

<u>No:</u>	BH2018/01622	<u>Ward:</u>	Wish Ward
<u>App Type:</u>	Outline Application		
<u>Address:</u>	295 - 305 Portland Road Hove BN3 5SE		
<u>Proposal:</u>	Outline application for demolition of existing 6no dwellings (C3) to facilitate a mixed-use redevelopment comprising of the erection of 1no four storey building and 1no three storey building incorporating up to 1650sqm of commercial space (B1) and up to 47no dwellings (C3) with associated basement level vehicular and cycle parking with landscaping to include layout, scale and access (appearance and landscaping to be reserved matters).		
<u>Officer:</u>	Chris Swain, tel: 292178	<u>Valid Date:</u>	26.06.2018
<u>Con Area:</u>		<u>Expiry Date:</u>	25.09.2018
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Landivar Architects Limited The Workshop Unit 3 29-42 Windsor Street Brighton BN1 1RJ		
<u>Applicant:</u>	Martin Homes C/o Landivar Architects Limited The Workshop Unit 3 29-42 Windsor Street Brighton BN1 1RJ		

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be **MINDED TO GRANT** planning permission subject to a s106 agreement on the Heads of Terms set out below and the following Conditions and Informatives as set out hereunder, **SAVE THAT** should the s106 Planning Obligation not be completed on or before the **30 September 2020** the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 10.1 of this report:

Section 106 Head of Terms:

1.2. **Affordable housing:**

- Provision of policy compliant affordable housing (40%) with a split of 55% of the affordable offer for affordable rent and 45% as shared ownership.

Sustainable Transport and Highways:

Sustainable Transport Contribution

- 1.3. A sustainable transport contribution of **£199,530**. This should be allocated to the following, stated here in order of priority.

- Pedestrian crossing improvements on but not limited to Portland Road; and/or
- Improved pedestrian crossing on Portland Road; and/or
- Bus stop improvements on Portland Road; and/or
- Public realm and accessibility improvements to footways within the adopted highway in the vicinity of the site.

1.4. Highway works

- Reinstatement of vehicle crossovers on Portland Road
- Repaving of footway on Portland Road
- The works shall be secured via a section 278 agreement and completed to the satisfaction of the LHA prior to the first occupation of the development.

A 5 year Residential Travel Plan including monitoring.

1.5. (For the C3 Residential Travel Plan)

- Providing a Travel Pack to each new resident or employee, which shall include information on local options for sustainable transport, the other measures and offers below, and road safety.
- Providing residents with 1 or more years of subsidised tickets/memberships for each of the following local public and shared transport services -
 - Local buses and/or train services;
 - BTN Bike Share; and
 - Enterprise Car Club
- Providing formal cyclist training to residents on request, to be marketed throughout the development.
- Providing maintenance stands together with pumps and basic maintenance and repair tools within the cycle stores for resident use.
- Establishing a Bicycle User Group for residents.
- Providing information on sustainable transport options and the other measures and offers above in all marketing material (including any on-line).
- 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,
 - Travel Plan objectives, targets, measures and progress
 - Bicycle User Group
 - initiatives being promoted by residents, the Travel Plan Coordinator 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.

1.6. (For the B1 Office Travel Plan)

- Providing a Travel Pack to each new employee, which shall include information on local options for sustainable transport for travel to work and work-related travel, the other measures and offers below, and road safety.
- Providing interest-free loans to employees for the purchase of bus and rail season tickets and bicycle purchase. This may be in the format of a salary advance.
- Providing and retaining maintenance stands together with pumps and basic maintenance and repair tools within the cycle store/s for employee use.
- Establishing a Bicycle User Group for employees (to meet every 2 months).
- The Bicycle User Group should also be consulted at each Travel Plan monitoring point and in relation to ongoing operational management of cycle parking facilities. The latter role should continue beyond the life span of the Plan.
- 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,
 - Travel Plan objectives, targets, measures and progress
 - initiatives being promoted by the staff or the Travel Plan Coordinator 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.

