

<u>No:</u>	BH2019/02578	<u>Ward:</u>	South Portslade Ward
<u>App Type:</u>	Council Development (Full Planning)		
<u>Address:</u>	Victoria Road Housing Office, Victoria Road Portslade BN41 1YF		
<u>Proposal:</u>	Erection of 2no buildings behind Portslade Town Hall, accommodating 42no residential units (C3). The north building will be a part three and part four storey block, with 17no one and two bed flats. The south building will be a five storey block, with 25no one, two, and three bed flats. The proposal also incorporates: a new car park; landscaping; and associated works.		
<u>Officer:</u>	Matthew Colley- Banks/Maria Seale 292175	<u>Valid Date:</u>	01.10.2019
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	31.12.2019
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	30.04.2020
<u>Agent:</u>	Brighton And Hove City Council Property and Design Hove Town Hall Norton Road Hove BN3 3BQ		
<u>Applicant:</u>	Brighton And Hove City Council Estate Regeneration Team Hove Town Hall Norton Road Hove BN3 3BQ		

RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be **MINDED TO GRANT** planning permission subject to satisfactory amended plans, a s106 agreement based 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 the final section of this report:

Section 106 Head of Terms:

Affordable Housing:

- Provision of a minimum of 40% affordable housing (affordable rent) in perpetuity

Sustainable Transport & Highways:

- A financial contribution of £62,550 to enhance and promote use of sustainable transport modes in the vicinity of the site including in order of priority:
 - (i) Improvements to the bus stop on the northern side of Victoria Road, which may include provision of a shelter, real time information, upgrading the cage and accessible kerbs; and/or
 - (ii) Pedestrian access improvements between the site and Portslade shops / town centre

- Submission of a detailed design of proposed new site access junction with Victoria Road and associated footways (including amendments) to be agreed and secured via a section 278 agreement and implemented prior to occupation
- Submission of a Residential Travel Plan and implementation of associated measures to encourage sustainable modes including subsidised public transport tickets and cycle purchase, provision of information measures including travel packs and cyclist training

Education:

- A financial contribution of £52,904.80 in respect of secondary/sixth form education at Portslade Aldridge Community Academy.

Artistic Component:

- An artistic influence within the public realm within or in the immediate vicinity of the site to a value of £25,000

Open Space and recreation and sports:

- A total financial contribution of £124,739.62 towards the enhancement of open space and sports provision in the vicinity of the site, to include:
 - (i) £49,901.47 towards enhancement of outdoor (£30,105.47) and indoor (£19,796) sports provision at Victoria Road Recreation Ground
 - (ii) £3,182.46 towards enhancement of children/youth play area in Victoria Park/Victoria Road Recreation Ground
 - (iii) £44,062.66 towards enhancement of parks and gardens in Victoria Park/Victoria Road Recreation Ground
 - (iv) £3,532.80 towards enhancement of amenity green space in Victoria Park/Victoria Road Recreation Ground
 - (v) £19,739.44 towards enhancement of natural and semi-natural open space at either Green Ridge/Coney Hill and/or Westdean/Withdean Woods and/or Three Cornered Copse
 - (vi) £4,320.78 towards enhancement of allotment provision in the vicinity of the site including Eastbrook and/or Camp Site and/or St.Louie Home allotments

Employment:

- Submission of an Employment & Training Strategy
- A financial contribution of £14,600 towards the Local Employment Scheme
- Use of 20% local labour during the construction phase

Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below. [to be inserted in Late Representations List]
Reason: For the avoidance of doubt and in the interests of proper planning.
2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

3. No development of the existing bowling greens and pavilion shall take place until evidence has been submitted to and approved in writing by the Local Planning Authority to demonstrate that contracts have been entered into for the construction of the replacement bowling and sports facilities agreed under planning permission ref BH2019/01804.
Reason: To ensure that appropriate sports facilities are retained within the vicinity of the site for use by the public to replace those lost as part of the development, to comply with policies CP16 and CP17 of Brighton and Hove City Plan part one.

4. No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework and to ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policy HE12 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One

5. The residential development shall not be first brought into use until the archaeological site investigation and post – investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) has been completed and submitted to and approved in writing by the Local Planning Authority. The archaeological site investigation and post - investigation assessment will be undertaken in accordance with the programme set out in the written scheme of investigation approved under condition 4 above.
Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework and to ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policy HE12 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One

6. 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 demolition and construction including all associated vehicular movements
- (vi) Details of the demolition and construction compound
- (vii) A plan showing demolition and construction traffic routes

The demolition and 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.

7. 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.
8. No burning of demolition/construction waste materials shall take place on site.
Reason: to protect the amenity of local residents from smoke, ash, odour and fume to comply with policy QD27 of the Brighton and Hove Local Plan.
9. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods as per the recommendations of the submitted Drainage Design Strategy, Revision A dated April 2018 has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the building commencing.
Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal to comply with policies SU3 and SU5 of the Brighton and Hove Local Plan and CP8 of the Brighton and Hove City Plan Part One.
10. No development shall take place until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.
Reason: To comply with policies SU3 and SU5 of the Brighton and Hove Local Plan and CP8 of the Brighton and Hove City Plan Part One.
11. The residential development hereby permitted shall not be first 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 in line with the reports produced by Ashdown for this application, and that the remediation scheme required and approved 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 any imported and/or material left in situ is free from contamination.

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.

12. If during construction, contamination not previously identified is found to be present at the site, 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 the Local Planning Authority for approval in writing. The remediation measures shall be carried out as approved and in accordance with the approved programme.

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

13. The residential development hereby permitted shall not be first occupied until evidence that an Acoustic Scheme relating to noise mitigation measures as outlined in the Anderson report submitted with this application has been implemented within the development has been submitted to and approved in writing by the Local Planning Authority. The agreed Scheme shall be permanently maintained within the development thereafter.

Reason: To protect the amenity of future occupants and/or neighbours to comply with policies SU10 and QD27 of the Brighton and Hove Local Plan.

14. If relying on closed windows to meet the acoustic guide values in connection with the condition above, details of appropriate alternative ventilation that does not compromise the facade insulation or increase internal noise levels shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the residential development. If applicable, any room should have adequate ventilation e.g. trickle ventilators (that should be open during any assessment). Noise mitigation measures, including associated alternative ventilation arrangements shall not compromise the need to provide the required cooling of the dwellings under Approved Document L of Building Regulations and the removal of pollutants such as moisture and CO₂ under Approved Document F. Regard should also be had to draft guidance by Acoustic and Noise Consultants and CISSE TM59 Design Methodology for the Assessment of Overheating Risk in Homes.

Reasons: To protect the amenity of future occupants and/or neighbours to comply with policies SU10 and QD27 of the Brighton and Hove Local Plan.

15. The residential development hereby permitted shall not be first occupied until evidence has been submitted to and approved in writing by the Local Planning Authority to demonstrate that the Party ceilings, floors and walls between residential units and the service areas (plant rooms, bin stores, etc) and residential units have been designed to achieve airborne and impact sound

insulation values of at least 5dB better, than that required by Building Regulations Approved Document E performance standards.

Reason: To protect the amenity of future occupants and/or neighbours to comply with policies SU10 and QD27 of the Brighton and Hove Local Plan.

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

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

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

17. No development shall take place (including any ground clearance, tree works, demolition or construction), until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. This shall include details of all trees to be retained and removed, details of all tree protection measures including fencing and construction exclusion zones, together with measures for related monitoring, reporting to the Local Planning Authority and site supervision by a suitably qualified tree specialist (where arboricultural expertise is required) and details of phasing of works. The development and tree protection thereafter shall be implemented in strict accordance with the approved details.

Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies QD16 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.

18. The residential development hereby permitted shall not be first brought into use until a scheme for hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The approved soft landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the residential development, whichever is the sooner. The approved hard landscaping and means of enclosure shall be implemented before first occupation of the

development and shall thereafter retained. 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 (which shall include some fruit trees) 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 and details of maintenance regime;
- c) details of all boundary treatments and means of enclosure to include the type, position, design, dimensions and materials including the boundaries of the parking area;
- d) details of a pathway and link within the site to the existing gate to the cemetery on the western boundary of the site
- e) details of segregated footways within the site

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.

19. Notwithstanding the plans submitted, no development above ground floor slab level shall commence until a scheme detailing the design of internal streets and spaces have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The submitted scheme shall include full details of the following:

- I. Geometry and layout, including dimensions and visibility splays
- II. Pavement constructions and surfacing, kerbs and edge restraints
- III. Levels and gradients
- IV. Lighting
- V. Drainage
- VI. Street furniture
- VII. Trees, other planting, growing media and planting aids
- VIII. Traffic signs and road markings;

The scheme shall include a completed a Road Safety Audit up to stage 2 in accordance with the Highway Authority's standards at that time, with the Highway Authority acting as Overseeing Organisation. The Road Safety Audit Brief and Report, and all other road safety audit documents, shall be submitted with the scheme.

