parking and a CEMP that includes measures in relation to air quality the proposal is considered acceptable in respect of air quality.

Wind Microclimate

- 8.183. The application includes a desk top Wind Assessment study by Arup which has assessed the existing and proposed wind conditions at the site.
- 8.184. The wind study has enabled the pedestrian level wind environment at the site to be quantified and classified in terms of suitability for current and planned usage, based on the industry standard Lawson criteria for pedestrian comfort and safety. The study considers the proposed development in the context of existing surrounds and approved future surrounds.
- 8.185. The study sets out that the proposed development without mitigation would result in a deterioration of the wind microclimate, with several assessment locations failing to meet the criteria for comfort around the site. The key areas which will experience higher wind speeds are the corners of the main frontage elevations on Blocks A and B and close to the facing elevations of Block A and B and through to the access of Block C. A number of areas of mitigation are proposed to ensure a safe environment and improved comfort levels for the amenity area. The submitted plans have been revised in accordance with the recommendations to either move entrances from the most exposed corners or provide further wind mitigation in respect of side screens / canopies. Further

mitigation is proposed in respect of a screen to the west of the café and additional hard / soft landscaping at the closest point between A and B.

- 8.186. It is noted that whilst the proposed mitigation would ensure a safe development some areas of the outdoor amenity space have relatively poor comfort levels for occupiers wishing to spend longer periods sitting outside. Given the importance of the outdoor amenity areas a condition is required to revisit the landscaping / screening with a view of achieving the highest comfort levels reasonably possible in this location.

Other Considerations:

- 8.187. There have objections from local residents setting out concerns that the existing local infrastructure and services (eg. Schools, doctors, dentists) are not sufficient to cope with the additional residents / occupiers of the development.
- 8.188. It is noted that the development will be providing for significant contributions to employment training, sustainable transport, education and open space (including parks, amenity areas and indoor and sports) all of which will provide mitigation for the impact of the development. In addition, it is noted that the Clinal Commissioning Group which manages local GP provision has not objected to the scheme. Overall, any impact on such services is not considered so significant as to warrant the refusal of the application.

Conclusion and planning balance

- 8.189. 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.
- 8.190. As noted previously the Council is currently unable to demonstrate a 5-year housing supply and as such the relevant planning policies relating to housing delivery are considered to be out-of-date and the tilted balance of paragraph 11 much be applied.
- 8.191. When assessing the scheme before us, in applying the planning balance, there are a number of factors which weigh both for and against the scheme.
- 8.192. As set out previously, whilst the application does provide for modern and flexible office floorspace the proposed development is not an employment focussed scheme which would be fully in accordance with the thrust of policy DA6. Notwithstanding this shortfall it is recognised that increased employment floorspace provision would likely have to come at the expense of residential floorspace, thus further eroding the viability of the scheme and impacting on

affordable housing provision and potentially the deliverability of the scheme. Furthermore, it is noted the modern floorspace proposed is of a significantly higher employment density and quality than existing.

- 8.193. Other factors which weigh against the scheme to varying degrees is a loss of light and sunlight for a number of properties in the adjoining Newtown Road scheme, the impact of overspill parking in the immediate vicinity and the proposed housing mix which is skewed towards smaller units.
- 8.194. Whilst it is disappointing that the scheme will result in some harm to the amenity of neighbouring residents, the LPA is mindful of the need for a certain quantum of development to achieve a viable and deliverable scheme and any impact must also be weighed against the positive benefits of the scheme which are set out later in the conclusion. In respect of the housing mix, whilst the scheme is somewhat skewed towards smaller units it is noted that there are no studios proposed and that the provision of a greater proportion of larger flats would negatively impact on the viability of the scheme and would further reduce the amount of affordable housing that could be provided. In respect of any overspill parking this must be viewed in the context that the scheme is already providing 103 parking spaces which is the maximum permitted under SPD14 guidance and providing further parking would be contrary to the wider aims of the development plan which is to promote sustainable modes of transport, especially in this location which is well located close to existing transport hubs. Reducing the quantum of development to alleviate overspill parking would negatively impact on viability and deliverability. It must be noted that robust travel plan measures are proposed which will promote sustainable modes which will further help incentivise a shift away from private vehicle use.
- 8.195. Outlining the positives of the scheme, the public benefits include the contribution of 148 residential units towards the City's housing target of 13,200 new homes over the plan period within a development area (DA6) that has been allocated through CPP1 for higher density, mixed use development. It is further acknowledged that the Council is currently unable to demonstrate a 5-year housing land supply and as such the proposed housing (which also included 22% affordable provision) would make a significant contribution towards this shortfall and this weighs strongly in favour of the scheme.
- 8.196. The redevelopment of the site will also result in the creation of active frontages along Newtown Road and an improved public realm with tree planting and landscaping and this is considered a further positive benefit of the scheme.
- 8.197. The design of the scheme has evolved positively during pre-application discussions, including external design review and also with further alterations during the life of the application. Whilst it is acknowledged that the scheme is

of a great height and massing than the when the application is assessed holistically, considering the need to maximise the potential of the site and the significant public benefits of the proposed housing, the overall design approach is found to be acceptable and would not ha

- 8.198. Other factors including impacts relating to ecology, heritage, sustainability, arboriculture, landscaping, flood risk, land contamination, wind and air quality have been assessed and have been considered acceptable.
- 8.199. Overall it is considered that the public benefits of the scheme taken as a whole, which include the provision of a significant amount of housing are such that they outweigh any planning policy conflicts, the impact of overspill parking and the harm to the amenity of neighbouring occupiers.
- 8.200. 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 planning legal agreement and to the conditions recommended above.

9. EQUALITIES

- 9.1. Access to the site for disabled users and less mobile users has been accommodated. Wheelchair accessible housing (minimum of 5%) and disabled car parking is to be incorporated throughout.

10. S106 AGREEMENT

- 10.1. 10.1 In the event that the S106 agreement has not been signed by all parties by the date set out above, the application shall be refused for the following reasons:
1. The proposed development fails to provide appropriate mitigation of the transport impacts of the development or promote sustainable transport modes contrary to policies TR7 of the Brighton & Hove Local Plan and DA4, CP7 and CP9 of the Brighton and Hove City Plan Part One.
 2. The proposed development does not include an appropriate artistic element commensurate to the scale of the scheme and therefore fails to address the requirements of CP5, CP7 and CP13 of the Brighton and Hove City Plan Part One.
 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 policies DA4 and CP7 of the Brighton and Hove City Plan Part 1 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 secured via Section 106 Agreement to support local people to employment within the construction industry contrary to policies DA4 and CP7 of the Brighton and Hove City Plan Part 1 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 capacity of local schools required to meet the demand for education created by the development, contrary to policy CP7 of the Brighton and Hove City Plan Part 1 and the City Council's Developer Contributions Technical Guidance.
6. The proposed development fails to provide a financial contribution towards the enhancement of open space to meet the demand created by the development contrary to policies CP7 and CP16 of the Brighton and Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.