1.7. **Education**

- A financial contribution of **£18,736.80** for secondary school and sixth form education (Blatchington Mill and Hove Park Schools)

1.8. **Public Art**

- Commissioning and installation of an Artistic Component to the value of **£28,300** within the development in public view or in the immediate vicinity of the site. This could comprise an 'uplift' in the value of public realm provision to incorporate an artistic component.

1.9. **Open space and recreation/sports:**

- Provision of a financial contribution of £117,234.81 towards enhancement of outdoor/indoor sports, parks and gardens, children's playspace, allotments, amenity greenspace and semi-natural space at the following locations:
- Outdoor sport (£28,317.03) - Kingsways / Hove Seafront, Knoll Park, Wish Park, Neville Recreation Ground, Hove Lagoon Skatepark, Hove Seafront,
- Indoor sport (£18,620.00) – Portslade Sports Centre,
- Children's Play (£2, 898.87) – Hove Lagoon Skatepark, Hove Seafront, Wish Park, Victoria Recreation Ground, Vale Park
- Parks and Gardens (£41,445.08) - Wish Park, Victoria Recreation ground, Davis Park, Vale Park, Hove Seafront,
- Allotments (£4,064.10) – Allotments with n2km of the development,

- Amenity Green Space - (£3,322.93) - Wish Park, Hove Seafront, Isabel crescent, Small amenity green spaces within 1.5 kilometers of the development
- Natural and semi-natural - (£18,566.80) Street trees and small amenity green spaces within two kilometers of the development, Hove seafront

1.10. Employment:

- Submission of an Employment & Training Strategy to secure the use of at least 20% local construction labour,
- A financial contribution of **£28,200** towards the Local Employment Scheme

Conditions:

1. List of approved plans.
2. The development hereby permitted must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved;
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
3.
 - a) Details of the reserved matters set out below (“the reserved matters”) shall be submitted to the Local Planning Authority for approval within two years from the date of this permission:
 - (i) appearance;
 - (ii) landscaping.
 - b) The reserved matters shall be carried out as approved.
 - c) Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.
Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 (as amended) of the Town and Country Planning Act 1990.
4. No development above ground floor slab level shall take place until samples of all materials to be used in the construction of the external surfaces of that parcel of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
 - a) samples of all brick and tiling,
 - b) samples of all cladding to be used,
 - c) details of all hard surfacing materials,
 - d) details of the proposed window, door and balcony treatments,
 - e) details of all other materials to be used externally,
 Development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory appearance to the development and to comply with policies CP12 and CP13 of the Brighton & Hove City Plan Part One.

5. The development hereby permitted shall not be occupied until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out and provided in full in accordance with the approved details prior to first occupation of that parcel and the refuse and recycling storage facilities shall thereafter be retained for use at all times.
Reason: To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton & Hove Local Plan, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.
6. No cables, wires, aerials, pipework (except rainwater downpipes as shown on any approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.
Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policy CP12 of the Brighton & Hove City Plan Part One.
7. The office floorspace (B1) hereby permitted shall be used solely as an office (Use Class B1(a)) and for no other purpose (including any other purpose in Class B of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification), no change of use shall occur without planning permission obtained from the Local Planning Authority.
Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the supply of office floorspace in the city given the identified shortage, to comply with policies CP3 of Brighton & Hove City Plan Part One.
8. Notwithstanding the submitted drawings prior to occupation of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:
 - a. details of all hard and soft surfacing to include type, position, design, dimensions and materials and any sustainable drainage system used;
 - b. a schedule detailing sizes and numbers/densities of all proposed trees/plants including details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
 - c. details of all boundary treatments to include type, position, design, dimensions and materials;

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

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

9. Prior to first occupation of the development hereby permitted, details of secure, accessible and inclusive cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan and paragraph 110b of the National Planning Policy Framework.

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

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

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

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

11. A minimum of 5% of the dwellings hereby permitted shall be wheelchair assessable and completed in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings) prior to first occupation and shall be retained as such thereafter. All other dwelling(s) hereby permitted shall be completed in compliance with Building Regulations Optional

Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.