If the scheme proposes that any areas are shared between pedestrians and vehicles or where recommendations in Guidance On the Use of Tactile Paving Surfaces are not met the submitted scheme shall also include:

- a) A Participative Inclusive Design Statement. This shall explain how the engagement findings and suggestions have shaped the submitted design

proposals and other management plans, and set out reasons where it has not been considered possible to accommodate findings and suggestions; and
b) An Equality Assessment. As a minimum this shall identify and explain: each adverse impact arising from the proposals for different protected character groups; how these are known (which may be from appropriate consultation/engagement, research or guidance relevant to the protected character groups impacted); the alternatives considered to avoid or minimise these impacts; and, where some residual adverse impact remain, the objective justifications for why complete avoidance is not considered possible and why the scheme should nonetheless be considered acceptable.

The agreed scheme shall be implemented within the development prior to first occupation of the residential development and shall include the implementation of the recommendations of the stage 3 Road Safety Audit, with the Highway Authority acting as Overseeing Organisation. Thereafter the approved scheme shall be retained.

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

20. No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
- a) samples of all brick, render and tiling (including details of the colour of render/paintwork to be used)
 - b) samples of all cladding to be used, including details of their treatment to protect against weathering
 - c) samples of all hard surfacing materials
 - d) samples of the proposed window, door and balcony treatments
 - e) samples of all other materials to be used externally

The development shall be carried out in accordance with the approved details.

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

21. Notwithstanding the drawings submitted, no development above ground floor slab level shall take place until details of new canopies over the top balconies and revised brickwork detailing including plinth have been submitted to and approved in writing by the Local Planning Authority. The agreed details shall be implemented and retained.

Reason: To improve the visual appearance of the development, to comply with policies CP12 and CP13 of the Brighton and Hove City Plan Part One.

22. Notwithstanding the location and type of bicycle parking stores shown on the submitted drawings, no development above ground floor slab level shall commence until details of secure cycle parking facilities for a minimum 66 spaces for the occupants of, and visitors to, the residential development and

Portslade Town Hall 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 residential 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 CP8 of Brighton and Hove City Plan Part One.

23. Notwithstanding the drawings submitted, the residential development hereby permitted shall not be first occupied until details of the vehicle parking areas including disabled spaces for the Town Hall and new residents including clear demarcation for each user have been submitted to and approved in writing by the Local Planning Authority. The parking areas shall include at least 4 disabled spaces for the residents and 2 to serve the Town Hall and shall include 4 motorcycle parking spaces. The agreed spaces shall be laid out ready for use before occupation of the residential development and shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the residential development hereby approved and Portslade Town Hall. The approved parking areas shall be maintained so as to ensure their availability for such use at all times.

Reason: To ensure that adequate parking provision is retained and to encourage use of modes other than the private car, to comply with policy CP9 of the Brighton & Hove City Plan Part One and SPD14: Parking Standards and TR18 of the Brighton and Hove Local Plan.

24. The residential development hereby permitted shall not be occupied until a Car Park Management Scheme for vehicle and any other forms of parking and stopping in the car park area has been submitted to and approved in writing by the Local Planning Authority. The Scheme shall include the following measures.
- (i) Timing restrictions on car parking spaces allocated for Portslade Town Hall (7am-10pm)
 - (ii) Details of how each car parking space including disabled parking will be allocated and managed;
 - (iii) 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.

The above scheme and works shall be implemented prior to the occupation of the residential development and shall thereafter be maintained as such.

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.

25. Notwithstanding the submitted drawings, the residential development hereby permitted shall not be first occupied until full details have been submitted to and approved in writing by the Local Planning Authority of 8 electric charging points to serve both the Town Hall and new residents car parking spaces. The agreed charging points shall be implemented before first occupation of the residential development and shall thereafter be retained.

Reason: In the interests of sustainability, to comply with policies CP8 and CP9 of the Brighton and Hove City Plan Part One and SPD14: Parking Standards.

26. Prior to first occupation of the residential development hereby permitted, a Service and Delivery Management Plan which includes the types of vehicles, how 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. The approved Plan shall be implemented within the development before first occupation of the residential development and the measures shall be adhered to thereafter.

Reason: In the interests of meeting the parking demand for the development and highway safety, and to protect residential amenity, to comply with policies TR7 and TR18 and QD27 of the Brighton and Hove Local Plan and CP8 of the Brighton and Hove City Plan Part One.

27. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of the proposed green walling and maintenance and irrigation programme have been submitted to and approved in writing by the Local Planning Authority. The agreed green walls shall be installed before first occupation of the residential development and shall thereafter be maintained and irrigated in accordance with the approved details.

Reason: To ensure that the development contributes to ecological enhancement on the site and visual amenity of the locality and in the interests of sustainability in accordance with policy CP8, CP10, CP12 and CP13 of the Brighton & Hove City Plan Part One.

28. A minimum of one bee brick per residential block shall be incorporated within the south or south-west facing external walls of the residential development facing green amenity space before first occupation and shall be retained thereafter.

Reason: To enhance the biodiversity of the site and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

29. The residential development hereby permitted shall not be occupied until details showing the type, number, location and timescale for implementation of bird and bat nesting boxes has been submitted to and approved in writing by the Local Planning Authority. This shall include a minimum of 2 sparrow terraces per block and 2 bat bricks/boxes per block on south or south-west facing elevations of the development, unless otherwise agreed in writing by the Local Planning Authority. The scheme shall then be carried out in strict accordance with the approved details before first occupation and shall thereafter retained.

Reason: To safeguard these 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.

30. Prior to first occupation of the residential development, the ecological measures and works as detailed and recommended within the Preliminary Ecological

Appraisal Report (Urban Edge Environmental Consulting, November 2018) and the Bat Survey Report (Urban Edge Environmental Consulting Ltd, November 2018) submitted with the planning application shall be implemented, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified, and to provide a net gain for biodiversity as required by paragraphs 170 and 175 of the National Planning Policy Framework, Section 40 of the Natural Environment and Rural Communities Act 2006, and Policy CP10 of the City Plan Part One.

31. If the development, specifically demolition of the Housing Offices, hereby approved does not commence by August 2020, further evidence shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that the approved ecological measures secured through the condition directly above have been reviewed and, where necessary, amended and updated and evidence of this shall be submitted to the Local Planning Authority for written approval. The review shall be informed by further ecological surveys commissioned to i) establish if there have been any changes in the presence and/or abundance of bats and ii) identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable and retained.

Reason: As species are mobile and habitats can change and become more or less suitable, it is important that the surveys reflect the situation at the time on any given impact occurring to ensure adequate mitigation and compensation can be put in place and to ensure no offences are committed, to comply with policy CP10 of the Brighton and Hove City Plan Part One.

32. Prior to first occupation of the residential development, a minimum of 42 swift bricks shall be incorporated within the external walls of the residential blocks and shall comprise a series of groups of between 3-6 bricks, with each group at least 1 metre apart and the bricks shall be installed at least 5 metres above ground level in shaded locations away from windows. The swift bricks shall be retained thereafter.

Reason: To enhance the biodiversity of the site and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

33. An access gate on the western boundary of the site shall be retained where one currently exists and it shall incorporate access control to allow resident's access to the adjacent cemetery, prior to first occupation of the residential development.

Reason: For the amenity of residents and to prevent crime, to comply with policy CP16 and CP12 of the Brighton and Hove City Plan Part One.

34. A minimum of ten percent (4) of the dwellings hereby permitted shall be wheelchair accessible and completed in compliance with Building Regulations Optional Requirement M4(3) (2b) (wheelchair accessible 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.
35. Notwithstanding the location of the refuse and recycle stores as shown on the submitted drawings, no development of the residential development above ground floor slab level shall take place until further details of the refuse and recycling storage facilities have been submitted to and approved in writing by the Local Planning Authority. The stores may require relocation to ensure that highway safety within the site is not compromised. The agreed stores shall be fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.
Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to ensure highway safety, to comply with policies QD27 and TR7 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.
36. 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.
37. 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.
38. The residential development hereby approved shall not be first occupied until the sustainable building measures as outlined in the Energy & Sustainability Statement February 2020 submitted with the application have been implemented within the scheme. The measures shall thereafter be retained.
These shall include: use of passive design measures, provision of thermal efficient fabric exceeding requirements of Part L of Building Regulations, all heating and hot water to be generated by a ground source heat pump, use of photovoltaic panels, use of sustainable drainage, incorporation of green living walls, use of rainwater harvesting, provision of recycling and waste management facilities, materials, provision of cycle storage, provision of raised beds for opportunities for food growing, incorporation of fruit trees.

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.

39. Within 3 months of first occupation of the residential development hereby approved evidence shall be submitted to the Local Planning Authority for written approval to demonstrate that crime prevention measures have been incorporated within the development. This evidence may comprise submission of a Secure By Design certificate. The agreed measures shall be retained.

Reason: To help prevent crime, to comply with Strategic Objective SO23 and policy CP12 of the Brighton and Hove City Plan Part One.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. Where possible, bee bricks required by the condition above should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
3. Swift bricks can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height above 5m height, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting swift bricks above windows or doors. Where swift bricks are not practical due to the nature of construction, alternative designs of suitable swift nest boxes should be provided in their place.
4. The applicant is advised that the disabled car parking spaces should be designed in accordance with Department for Transport produced Traffic Advisory Leaflet 5/95 Parking for Disabled People. This requires a 1.2m clear zone to both sides of the bay.
5. In order to be in line with Policy TR14 Cycle Access and Parking of the Brighton & Hove Local Plan cycle parking must be secure, convenient, accessible, well lit, well signed, near the main entrance, by a footpath/hardstanding and wherever practical, sheltered. It should also be noted that the Highway Authority would not approve vertical hanging racks as they are difficult for many people to use and therefore not considered to be policy and Equality Act 2010 compliant. Also, the Highway Authority approves of the use of covered, illuminated, secure 'Sheffield' type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22 or will consider other proprietary forms of covered, illuminated, secure cycle storage including cycle stores, "bunkers" and two-tier systems where appropriate. It is required for the western store to be relocated the east side, to ensure that the pedestrian route is maintained only for those travelling on foot.
6. 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).

7. The applicant is advised to consult with the sewerage undertaker to agree a drainage strategy including the proposed means of foul water disposal and an implementation timetable. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or www.southernwater.co.uk.
8. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
9. The 110 litre water efficiency standard required under the above condition is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.

SITE LOCATION:

The location of the site is very mixed in terms of character, uses and appearance. The site is located to the south of Victoria Road opposite a car dealership and Portslade Recreation Ground, which itself is bordered to the north by the A270 Old Shoreham Road. Portslade Station is located to the east of the site. Victoria Road is a bus route. Portslade Cemetery is located immediately to the west of the site. It was opened in 1872 and includes two Victorian chapels, which are on the council's local list of Heritage Assets. The railway line is located to the south, a minimum of 33 metres away from the site boundary, separated by a steeply sloping bank and commercial premises. Much of the area to the east of the site is designated as employment use, including several car sales and servicing facilities. There are residential properties to the north-west.

The site contains a vacant, former council building (a housing office) and bowling greens and pavilion set back from the main road frontage. Portslade Town Hall is located to the front of the site and is a locally listed heritage asset owned by the council. It is currently used as office space and by local community groups.

The northern edge of the site falls within an Archaeological Notification Area. There are a number of trees within the site, mostly within Category 'C'.

APPLICATION DESCRIPTION:

The proposals are for the redevelopment of the housing office and bowling facilities to provide 42 flats. This proposal forms part of Brighton and Hove City Council's 'Homes for Neighbourhoods' scheme, delivering all housing as 100% affordable rent. A housing mix of 1 bedroom units: 14 (33%), 2 bedroom units: 18 (43%) and 3 bedroom units: 10 (24%) is proposed. The proposal includes 4 wheelchair accessible homes and all flats above ground level are served by a lift. On-site car parking for 33 vehicles is proposed in a reconfigured car park to serve the Town Hall (7 spaces) and the new residents (26 spaces), including a total of 6 disabled spaces. A remodelled access onto Victoria Road is proposed.

The project will involve the re-location of the existing Portslade Bowls Club to Victoria Recreation Ground to the north of the site (see History section below). Permission has been granted for the construction of a joint Bowls Club and football changing facility. The former Housing Office and Reception is now contained within Portslade Town Hall. The council's Estates Team extended and refurbished the Town Hall about 6 years ago, to enable this to happen.

RELEVANT PLANNING HISTORY:

BH2019/00123 Demolition of Victoria Road Housing Office. Prior Approval Not Required 27/2/19

(Victoria Recreation Ground)

BH2019/01804 Erection of Sports Pavilion (D2) to replace existing East Pavilion (D2), proposed new bowling green to the north of the proposed pavilion building and provision of additional car parking spaces to existing car park and associated alterations. Granted 16/12/19.

Pre-application discussions:

The proposal was discussed at Design Review Panel in February last year. The Panel considered that the brief to make better use of council owned land to deliver high quality affordable housing and provide improved sports facilities in Victoria Recreation Ground is highly positive. The Panel stated that as Brighton and Hove City Council will retain ownership of the scheme, and the design is being handled in-house, it is an exciting opportunity to create an exemplar project with the potential to raise design standards in the wider area.

At that relatively early stage in the design process, the Panel thought the proposals were generally logical and well-considered. However, they encouraged additional options be explored to ensure the scheme reached its fullest potential. They advised these should focus on issues including the creation of a better-defined external amenity space, and the way in which the scheme might best relate to the surrounding area, particularly the Cemetery. Combining blocks to create a more continuous form running the length of the site, or else separating blocks out further to create a central garden could help to achieve this. Simplifying forms and increasing the amount of repetition has the potential to improve design quality as well as reducing costs. The Panel felt that the scheme at that time gave too much of the site over to carriageway and parking. They advised that limiting how far vehicles penetrate into the site and adjusting the location and scale of parking could allow a more meaningful amenity space to be developed.

REPRESENTATIONS

External:

Two (2) letters of objection citing the following concerns have been received:

- insufficient parking
- excessive traffic generation
- overdevelopment of the site
- inappropriate height

Conservation Advisory Group: (No objection) and commented as follows:

- a lost opportunity has been made on this BHCC owned site in terms of design which is bland and not interesting
- the Group sited the recently successful Norwich Eco housing scheme and ask why the same could not occur on this site
- It felt there could be lower height but higher density here
- the loss of the bowling green facilities which are to be relocated elsewhere is noted, though the proposed removal of the clutter of buildings as the present backdrop to locally listed asset PTH will not be harmed by their replacement

County Archaeology: (Comment)

The applicant has submitted a Heritage Statement and an archaeological desk-based assessment with their application, which are considered satisfactory.

The latter concludes that the application site has low archaeological potential for nearly all periods with the exception of the Roman period, when a cemetery was in use nearby, and the Later Post-Medieval period, when part of the application site was a piggery and then later became incorporated into the grounds of a polish factory. The low potential for the prehistoric period is acknowledged as questionable given the lack of recorded archaeological data. Although significant localised impacts derived from modern development is apparent, some areas of the application site may only have suffered superficial impacts in the modern period.

In the light of the potential for impacts to heritage assets with archaeological interest resulting from the proposed development, the area affected by the proposals should be the subject of a programme of archaeological works, that can be secured by condition. In addition a written scheme of investigation should be secured.

It is considered that the potential risk of damage to archaeology is mitigated by the application of appropriate planning conditions.

County Ecologist: (Comment)

Whilst the application documentation has not met best practice standards and/or the requirements of the NERC Act and NPPF, it is possible that the risk is capable of being mitigated to acceptable levels by the application of planning conditions. These can ensure compliance with measures outlined in the submitted biodiversity method statement, and impose a time limit on development before further surveys are required and ensure satisfactory provision for swift, sparrow, bat and bee bricks/boxes.

RSPB: 10-12 swift nest bricks should be installed via planning condition.

The Regency Society: Support the proposal on grounds the Society are particularly pleased that the new housing provided will be 100% affordable social housing. This will be a welcome addition to housing stock of Brighton and Hove. The Society think that the positions of the two blocks work well on the site. Overlooking of private gardens to the West has been minimised. The Society has slight reservations about the flat nature of the elevations but we welcome the introduction of living walls and a variety of materials. The Society are wondering how easy the complex landscaping design will be to maintain.

Southern Water: (Comment)

All SW infrastructure should be protected during works. The developer needs to work with SW to ensure satisfactory infrastructure can be provided to meet the demand created by the development. Occupation of the development should be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development. Long term maintenance arrangements are needed for SUDs It is requested that a condition requiring details of foul and surface water sewerage disposal be imposed.

Sport England: The proposed development does not fall within our statutory remit for consultation.

Sussex Police: (Comment)

The layout and design of the scheme should have regard to Secure By Design principles.

The development has outward facing dwellings and no individual gardens. This has created a good active frontage with the public areas being overlooked. Perimeter fencing must be adequate. It is important that the boundary between public space and private areas is clearly indicated. The gate situated on the west side of the development leading from the cemetery should have access control and be kept locked, unless there is an intention to use it to access other external areas in the future.

The car parking area at the north end of the site is within view of residents within the north end of the northern building and also from the Town Hall. Each type of respective space for different users should be clearly demarcated. At the entrance to the development brick piers or pillars in conjunction with a change of colour or texture of the road surface can be very effective in raising awareness that one is entering a semi-public area. This can have a psychological effect on visitors raising awareness of the residential area and the residents who themselves can experience a sense of ownership and pride in their surroundings.