12. None of the residential units hereby approved shall be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).
Reason: To ensure that the development is sustainable and makes efficient use of energy to comply with policy CP8 of the Brighton & Hove City Plan Part One.
13. None of the residential units hereby approved shall be occupied until each residential unit built has achieved as a minimum, a water efficiency standard of not more than 110 litres per person per day maximum indoor water consumption.
Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton & Hove City Plan Part One.
14. Within 6 months of first occupation of the non-residential development hereby permitted a BREEAM Building Research Establishment has issued a Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM New Construction rating of 'Excellent' and such certificate has been submitted to, and approved in writing by, the Local Planning Authority.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy CP8 of the Brighton & Hove City Plan Part One.
15. Prior to first occupation of the development hereby approved, details of the rooftop photovoltaic array shall be submitted to and approved in writing by the Local Planning Authority. The photovoltaic array shall then be installed in accordance with the approved details.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and has an acceptable appearance and to comply with policies CP8 and CP12 of the Brighton & Hove City Plan Part One.
16. All separating walls and floors between the residential units and commercial floorspace, plant rooms, recycling and refuse stores and vehicle and cycle parking areas shall be designed to achieve a sound insulation value of 5dB better than that required by Approved Document E of the building regulations performance standards for airborne and impact noise. Written details of the

scheme, including calculations/specification of how this standard will be achieved, shall be submitted to and agreed by the Local Planning Authority prior to occupation.

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

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

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

18. No development hereby permitted shall be first occupied until
- i) details of external lighting, which shall include details of; levels of luminance, hours of use, siting, predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors, hours of operation and details of maintenance have been submitted to and approved in writing by the Local Planning Authority.
 - ii) the predicted illuminance levels have been tested by a competent person to ensure that the illuminance levels agreed in part 1 are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed in part i).
 - iii) The submitted details should clearly demonstrate that areas to be lit will not disturb or prevent sensitive species using their territory or having access to their breeding sites and resting places.

The lighting installation shall comply with the recommendations of the Institution of Lighting Professionals (ILP) e.g. Guidance On Undertaking Environmental Lighting Impact Assessments. A report and certification on completion, from a competent person shall be submitted to show the lighting installation complies with the guidance. The external lighting shall be installed, operated and maintained in accordance with the approved details and thereafter retained.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to protect light sensitive bio-diversity and to comply with policies QD25 and QD27 of the Brighton & Hove Local Plan and policy CP10 of the Brighton and Hove City Plan.

19. 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.

20. If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying and assessing the risk and proposing remediation measures, together with a programme for such works, shall be submitted to and approved in writing by the Local Planning Authority. The remediation measures shall be carried out as approved and in accordance with the approved programme.

Reason: To safeguard the health of future residents or occupiers of the site from unidentified contamination and to ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution or risk to public health from previously unidentified contamination sources at the development site and to comply with policies and SU3 and SU11 of the Brighton & Hove Local Plan and the terms of paragraph 170 of the National Planning Policy Framework.

21. Prior to the commencement of development above ground floor slab level, an Acoustic Report which shall include an Acoustic Design Statement shall be submitted to and approved in writing by the Local Planning Authority. The mitigation measures and design features required to protect the amenity of future occupiers are to be outlined in detail, in accordance with BS8233. WHO standards and ProPG guidance should be used to design acceptable internal noise levels in all habitable rooms for both day and night. The approved scheme shall be implemented prior to occupation of any of the development and shall be permanently retained thereafter. Prior to occupation the development details shall be submitted to the Local Planning Authority certifying that the agreed noise mitigation measures have been achieved and installed.