All windows and access doors should be appropriately designed and controlled to deter crime and have surveillance as per recommendations. Appropriate lighting and postal arrangements should be considered. Cycle and bin storage needs to be secure. Appropriate planting should be considered.

Internal:

Arboriculture: (comment)

The information submitted with regard to trees appears reasonable, as do the conditions suggested, which require a detailed Arboricultural Method Statement to be submitted to protect trees. Appropriate conditions should be imposed.

Artistic Component: (Comment)

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. The figure is arrived at after the internal gross area of the development (in this instance approximately 4,850sqm) 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. It is suggested that the Artistic Component element for this application is to the value of £25,000.

City Clean: The proposals are acceptable

City Parks: S106 monies for enhancement of natural and semi-natural space should be targeted to either Green Ridge/Coney Hill and/or Westdean/Withdean Woods and/or Three Cornered Copse

Economic Development: (Support):

City Regeneration fully supports this application. Whilst there is no employment space included in this development, provision of additional accommodation in the city will contribute to addressing the council's challenging housing needs and should benefit residents of the city who may otherwise be living in temporary accommodation and less able to seek employment and contribute to the economic wellbeing of the city.

With reference to the council's Technical Guidance for Developer Contributions, due to the size of the development, if this application is successful, there will be a requirement for a developer contribution to be made for the sum of £14,600. In addition, there will also be a requirement to submit an employment and training strategy in respect of both the demolition phase (if applicable) and construction phase.

Education: (Comment)

In this instance we will not be seeking a contribution in respect of primary education as we have sufficient primary places in this area of the city for the foreseeable future. We will however be seeking a contribution in respect of secondary and sixth form education of £52,904.80 if this development was to proceed. The development is in the catchment area for Portslade Aldridge Community Academy which has some surplus capacity at the moment but the number of pupils is increasing each year without the impact of this development and therefore it is entirely appropriate to seek a contribution in this respect.

Environmental Health (Air Quality): (Comment)

If the development contributes more traffic than 100 light vehicles a day to the AQMA (Trafalgar Rd & Wellington Rd) a detailed air quality assessment will be required. Traffic as a result of the development will need to be agreed and confirmed by the Transport Authority. For local air quality and climate change reasons, the design would benefit from no emission to air arising from gas combustion.

Environmental Health (noise/lighting/contamination): (Comment)

There is no objection to the proposal subject to imposition of appropriate conditions to mitigate potential impacts.

The submitted Anderson Acoustics report June 2019 is generally acceptable, but does not take account of the possibility of deliveries, plant/equipment use at the commercial estate next door, especially between the hours of 23:00 and 7:00. For example, the air conditioning plant to the climbing centre adjacent is open until 10pm at night and plumbing merchants have deliveries outside of opening hours. Commercial activity would be most audible in the middle of the site alongside the commercial estate and no SLM was sited here.

Additional ventilation in the new flats should be considered and secured by condition in case residents must leave windows closed at night. As an 'agent of change' the development must ensure that robust glazing units are also included. A condition will be needed to restrict vehicle movements on the site as rubbish collections will take place alongside some bedrooms.

The Ashdown contaminated land investigations dated October 2018 & March 2019 concluded: '...with the exception of locally elevated concentrations of petroleum hydrocarbons which may rule out the use of PE water supply pipe, no complete pollutant linkages are considered to be present. Other than consultation with the water supply company and the adherence to their requirements, there is not considered to be a requirement for any specific remedial works at the site, or for any further risk assessment.' Therefore, it is agreed that a discovery approach should be adopted and barrier pipework considered in conjunction with the local water authority prior to commencement and secured by condition.

Conditions are also recommended to secure a Construction Environmental Management Plan (CEMP), no burning of materials on site, a written verification report for land contamination, implementation of acoustic measures, sound insulation and external lighting.

Heritage: (Support)

Advice was provided in January 2019, at an early stage in the development of this scheme, at which time the potential to impact the heritage assets was identified principally as the effect on the silhouette of the Portslade Town Hall resulting from taller buildings set within the site, and the possible loss of the secluded nature and rural feel of the cemetery and consequently the setting to the chapel buildings that will result from taller buildings appearing behind and above the lush green boundary which currently screens the low scale modern development beyond.

The proposal currently submitted is considerably revised from the initial scheme. The reduced footprint and linear alignment of the blocks minimises the amount of development affecting views of the Town Hall from the north, and by using the sloping ground profile to place the taller element furthest away, the apparent height is reduced and the historic building thereby retains its prominence within the setting.

The development has also been moved away from the western boundary which lessens the visual encroachment on the open setting. The retention and reinforcement of this green buffer will both benefit the new residents and retain a level of seclusion for the cemetery. The inclusion of sections of living wall and flint facing panels on the west elevation will also help settle the development into its surroundings.

The proposal for the northern part of the site is significantly changed in the current scheme, however the removal of the recycling bins from the street frontage is still proposed and remains most welcome.

Although the continuation of the existing housing pattern across the site frontage was previously encouraged, it is considered that with careful detailing, tree planting and high quality materials the walled parking area would provide an appropriate neighbour to the town hall. The consequences that keeping the parking at the front of the site has for the planning of the open spaces around the buildings is most beneficial and the 'civic' space proposed next to the Town Hall is considered a significant enhancement. It is therefore considered that the planning and design of the scheme has taken account of the significance of the heritage assets and the resulting proposal will deliver positive benefits that outweigh the harm. Subject to further details regarding the boundaries to the parking area, which can be secured by condition, the Heritage Team is able to support this application.

Housing Strategy: (Support)

Council policy CP20 – Affordable Housing requires the provision of 40% on site affordable housing on all sites of 15 or more dwellings (net). The applicant proposes 100% affordable housing. The provision of 42 affordable rent dwellings is welcomed and will contribute towards meeting the city's need for affordable homes. The provision of 4 x wheelchair accessible homes as affordable rent tenure meets identified housing need.

The council's published Affordable Housing Brief sets out the following broad tenure split as a citywide objective:

- 55% Social Rent or Affordable Rent
- 45% Intermediate e.g. Shared Ownership

The proposal here is for 42 homes to be provided all for affordable rent which is welcomed. When the development is completed the city council will be able to nominate people from the housing register to all of the properties.

Policy HO13 requires 10% of any affordable housing (5% of all the housing) to be provided as wheelchair accessible in schemes of more ten units. In this case the scheme includes four properties meeting the 10% requirement. Affordable rent is the preferred tenure for wheelchair housing provided as part of the affordable housing provision, and this has been confirmed in this application.

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 expects self-contained homes to meet the new nationally described space standards where possible. The proposed units meet or exceed nationally described space standards in all cases except one property,

Public Sector Housing: No Comment.

Planning Policy: (Comment)

Principle of housing development:

The site is allocated for residential development in the Proposed Submission City Plan Part Two through Policy H1 with an indicative minimum requirement of 37 dwellings, and will make a welcome contribution towards the city's housing target as set out in Policy CP1 of the City Plan Part One. The principle of residential development on the site has therefore been accepted.

City Plan Policy CP20 sets out that the council will seek 40% onsite affordable housing provision on sites of 15 or more (net) dwellings. The proposed scheme comprises 100% affordable Council rent accommodation – this is strongly welcomed and no concerns are raised with regard to CP20.

The area occupied by the former bowling and practice greens are defined as open space. City Plan Policy CP17 states that planning permission resulting in the loss of open space, including the beach, will only be granted where at least one of four criteria are met. In this instance, the site is allocated for housing in the Proposed Submission City Plan Part Two, the built form does not occupy the entire site and elements of open space have been retained which satisfies criterion (a) "The loss results from a development allocation in a development plan and regard has been given to maintaining some open space (physically and visually)".

This is a City Council proposal on Housing Revenue Account (HRA) land and forms part of the New Homes for Neighbourhoods (NHFN) programme with the site being allocated for residential development in the Proposed Submission City Plan Part Two through Policy H1 with an indicative minimum requirement of 37 dwellings. The proposed development has been subject to pre-application Design Panel review and consultation with local residents, and will make a welcome contribution towards the city's housing target as set out in Policy CP1 of the City Plan Part One. The principle of residential development on the site has therefore been accepted.

The site is now vacant but was in previous use as one of the Council's housing offices accommodating staff and providing front desk reception for enquiries from the general public and the payment of rent or council tax bills. As such, the previous use is considered to fall under Use Class A2 and would not be subject to the requirements set out in Policy CP3 (Employment Land) for the safeguarding of existing employment land (Use Classes B1-B8).

Housing Mix:

City Plan Policy CP20 sets out that the council will seek 40% onsite affordable housing provision on sites of 15 or more (net) dwellings. The proposed scheme comprises 100% affordable Council rent accommodation – this is strongly welcomed and no concerns are raised with regard to CP20.

The proposed housing mix [1 bedroom units: 14 (33%), 2 bedroom units: 18 (43%), 3 bedroom units: 10 (24%)] is considered to be an appropriate housing mix in this location which responds to the city's demographic needs as set out in the supporting

text to Policy CP19. The high proportion of two- and three-bedroom family sized units is particularly welcomed, however the views of the Council's housing officers should also be taken into account in this issue.

The site density is approximately 87 dwellings per hectare which is in excess of the minimum requirement (50dph) of City Plan Policy CP14 and represents an efficient use of the site, subject to design and massing considerations.

Policy HO5 requires new residential development to provide adequate private and usable amenity space for occupiers, appropriate to the scale and character of the development. All proposed homes have the benefit of either a private walled patio space, or private balcony, all a minimum of 1.5m deep, and no concerns are raised with regard to this policy.

Loss of sports facility:

The proposal involves the loss of a bowling green formerly used by Portslade Bowls Club, however the relocation of the bowls club to a new location within Victoria Road Recreation Ground has already been approved under application number BH2019/01804. The delivery of this development would result in new, modern facilities for the club representing an improved facility compared to the existing.

The area occupied by the former bowling and practice greens are defined as open space. City Plan Policy CP17 states that Planning permission resulting in the loss of open space, including the beach, will only be granted where at least one of four criteria are met. In this instance, the site is allocated for housing in the Proposed Submission City Plan Part Two, the built form does not occupy the entire site and elements of open space have been retained which satisfies criterion (a) "The loss results from a development allocation in a development plan and regard has been given to maintaining some open space (physically and visually)".

The development will generate a requirement for open space and sports provision for the new residents. The open space ready reckoner has been used to determine the level of need for the various open space typologies and indoor sport. This has provided an appropriate contribution of £124,739.62 if all the requirement was to be provided off site, however the figure should be adjusted to take account of any on-site provision.

Waste Management:

Significant quantities of construction and demolition waste are likely to be produced and Policy WMP3d of the Waste and Minerals Plan requires development proposals to minimise and manage waste produced during construction, demolition and excavation. A Site Waste Management Plan should be secured by condition.

Policy WMP3e of the WMP requires proposals for new development to identify the location and provision of facilities intended to allow for the efficient management of waste, e.g. location of bin stores and recycling facilities.

Sports Facilities (Support)

The BHCC Sports Facilities Team would support this development proposal in the knowledge that any S106 monies would be used to improve the existing local sport &

leisure provision. Any such investment will support the residents of this development and ultimately the wider local community.

From the proposed allocation of residential dwellings the contribution we would be looking to achieve in relation to sport is:

Space Equivalent off site contribution
Outdoor Sports Facilities £30,105.47
Indoor Sports Provision £19,796.00

In terms of local sports provision there is an opportunity to direct the S106 funds towards the proposed development in nearby Victoria Recreation Ground - in relation to the outdoor bowls provision and associated bowls and football pavilion (depending on planning approvals).

Sustainable Transport: (Comment)

Summary:

Further information has been submitted by the applicant to enable a fuller assessment of the proposals. An updated Transport Statement (TS2) has been provided which is welcomed and responds to the majority of items previously raised. However, the proposed internal layout is below the expected quality standard and should be improved. From our own review, we believe that the number and nature of the required amendments are reasonably limited and should be able to be accounted for relatively simply. Conditions may be able to address some of the issues raised. Revised plans showing an amended layout should be sought. In other respects, the development appears to comply with transport policies or we anticipate can be made compliant through the proposed planning conditions.

Main comment:

Site Access:

Vehicle Access:

The principle of retaining and improving the existing vehicular access off Victoria Road is acceptable. A Stage 1 Road Safety Audit has been provided and raised one issue regarding the provision of tactile paving across the site access junction. It is proposed to be dealt with at detailed design via Stage 2 of the RSA process. Whilst we would prefer to see further details of the scheme at this stage, this response is accepted.

Pedestrian Access:

The plans and RSA included with the TS2 show the segregated pedestrian route, but this currently terminates at the 'civic area' located between the proposed car parking area (on the west), town hall (to the east) and proposed dwellings to the south. The RSA recommends that tactile paving is provided at this location which the applicant has accepted and further details are proposed at detailed design and through Stage 2 of the RSA process. The RSA also recommends that the pedestrian route is extended through the development so that there is a clear strategy through the site for the residential units. Whilst this has also been accepted by the applicant, no further details have been provided. As a number of details regarding the pedestrian route, civic area and access areas to the proposed dwellings are unclear, we do require that the scheme is amended to address these issues, in order for us to provide a positive

recommendation. As a minimum, the following elements of the street design to be mitigated are:

- An uncontrolled pedestrian crossing facility across the civic area will be required, to allow residents and their visitors to safely pass between the proposed pedestrian route which runs parallel with the access road and the new dwellings further to the south;
- To mitigate issues with the configuration of the proposed shared access area on the eastern side of the development (discussed further below), the pedestrian route currently shown on the western side of the new dwellings should be designed and secured as a traffic free route for pedestrian use only (this will include the requirement to relocate the western of the two cycle stores away from this area – discussed further below). This should help provide an attractive, safe pedestrian environment and act as an alternative to the shared area on the eastern side of the new homes, which will also cater for delivery and servicing activities;
- Disabled access, including to the four wheelchair accessible dwellings, is required to be available from the north (as proposed for two of the units) and the west. Ideally, the two units currently shown as being accessed from the east should be switched so that they are accessed instead from the west. Level access with wider doors should also be provided from the west for other disabled users including visitors, as whilst this route is more convoluted it will be safer via the western entrances, lobbies and where onward access on the eastern shared use side is required protection should be provided with bollards;
- Swept path analysis has been provided which shows large vehicles, including a fire tender and refuse vehicle (the specification of which has still not been confirmed) using the access junction, passing south along the eastern side of the proposed car park area, through the 'civic area' and then along the eastern side of the proposed dwellings, with a turning area provided toward the southern end of the scheme. The swept path analysis indicates that some movements will be very tight for large vehicles and the layout needs to be amended at the northern end in respect of the building line. Further south, the refuse store needs to be re-positioned and the hammerhead extended;
- The pedestrian areas closest to the building on the eastern side of the development should be protected with bollards to ensure pedestrian safety when large vehicles are servicing the site in this area.

Servicing:

The movement of servicing and delivery vehicles are discussed above in respect of the swept path analysis and a condition is required to manage how these activities are undertaken. Additionally, the condition will also include the requirement for setting out controls on how access to the shared area on the eastern side of the development will be managed to restrict this to only those vehicles associated with deliveries and servicing.

Whilst proposals that would omit a physically separated footway altogether can be considered, supporting information should be provided demonstrating that other equality compliant arrangements have been considered and if relevant, why these are not feasible. Additionally, if a shared surface scheme is proposed, proposals will need to be justified through an Equality Impact Assessment (EqIA) and to have been shaped through Participative Inclusive Design (PID). Any designs should take account of how access into this area will be prevented for other vehicles and cyclists and how

indiscriminate parking can be prevented. Either way, designs are encouraged that promote and support pedestrian priority and social activity within all parts of the route. This information is required via amendments or would need to be secured through a condition notwithstanding the plans submitted.

Parking:

Cycle Parking:

The applicant is proposing a total of 66 cycle parking spaces; 52 of which are to be provided as long-stay spaces with 14 as short-stay visitor spaces, which accords with the council's Parking Standards SPD14 and is welcomed.

However, the design of the cycle parking remains unclear and the form of the cycle parking for which BHCC require a minimum of 50% of the residential spaces to be provided as Sheffield stands and 5% of them being able to accommodate larger cycles has not been confirmed, nor have the dimensions and layout of the facilities. We believe that policy compliant cycle parking can be provided but we do require revised plans to demonstrate this or if they are not provided at this stage, this would need to be secured through a condition notwithstanding the plans submitted.

As noted above, we will also request through the condition that the western cycle parking store is relocated to the eastern side of the dwellings, to ensure that the pedestrian route on the western side is retained only for those travelling on foot.

Disabled/Blue-badge Holder Parking:

The applicant is proposing a total of 4 disabled parking spaces for the new homes, on the basis that 4 of the dwellings will be wheelchair accessible units but not necessarily occupied by wheelchair users. They contend that not all of the disabled provision is likely to be used and therefore they do not propose to deliver the further provision for visitors that is required to comply with the council's Parking Standards SPD14. For the reasoning provided and given that 2 further disabled spaces will be retained for the Town Hall use that may be able to be used by residents when the Town Hall is not open, the proposed provision is considered acceptable in this instance. It is recommended that the proposed residential disabled parking spaces are allocated to the wheelchair accessible units, to ensure their availability and also minimise travel distances between the spaces and the dwellings in respect of BS8300-1. This will be secured by condition.