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

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

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

23. The development hereby permitted shall not be commenced (other than demolition works and works to trees) 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 Flood Risk Assessment and Surface Water Drainage Strategy by Ambiental Environmental Assessment received on 11 June 2019 has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design.
Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policy SU3 of the Brighton & Hove Local Plan.
24. No development above ground floor slab level of any part of the development hereby permitted shall take place until a drainage strategy detailing the proposed means of foul water disposal and an implementation timetable, has been submitted to and approved in writing by, the Local Planning Authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.
Reason: To ensure adequate foul sewage drainage/treatment is available prior to development commencing and to comply with policy SU5 of the Brighton & Hove Local Plan.
25. No development above ground floor slab level of any part of the development hereby permitted shall take place until a drainage strategy detailing the proposed means of foul water disposal and an implementation timetable, has been submitted to and approved in writing by, the Local Planning Authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.
Reason: To ensure adequate foul sewage drainage/treatment is available prior to development commencing and to comply with policy SU5 of the Brighton & Hove Local Plan.
26. No development above ground floor slab shall take place until an ecological design strategy (EDS) addressing measures for the protection and enhancement of biodiversity has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:
- a. purpose and conservation objectives for the proposed works;
 - b. review of site potential and constraints;
 - c. detailed design(s) and/or working method(s) to achieve stated objectives;
 - d. extent and location /area of proposed works on appropriate scale maps and plans;
 - e. type and source of materials to be used where appropriate, e.g. native species of local provenance;
 - f. timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
 - g. persons responsible for implementing the works;

- h. details of initial aftercare and long-term maintenance;
- i. details for monitoring and remedial measures;
- j. details for disposal of any wastes arising from works.

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

Reason: To ensure that any adverse environmental impacts of development activities can be mitigated, compensated and restored and that the proposed design, specification and implementation can demonstrate this.

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

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

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

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

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

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

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

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

31. The glazed frontages to the ground floor office use shall be fitted with clear glass which other than areas containing plant, servicing or storage shall be retained and kept unobstructed at all times.

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

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

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

Reason: As this matter is fundamental to the protection of amenity, highway safety and managing waste throughout development works and to comply with policies QD27, SU9, SU10 and TR7 of the Brighton & Hove Local Plan, policy CP8 of the Brighton & Hove City Plan Part One, and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03 Construction and Demolition Waste.

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

(vii) A plan showing construction traffic routes

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

Reason: As this matter is fundamental to the protection of amenity, highway safety and managing waste throughout development works and to comply with policies QD27, SU9, SU10 and TR7 of the Brighton & Hove Local Plan, policy CP8 of the Brighton & Hove City Plan Part One, and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03 Construction and Demolition Waste.

34. Prior to the first occupation of the development hereby approved a Delivery & Service Management Plan, which includes details of the types of vehicles, time and method of deliveries, servicing and refuse collection will take place and the frequency of those vehicle movements shall be submitted to and approved in writing by the Local Planning Authority. All deliveries servicing and refuse collection shall thereafter be carried out in accordance with the approved plan.

Reason: In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with policies SU10, QD27 and TR7 of the Brighton & Hove Local Plan.

35. Notwithstanding the plans submitted, no development above ground floor slab level shall commence until a scheme detailing the design of internal streets and spaces has 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 approved scheme shall be implemented prior to first occupation of the residential development and thereafter shall be retained.

Reason: In the interest of highway safety, inclusivity, sustainability, quality design, the historic environment and public amenity and to comply with policies TR7, TR12, TR14, TR15, TR18, SU3, SU5, QD25, of QD27 of the Brighton & Hove Local Plan and SA6, CP7, CP9, CP12 and CP13 of the Brighton & Hove City Plan Part One, and National Planning Policy Framework paragraphs 108-110.

36. No development above ground floor slab level shall take place until the Local Planning Authority, in consultation with the Local Highway Authority, have approved a full scheme of highway works for improvements to Portland Road that -

- Introduce a designated on-street loading bay on Portland Road

- This should measure a minimum of 10m in length
- Complete a Road Safety Audit 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

The occupation of the development shall not commence until those works have been completed in accordance with the Local Planning Authorities approval and have been certified in writing as complete by the Local Highway Authority.

Reason: In the interests of highway safety and to comply with policies TR7 of the Brighton and Hove Local Plan and SA6, CP7, CP9, CP12 and CP13 of the 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. Crime prevention measures could be evidenced by a Secure By Design Developers Award Certificate or equivalent.
3. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see [Gov.uk website](#)); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under [Part L1A 2013](#), paragraph 2.13.
4. The water efficiency standard required under the condition above is the 'optional requirement' detailed in [Building Regulations Part G Approved Document \(AD\) Building Regulations \(2015\)](#), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the [AD Part G Appendix A](#).
5. The applicant is advised that the details of external lighting required by the condition above should comply with the recommendations of the Institution of Lighting Engineers (ILE) 'Guidance Notes for the Reduction of Light Pollution (2011)' or similar guidance recognised by the council. A certificate of compliance signed by a competent person (such as a member of the Institution of Lighting Engineers) should be submitted with the details. Please contact the

council's Pollution Team for further details. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP (telephone 01273 294490 email: ehlpollution@brighton-hove.gov.uk website: www.brighton-hove.gov.uk).

6. The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting wild birds, their nests and eggs is a criminal offence. The nesting season is normally taken as being from 1st March – 30th September. The developer should take appropriate steps to ensure nesting birds, their nests and eggs are not disturbed and are protected until such time as they have left the nest.
7. The applicant is advised that a formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or www.southernwater.co.uk
8. Planning permission is no defence against a statutory noise nuisance investigation. The council is required to investigate under the provisions of the Environmental Protection Act 1990 to determine whether or not a statutory nuisance is occurring and if any action is appropriate.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application relates to land which includes 6 semi-detached properties fronting Portland Road and a further parcel of land also fronting Portland Road and abutting the access to the Portland Road Trading Estate. To the west of the site is the 5 storey Martello Lofts building which has been converted to residential and has associated parking to the rear. To the north of the site is a pair of semi-detached properties which front onto Olive Road and a number of industrial / commercial uses within the Portland Road Trading Estate.
- 2.2. The application as originally submitted was for the demolition of the existing 6 dwellings and the erection of two buildings of up to 6 storeys to include 91no dwellings and 2450sqm of commercial space made up of (1,488sqm of A1, 207sqm of A3 and 755sqm of B1.
- 2.3. The revised application to be considered by the Planning Committee consists of 2 buildings (one of three storeys, one at four storeys) providing the following:
 - Up to 47 residential dwellings (C3),
 - Up to 1650sqm of B1 office space,
 - Basement level vehicle and cycle parking with access off the Portland Trading Estate access road,

- 2.4. The above is an 'outline application' with approval for access, scale and layout and with appearance and landscaping to be reserved for future consideration in a 'reserved matters' application.
- 2.5. For clarity, the definition of the matters for approval (to be reserved) are set out below.
- 2.6. Matters to be considered
- 'Access' – the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.
 - 'Layout' – the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.
 - 'Scale' – the height, width and length of each building proposed within the development in relation to its surroundings.
- 2.7. Matters not for consideration (reserved)
- 'Appearance' – the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
 - 'Landscaping' – the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features.
- 2.8. For the avoidance of doubt whilst the elevational drawings submitted are for approval any elevational detail shown (fenestration, balcony siting etc) is for illustrative purposes only. In respect of the submitted floorplans, the internal layouts are again only for illustrative purposes and are not to be secured under this planning permission.

3. RELEVANT HISTORY

- 3.1. **BH2016/02053** - Erection of 2no three storey buildings, first building comprising of 3no one bedroom flats and 1no two bedroom flat. Second building comprises of six office spaces with cycle stores and associated works. Approved 20.07.2017.

Adjoining site at Martello Lofts

- 3.2. **BH2016/06335** - Creation of additional floor to provide 2no one bedroom flats and 2no two bedroom flats (C3). Approved 20.07.2017.
- 3.3. **BH2016/02053** - Erection of 2no three storey buildings, first building comprising of 3no one bedroom flats and 1no two bedroom flat. Second building comprises of six office spaces with cycle stores and associated works. Approved 20.07.2017.
- 3.4. **BH2015/00694** - External alterations to all elevations including to layout of doors and windows, installation of French doors, balconies and new entrance door and other associated works in association with prior approval application BH2015/00278 for change of use from offices (B1) to residential (C3) to form 28no units. Approved 19.06.2015.
- 3.5. **BH2015/00278** - Prior approval for change of use from offices (B1) to residential (C3) to form 28no units. Approved 25.03.2015.