Electric Vehicle Charging Points (EVCP):

The applicant has continued to propose a total of 7 electric vehicle charging spaces. This is based on application of the council's Parking Standards SPD14 to the proposed general car parking provision (33 spaces) but excluding disabled provision (6 further spaces). The standard should be applied to the overall total of 39 spaces, therefore requiring 8 electric vehicle charging spaces to be provided. This can be demonstrated through updated plans or by condition.

General Car and Motorcycle Parking:

Within the updated TS2 document, the applicant has presented new survey information which is welcomed. The survey data demonstrates that the existing east and west town hall car parking was observed to have a maximum demand of 12 spaces. 7 spaces are proposed to be retained for Portslade Town Hall (including 2 accessible spaces). For

the demolished housing office car park which comprises 20 spaces, the maximum observed car parking demand was 10 spaces, meaning that 10 remained available. It is therefore anticipated that any surplus demand associated with the Town Hall could be accommodated within the former housing office car park or on-street. The parking arrangements for the retained Town Hall facility on the adjacent site are therefore accepted. The 7 spaces for the Town Hall should be allocated for this purpose, during normal working hours (including evenings) and this will be secured by condition.

The car parking provision proposed for the new homes has been updated according to the 'outer area' criteria in TS2, which is welcomed, and justification for the proposed provision has been set out. As such, 26 spaces are proposed for the 42 residential apartments, including 4 disabled spaces. This level of provision sits within the acceptable level set out by SPD14 of up to 63 spaces, whereby up to 42 would be provided for residents with 21 for visitors.

The applicant has analysed census car ownership data for all tenures, for South Portslade ward (where the site is located) and neighbouring wards of Eastbrook and Wish. Average car ownership demand in South Portslade has been identified as 21 vehicles for the proposed scheme, rising to 24 in both neighbouring wards, which reflects the sites more direct access to public transport. When looking at car ownership by tenure (noting that the proposed scheme comprises 100% affordable dwellings), the forecast demand is 17 vehicles in South Portslade. It is noted that census data does not take into account visitor demand and therefore this would still need to be accounted for. A remaining capacity of 9 spaces (26 – 17) for visitors is in this instance, considered acceptable for the proposals, noting that the site is not located in a CPZ area and that there is some available on-street provision in the vicinity which could supplement this. The proposed level of provision of 26 spaces is therefore accepted, will not result in undue parking stress in the area and can be secured by condition.

In respect of motorcycle parking, the applicant has updated their proposal according to the 'outer area' criteria which is welcomed. As such, 4 motorcycle parking spaces are now proposed, which accords with the minimum requirements of SPD14. This can be satisfactorily secured by amended plans or condition.

Deliveries and Servicing:

Delivery and servicing movements have already been discussed above. The management of delivery and servicing activities are discussed further within the operational impact section of this response.

Traffic Forecasts:

Proposed development trip generation and modal distribution:

Based on our own assessment, the revised rates are higher than those presented in TS2, however, we do share the view that the trip impact associated with the proposals is not expected to be material and we have no objection to raise on this matter. We have applied the 24hr BHCC revised net daily average trip rates to calculate the S106 requirement for the sustainable transport contribution in accordance with the council's Guidance on Developer Contributions as follows:

12hr daily trips = 347 trips

24 hr total daily person trips = 417 (uplift factor of 1.2 derived from local ATC survey data)

417 (increase in trips) * £200 (contribution value) * 0.75 (reduction factor) = £62,550

This is in order to provide for sustainable and safe access to the site and cater for the increase in trips in accordance with Brighton & Hove City Plan Part One policy CP7.

This shall go towards:

- Improvements to the bus stop on the northern side of Victoria Road, which may include provision of a shelter, real time information, upgrading the cage and accessible kerbs; and/or
- Pedestrian access improvements between the site and Portslade shops / town centre;

Operational Impact:

Deliveries and Servicing:

Some limited further information has been provided in respect of forecast delivery and servicing activities. Whilst we do not accept the approach taken by the applicant to forecast potential demand and note that a capacity analysis regarding these movements has still not been provided, we have undertaken our own assessment and confirm that we do not expect a material impact arising associated with delivery and servicing trip activities. We do not therefore wish to raise an objection on the grounds of the volume of potential delivery and servicing trips for this development.

We do not accept that any such activities would take place from Victoria Road given the relative distance from the highway to the proposed dwellings. Accordingly, it is anticipated that such activities will generally occur from the car parking area, 'civic area' or shared area on the eastern side of the dwellings themselves. A delivery and servicing plan will be required by condition to manage these activities and access to the eastern area of the site shall need to be restricted accordingly, for only delivery and servicing activities.

Equality:

The Equality Act 2010 places a range of duties on the Council. Amongst others these require decision makers to be aware of the potential impacts of its decisions, at the point when they take them, on people with characteristics that are protected by the Act. The areas that need to be addressed are: the provision of cycle parking for adaptable bikes, the quantum of disabled parking spaces, and design and disabled access to dwellings.

Conditions/S106:

The conditions and S106 highlighted in sections above are recommended if approval is to be recommended. In addition, amended plans should be sought as recommended. S106/conditions also recommended to secure details of site access works (via s278), a Construction Environmental Management Plan (CEMP) and a Travel Plan. Travel Plan to include travel packs and the following:

- The provision of up to date public transport information within the building and to users of the building
- Providing information packs to each resident including information on local options for sustainable transport, the other measures and offers above, and road safety.

- Providing residents with 1 or more years of free or heavily subsidised tickets/memberships for each of the following local public and shared transport services
- Providing formal cyclist training to residents on request, to be marketed throughout the development.
- Providing maintenance stands together with pumps and basic maintenance and repair tools within the cycle stores for resident use.
- Providing residents a voucher of ≥£150 to go towards the cost of purchasing a bicycle.
- Establishing a Bicycle User Group for residents.
- Providing and maintaining a notice board in a prominent communal location in the development containing information on the following road safety, local sustainable travel options, Bicycle User Group, initiatives being promoted by residents, and the Bicycle User Group relating to any of the above, initiatives being promoted by Brighton & Hove City Council relating to any of the above, as may be sent by the City Council from time to time.

Sustainable Urban Drainage: No response.

Sustainability: (Support:)

This is an exemplary development which shows how a small scale social housing site can meet and exceed the requirements of planning policy CP8. Proposals for the building fabric, renewable energy and particularly the care given to developing the heating strategy help to show the way for new home builds in Brighton & Hove.

The results of the Ricardo Energy study and the preferred energy (GSHP) and superstructure (Sigmat) options for the Victoria Road Housing Scheme are noted and welcomed. The report also references the other sustainability measures which would be implemented in relation to the scheme i.e. PV's and living walls.

This development has an exemplary energy strategy which supports the City's objectives for low carbon buildings which are affordable in operation for residents. In particular, the comprehensive assessment of low carbon heating options including air source and ground source heat pumps, demonstrates the potential to introduce these technologies at a reasonable cost.

The development amply meets and exceeds the requirements of CP8 and emerging policy DM44 and therefore approval is recommended.

Urban Designer: (Comment)

Summary:

The proposals present a very well-considered and successful residential community with exemplary external amenity facilities and a sustainable approach to transport and neighbourhood integration. Generally, comments from the Design Review Panel have been addressed successfully. However, the proposals could be enhanced by making improvements to the architectural form and appearance, as well as reconsideration of the proposed balcony typology.

Main Comment:

The Design Panel commented that too much site area is given to vehicular traffic (carriageway and parking), and it is considered that the panel's initial concerns in this respect have been addressed, with parking now contained to the front of the site and no paved primary road extending beyond the parking area. This has allowed areas previously shown as hardstanding to be reclaimed as landscaped, planted amenity. The proposed site and external works plans indicate refuse and emergency vehicular access only to the full length of the east site boundary over shared surface areas, which is a major improvement with regard to dominance of vehicular traffic on the site.

The Panel commented that more meaningful / better defined external amenity space was required, and that consideration should be given to either amalgamating the two blocks or separating them further around a central amenity space. It is therefore considered that the repositioning of the two proposed blocks away from the western site boundary and in alignment with the existing Portslade Town Hall presents a greatly improved amenity space with enhanced outlook for residents, which now connects more positively to and presents a more sympathetic relationship with the adjacent cemetery. The panel had suggested that concentrating built form to the north and south of the site could achieve a central amenity space akin to the Almshouse Courtyard typology. However, this would be difficult to achieve on the long, narrow site and the positioning of built form as shown presents a strong and legible boundary between two distinct amenity areas to the east and west of the site. The design team could go further to reduce the area of gravel pathways in the western garden in order to increase planting and food growth potential.

The Panel commented that the block layout, architectural form and unit mix could be simplified to create a more unified and less complex building proposal. It is considered that the revised proposals have been significantly simplified following the design review, particularly in reference to the south building. As such, the panel's concerns have been addressed.

The Panel commented that a neighbourhood integration strategy is lacking and that the proposals should be considered in line with proposed improvements to the Victoria Recreation Ground, and access could be considered from the site into the adjacent cemetery. Access has since been proposed into the adjacent cemetery, offering an improved connection to public space from the site. Any improved connection north to the Victoria Recreation Ground is outside of the site boundary and thus should be considered as additional infrastructural improvements addressed via Section 106 agreements. The proposed improvements to public realm adjacent to Portslade Town Hall present a greatly improved connection from the site into the wider neighbourhood.

The Panel commented regarding appearance, stating that the west elevation should be "calm, dignified and well ordered" to respect the cemetery setting, and that the proposed projecting brick detail is positive. In this regard it is considered that projecting balconies as proposed present a reduced sense of security and sense of ownership as compared with inset or semi-inset balconies. The design team is encouraged to consider ways to provide a more enclosed balcony typology. It is considered that the step up in height in the north building could be replicated in the south building to present a continuation of the gently increasing height gradient. If not an extra storey to the south block, this could be achieved by introducing an exaggerated parapet,

distinguishing the southern element of the south block, breaking up the architectural form and thus reducing the perceived overall mass of the proposals.

The proposed material palette is pleasing and presents a contemporary yet soft and natural tone with textural quality and high interest. To enhance this palette, the design team could consider the addition of a softer accent material; for example, a natural or charred timber. The inclusion of living wall elements is particularly well received. Also, the use of flint detailing to demarcate entrances is very successful.

However, the distinction of the ground floor as a plinth element in darker brick is considered to be less successful and moves the proposals more towards a commercial aesthetic than domestic. The northern element of the north building being 3 storeys in height presents an opportunity to reference the 2-storey + roof ratio of the adjacent Portslade Town Hall and Victoria Road housing. To achieve this, the design team could consider a material distinction between first and second floors rather than ground and first, with a darker and lighter-weight material to the upper storey (roof). It is considered that the verticality gained by the introduction of living walls and articulation in architectural form is successful and could reference a townhouse typology in aesthetic when combined with the 2/3-storey + roof ratio, especially in the north building. However, this is in conflict with the horizontal ground floor plinth. The south building being 5 storeys in height is perhaps too tall to reference a townhouse typology in the same way, though the introduction of a ground floor plinth here would enable a 3-storey + roof material ratio above.

The proposed elevational composition and fenestration presents as somewhat contrived and rigid and could be livelier and more playful in appearance. Whilst the stacking of internal layouts is noted as a sensible and cost-effective solution, perhaps the design of fenestration could be altered between units and in conjunction with the composition of materials.

Aligned with comments above with regard to projecting balconies and elevational composition, it is considered that these balconies present a somewhat cluttered appearance and do not provide relief to the principle architectural form in the same way that inset or semi-inset balconies do by casting shadow and creating depth. As a result, they exacerbate the hard and regimented general aesthetic of the proposals.

MATERIAL CONSIDERATIONS

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

The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016);
- Brighton & Hove Local Plan 2005 (retained policies March 2016);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);

- Shoreham Harbour Joint Area Action Plan (adopted Oct 2019)

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.

POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development
 CP1 Housing delivery
 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
 CP16 Open space
 CP17 Sports provision
 CP18 Healthy city
 CP20 Affordable Housing

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

SU3 Water resources and their quality
 SU5 Surface water and foul sewage disposal infrastructure
 SU9 Pollution and nuisance control
 SU10 Noise nuisance
 SU11 Polluted land and buildings
 TR4 Travel plans
 TR7 Safe Development
 TR14 Cycle access and parking
 TR18 Parking for people with a mobility related disability
 SU9 Pollution and nuisance control
 SU10 Noise Nuisance
 QD5 Design - street frontages
 QD15 Landscape design
 QD16 Trees and hedgerows
 QD18 Species protection
 QD25 External lighting
 QD26 Floodlighting
 QD27 Protection of amenity
 HO20 Retention of community facilities
 HE10 Buildings of Local Interest

Supplementary Planning Documents:

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

CONSIDERATIONS

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

- The principle of development (and loss of existing bowling green and housing office),
- Proposed housing mix (including percentage of affordable housing), size and accessibility
- The density, design, mass and height of the scheme particularly in the context of the adjacent locally listed building (Portslade Town Hall),
- The amenity of existing and prospective residents
- Sustainable transport, parking and highway safety
- Sustainability

Also of consideration are environmental health matters, biodiversity, arboriculture, drainage/flood risk, site waste management and archaeology.

The principle of housing development

There is no objection to the principle of redevelopment of this site for housing.

The site is allocated for residential development in the Proposed Submission City Plan Part Two through Policy H1 with an indicative minimum requirement of 37 dwellings, and will make a welcome contribution towards the city's housing target as set out in Policy CP1 of the City Plan Part One. The principle of residential development on the site has therefore been accepted. City Plan Policy CP20 sets out that the council will seek 40% onsite affordable housing provision on sites of 15 or more (net) dwellings. The proposed scheme comprises 100% affordable Council rent accommodation – this is strongly welcomed and no concerns are raised with regard to CP20.

In this particular case there is no objection to the loss of either the existing offices or the bowling facilities/open space on the site. The offices are vacant and their function already replaced within the Town Hall. There is no objection to loss of offices which were deemed to be in A2 use (unlike B1 offices which are safeguarded by policy CP3). The area occupied by the former bowling greens are defined as open space. City Plan Policy CP16 & CP17 state that Planning permission resulting in the loss of such open space and sports facilities will only be granted where certain criteria are met. In this instance, the site is allocated for housing in the Proposed Submission City Plan Part Two, the built form does not occupy the entire site and elements of open space have been retained. In addition the sports facilities will be replaced within modern improved facilities recently granted permission in the park opposite, in compliance with policy (and will be secured by condition). Portslade Town Hall will be able to continue to function in conjunction with the proposals.

The council's Planning Policy Team therefore raise no objection to the principle of developing the site for housing.

In addition to the above, weight is given to the fact 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 is therefore 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).

Proposed housing mix (including percentage of affordable housing), size and accessibility

Both the council's Planning Policy and Housing Strategy Team raise no objection with regard to the proposed mix and type of proposed housing. City Plan Policy CP20 sets out that the council will seek 40% onsite affordable housing provision on sites of 15 or more (net) dwellings, and as this proposal comprises 100% affordable Council rented accommodation – this is strongly welcomed and no concerns are raised with regard to CP20. Only 40% may however be secured via S106, in compliance with the policy.

The proposed housing mix [1 bedroom units: 14 (33%), 2 bedroom units: 18 (43%), 3 bedroom units: 10 (24%)] is considered to be an appropriate housing mix in this location which responds to the city's demographic needs as set out in the supporting text to Policy CP19. Incorporation of 4 wheelchair accessible units is welcomed, and accords with policy HO13. The layout of the scheme including pedestrian walkways and access for the disabled as recommended by the Transport Team will be secured by condition.

The density, design, mass and height of the scheme and impact to locally listed buildings

City Plan policies CP12 and CP13 seek good quality design and developments which are sympathetic to their surroundings. Policy CP15 seeks to protect heritage assets. Local Plan policy HE10 seeks to protect the setting of locally listed heritage assets, such as Portslade Town Hall.

The character and appearance of the locality is very mixed and it is considered that the proposal would relate sympathetically to its surroundings. The proposal has been reviewed by both the Design Panel and the council's Urban Designer and is considered to be acceptable in terms of design, layout, mass and height. The scheme has evolved positively since the pre-application stage and has largely addressed the Panel's recommendations, as can be seen by the Urban Designer's comments. The Urban Designer states that the scheme is a very well-considered and successful residential community with exemplary external amenity facilities and a sustainable approach to transport and neighbourhood integration. It is considered, therefore, that the proposal is acceptable and accords with relevant design policies. Some further changes have been suggested to the applicant by the Urban Designer to enhance the scheme, and the applicant has committed to looking into some of these (namely the incorporation of a canopy over top balconies and revised brickwork for plinth and elevations), and this is welcomed. Whilst not all their suggested changes have been taken on board, these proposals will nevertheless enhance the scheme and it is considered that more significant changes cannot be insisted upon. Amended plans have been requested and these will be reported on the Late Representations List (or will be secured by condition).

The site density is approximately 87 dwellings per hectare which is in excess of the minimum requirement (50dph) of City Plan Policy CP14 and represents an efficient use of the site. Sufficient open space would be retained within the site.

Given the supportive comments of the Heritage Team, no concerns are raised with regard the impact of the proposal on the setting of Portslade Town Hall. the

Residential amenity

Local Plan policies SU10, QD25, QD26 and QD27 seek to protect the amenity of existing and future residents. Policy QD27 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.

The impact on the occupiers of adjacent properties has been fully considered in terms of daylight, sunlight, outlook and privacy and no significant harm has been identified, given the distance away and the relatively limited height of the proposal. The repositioning of the two proposed blocks away from the western site boundary and in alignment with the existing Portslade Town Hall since pre-application stage presents an improved amenity space with enhanced outlook for both existing and proposed residents, which now connects more positively to and presents a more sympathetic relationship with the adjacent cemetery. Retention of a cemetery access gate will be conditioned so residents can make use of this amenity.