4. REPRESENTATIONS

4.1. Two hundred and thirty-seven (237) representations have been received, objecting to the proposed development for the following reasons:

4.2. Design and appearance

- Out of character with the existing traditional family housing in the vicinity,
- Design out of keeping with the Portland Road streetscape,
- Overdevelopment of the site,
- No break in the massing or height for the full extent of the frontage,
- Excessive in scale and height,
- Whilst the application is an outline, no indication that it would achieve a high standard of design,
- Not in an area designated for tall buildings,
- Excessive density,
- The frontage is not set back sufficiently from the highway increasing the dominance of the proposal,
- Insufficient set back from the road to allow meaningful landscaping or tree planting,
- Overly dominant visual impact,
- Unimaginative boxy design,
- Wrong location for high rise development,
- Institutional looking design,
- Outline planning permission is not appropriate and does not accurately show what is proposed,
- Number of units is excessive,
- Harm to skyline,
- Revised plans still result in an unacceptable overdevelopment with little landscaping,

- Unacceptable that 6 perfectly good family houses, characteristic of the area are to be demolished,
- Uninspiring design
- Not appropriate for a low-rise residential area,
- Charm and character of the area being destroyed,
- Balconies and windows add to visual clutter to the elevations,
- Brutalist appearance out of character with the 1930's housing stock
- Incongruous appearance,
- Excessive footprint,

4.3. Amenity

- Lack of sunlight and daylight study,
- Overshadowing and loss of light to neighbouring properties,
- Loss of privacy to neighbouring properties,
- Poor standard of accommodation for future residents with limited and shaded garden space,
- 2 and 4 Olive Rd will be surrounded by more intensive development,
- Overbearing impact,
- Contrary to national and local planning policies and guidance,
- Loss of view,
- Increased noise and disturbance,
- Cramped accommodation,
- Overcrowding of the wider residential area,
- Detrimental to the quality of life for existing residents in the area,
- Built form is too close to the boundary of the site,
- Will increase anti-social behaviour in the area,
- Noise and disturbance from construction will last several years,
- Detrimental impact on air quality resulting in a health risk,
- Light pollution,
- Dust and vibrations,
- An Acoustic Report and not been submitted,
- Some flats do not meet minimum space standards,
- Inadequate servicing and delivery provision

4.4. Transport

- Concern that the proposal will further impact on the junction between Olive Road and Portland Road which is currently very busy and dangerous especially in rush hour,
- Insufficient parking spaces in the proposed scheme,
- Unacceptable impact on parking provision in the surrounding area,
- Additional parking pressure for areas outside of the Controlled Parking Zones (CPZ),
- Increased highway safety concerns for cyclists, motorists and pedestrians,
- Junction is near a school which increases safety concerns,
- Train network is already over capacity in surrounding area,
- Increased congestion in the area,

- Commercial occupiers and visitors picking and dropping off on the site would result in an unacceptable highway safety risk adjoining the busy Olive Road junction,
- The proposal would build over land that was allocated for disabled parking at the Martello Lofts development that has never been provided,
- Threatens site lines at a busy junction,
- No space for safe deliveries,
- Accumulatively with other planned developments in Hove the proposal will overload the transport network,
- Junction should be changed to a roundabout with a pedestrian crossing,
- A GP surgery would create greater parking pressure,
- The benefits of the recently approved CPZ would be undone,
- No traffic plan submitted,
- Unsafe access to site,
- Unclear whether parking is allocated to the commercial or residential,
- No Transport Statement or Parking Survey have been submitted,
- Insufficient details on servicing or delivery have been provided,
- The only access to the proposed development for vehicles, cyclists and pedestrians is via the estate road serving the Industrial Estate which is used by HGV's and commercial vehicles and as such is a significant safety risk,
- Inadequate disabled parking,
- No Travel Plan provided

4.5. Housing

- Family housing is needed not small flatted developments,
- There are already sufficient flats in the area,
- Will not provide truly affordable units,
- Should be 100% social housing,