All the proposed flats will meet Nationally Described Space Standards, which ensure a satisfactory level of amenity for residents, and is welcomed in accordance with emerging policy.

Policy HO5 requires new residential development to provide adequate private and usable amenity space for occupiers, appropriate to the scale and character of the development. All proposed homes have the benefit of either a private walled patio space, or private balcony, and communal amenity space is proposed, therefore no concerns are raised with regard to this policy.

The development will generate a requirement for open space and sports provision for the new residents. In this case this it is considered appropriate to seek this off-site and a financial contribution is sought via S106 towards provision of formal and informal open space and sports provision, to include provision towards facilities in Victoria Recreation Ground opposite the site.

With regard to potential land contamination, noise or light pollution, the Environmental Health team confirm they raise no objection subject to imposition of appropriate conditions. The site is close to an Air Quality Management Area (Trafalgar/Wellington Roads) and in this regard the limited on-site parking and encouragement of sustainable modes via a Travel Plan is welcomed. The proposed use of ground source heat pumps for heating and hot water is welcomed and will help lower overall emissions from the site.

On the basis of the above, the impact on the amenity of existing and proposed residents is considered acceptable, and complies with relevant planning policies.

Sustainable transport, parking and highway safety

City Plan policy CP9 seeks to ensure developments met the demand for travel they create and promote the use of sustainable modes of transport. Local Plan policy TR7 seeks to ensure highway safety and TR18 seeks appropriate disabled parking provision and TR14 seeks cycle parking provision.

In response to initial comments received from the Transport Team, the applicant submitted a revised Transport Assessment, a Stage 1 Road Safety Audit (RSA), parking surveys, further census analysis and further supporting information. Subsequent Transport comments received raise no objection in principle to the development however some internal site layout changes are recommended and the imposition of appropriate conditions.

With regards to highway safety, the RSA Stage 1 highlighted only one issue (the need for a segregated footway further into the site and need for tactile paving either side of the main access), and this can be satisfactorily addressed at detailed design stage and RSA Stages 2 and 3. The final design of access works and footway layout in and out of the site will be secured by S106 and condition and will ensure highway safety and disabled access are not unduly compromised. The site area and general layout have the capacity to accommodate some alteration as sought by the Transport Team, and revised drawings of the internal roads and footways have been requested and shall be reported on the Late Representations List (or can be secured by condition).

The proposed development is relatively modest being 42 units and is on a previously developed site housing an office building and sports facility. The Revised Transport Assessment (TA) demonstrates that any increases in traffic over and above the previous uses will be very limited and not significant.

The TA and associated parking surveys are considered to provide sufficient justification to demonstrate that the provision of 33 on-site car parking spaces and 4 motorcycle spaces will adequately meet the anticipated demand. The information submitted is considered to show the existing Town Hall car park is under-used, and the proposal will not unduly compromise continued use of the Town Hall for visitors. Conditions can ensure submission of a Car Park Management Plan and ensure the respective car parking spaces are appropriately demarcated for each type of user. It is considered that appropriate disabled parking (4 residential, 2 for Town hall) would be provided to meet identified demand. Seven electric charging points are proposed, which are welcomed, however a condition is recommended to ensure 8 are provided to meet policy requirements.

In addition, the site is well located to take advantage of buses and trains and other local amenities. An appropriate Sustainable Transport contribution will be secured via S106 in line with the council's adopted Technical Guidance to enhance existing bus and pedestrian facilities. The use of sustainable modes will also be promoted via a Travel Plan secured by S106. There is sufficient space within the site to ensure satisfactory cycle parking (66 spaces) can be provided, and this will be conditioned.

Servicing and deliveries can occur within the site and there is space for vehicles, including refuse vehicles, to turn. This could however be improved as suggested by the

Transport Team, as some areas are quite tight to buildings, therefore amended layout plans have been sought (or can be secured by condition). In addition, further details regarding servicing can be controlled via a Servicing and Delivery Management Plan condition.

On the basis of the above and the information submitted therefore, it is considered that the proposal would comply with relevant transport planning policies.

Sustainability/Biodiversity/Arboriculture

Policy CP8 seeks to ensure that all new developments incorporate sustainable design features to avoid expansion of the city's ecological footprint, help deliver the principles of the One Planet approach, radical reductions in greenhouse gas emissions, particularly CO2 emissions, and mitigate against and adapt to climate change. For residential schemes the policy seeks to ensure that developments achieve a 19% carbon reduction improvement against Part L of Building Regulations and a maximum daily water usage of 110 litres per dwelling.

The applicant has submitted an Energy & Sustainability Statement and a Heating Options Assessment which explore various technologies and options and commits to the provision of a significant package of sustainable measures. The Sustainability Officer welcomes the proposed sustainable measures and considers the development to be an exemplar which meets or exceeds policy. These measures shall be conditioned to ensure they are delivered, and include:

- use of passive design measures
- provision of thermal efficient fabric exceeding requirements of Part L of Building Regulations
- all heating and hot water to be generated by a ground source heat pump
- use of photovoltaic panels
- use of sustainable drainage
- incorporation of green living walls
- use of rainwater harvesting
- provision of recycling and waste management facilities
- incorporation of a construction site waste management plan
- use of sustainable materials
- provision of cycle storage
- provision of raised beds for opportunities for food growing
- incorporation of fruit trees
- use of electric vehicle charging points

In addition, conditions will be imposed to secure the 19% carbon reduction and 110 litre water usage.

The proposal is therefore considered to comply with policy CP8.

Detailed ecological reports have been submitted with the application. As recommended by the County Ecologist, a number of conditions are recommended to ensure enhancement of biodiversity within the site, including incorporation of bat, bee and bird bricks/boxes. Green amenity areas are also proposed and a landscaping condition can

ensure wildlife friendly species are installed. This would ensure the proposal complies with policy CP10, which seeks to protect and enhance biodiversity.

The application contains an arboricultural report. No trees within the site are covered by a Tree Preservation Order. The majority are Category 'C' trees. Most of the trees will be retained within the site (13 of 15), which is welcomed, and those to be removed are one unsafe/poor condition tree and one low amenity value category C tree. All other trees would remain (11 Cat C and 2 Cat B). The Arboriculturalist considers the submitted information to be reasonable and raises no objection to the proposals provided appropriate tree protection conditions are imposed. The proposal would therefore accord with relevant policies in this regard.

On this basis the proposal is considered to be acceptable with regard to sustainability.

Other matters:

With regard to archaeology, drainage and crime prevention issues and other matters, the comments made by relevant expert consultees are noted and it is considered that appropriate conditions can be imposed to ensure any potential impacts are effectively mitigated against. The proposals would as a result comply with relevant planning policies.

Conclusion:

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 on doing so would significantly and demonstrably outweigh the harm.

As noted above, 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 must be applied.

The creation of additional residential units, all of which meet the Nationally Described Standards with an acceptable housing mix weighs in favour of the scheme. The scheme is considered an acceptable design and is unlikely to have a detrimental impact on neighbouring amenity.

Subject to compliance with the conditions and s106, the scheme is not considered to have a detrimental impact on transport, biodiversity and sustainability. For these reasons the application is recommended for approval.

EQUALITIES

The proposal includes 4 wheelchair accessible homes. All flats above ground level are served by a lift. Accessible parking spaces are proposed. All accessible measures will be satisfactorily secured by condition.

Reasons for Refusal if Section 106 not completed:

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

1. The proposal fails to provide 40% affordable housing contrary to policy CP20 of the Brighton and Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
2. The proposed development fails provide a financial contribution towards the City Council's Local Employment Scheme to support local people to employment within the construction industry contrary to policy CP7 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
3. The proposed development fails to provide an Employment and Training Strategy specifying how the developer or their main contractors will provide opportunities for local people to gain employment or training on the construction phase of the proposed development contrary to policy CP7 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
4. The proposed development fails to provide a financial contribution towards the improvement and expansion of capacity of local schools required as a result of this proposed development contrary to policy CP7 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
5. The proposed development fails to provide a financial contribution towards the improvement and expansion of open space and recreation in the vicinity of the site required as a result of this proposed development contrary to policies, CP7 and CP16 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
6. The proposed development fails to provide a financial contribution towards off site sports provision contrary to policies CP16 and CP17 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
7. The proposed development fails to provide a financial contribution towards an onsite artistic component provision contrary to policies CP5, CP17 and CP13 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
8. The proposed development fails to provide a financial contribution towards enhancement of sustainable transport measures or promote use of sustainable modes of transport via a Travel Plan and fails to provide and implement details of a safe site access, contrary to policy TR7 of the Brighton and Hove Local Plan and policies CP7 and CP9 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.