4.6. Other considerations

- Detrimental impact on value of neighbouring properties,
- Loss of family homes,
- Area is not allocated for higher density residential development or for employment in the City Plan,
- Additional pressure on schools, doctors, dentists, street cleaning and recycling / refuse services, road and pavement maintenance and parks which are already oversubscribed,
- Increased impact on sewer system,
- Council cannot be bullied by developers,
- The developer is only interested in profit at the detriment to the existing local residents,
- Will increase pollution in the area,
- Insufficient neighbour consultation,
- This is not a brownfield site and thus inappropriate for this scale of development,
- Local infrastructure is insufficient to cope with the additional housing,

- There are already a number of empty shops in the area that should be filled first,
- A smaller block has already been refused on the adjoining site,
- Commercial units are not needed in this area,
- Environmental catastrophe,
- The proposal will create a precedent for further inappropriate development,
- Concerns from tenants of the existing adjoining commercial premises on the Industrial Estate that setting out that the introduction of this level of residential development in the vicinity would be incompatible with the noise and use of the existing operators,
- The impartiality of the planning committee is questioned if schemes such as this are being considered by the council,
- Inaccurate ownership statements,
- Council has not made any attempt to engage with local residents,
- Concerned that there are no safeguards on the quality of the build,
- A money-making scheme for the council,
- Provides no community space,
- Workmanship / build quality of the Martello lofts development which is the same developer is very poor,
- Neighbours comments are ignored by the council,
- Building should be on brownfield sites,
- Council should have more input on schemes to ensure that the right development is built in the right places,
- The proposal would prejudice the redevelopment of the Portland Road Trading Estate which is allocated for employment-led mixed-use development.
- The applicant should consider a more comprehensive development in conjunction with the commercial properties to the north,
- A residential development of this scale will prejudice the ongoing management of the Trading Estate and prejudice the ability to attract future occupiers,
- Concerns over the organisation funding the scheme,

4.7. The Regency Society objected to the scheme as originally submitted for the following reasons;

- Overdevelopment,
- Overshadowing,
- The built form is too close to the southern boundary,
- There are ambiguities between the plans and the visuals,

4.8. One (1) representation has been received supporting the proposed development for the following reasons:

- The amount of objection is low considering the number of residents who received leaflets from the applicant about the scheme,
- The affordable housing will help people get on the property ladder,
- Additional employment space is good for the community.

5. CONSULTATIONS

Internal

5.1. **Air Quality:** Comment

There is no objection to the development on grounds of air quality. Prevailing air quality across this part of Hove is very good. The nearest road links exceeding the Air Quality Assessment Level for nitrogen dioxide are:

- Wellington Road and Trafalgar Road in South Portslade

5.2. It very unlikely that the development will add >100 vehicle movements per day to this area. In accordance with the national guidance (for AQ assessments on planning applications) the need for a detailed air quality assessment can be screened out.

5.3. **Arboriculture:** Comment

The present site consists of six dwellings with good sized front and rear gardens and a section of car parking space to the west of the site adjoining an industrial park. The most important trees from an arboricultural aspect are the two lime trees that grow on the boundary to the north-west region of the site. These are healthy trees, but their past management means that they are not worthy of further protection by a tree preservation order at this time.

5.4. The large footprint of the proposed development leaves little room for landscaping potential and is this is to be regretted. The arboricultural team cannot object to the proposal for the reason of tree loss or damage to adjacent trees, however, the team does object to the proposal being too development heavy and would recommend a much greater area for soft landscaping.

Comments on revised scheme

5.5. A spacing of 7m (from front elevation to pavement) should provide enough space and growing medium for a suitable planting scheme to be incorporated, and to become established. However, species suitability is key as a 7m wide space does not give much space for a wide canopy, so fastigate forms or species with naturally narrow canopies would be preferable.

5.6. **Artistic Contribution:** Comment

Main Comment:

Adopted City Plan Policy CP5 supports investment in public realm spaces suitable for outdoor events and cultural activities and the enhancement and retention of existing public art works; CP7 seeks development to contribute to necessary social, environmental and physical infrastructure including public art and public realm; and CP13 seeks to improve the quality and legibility of the city's public realm by incorporating an appropriate and integral public art element.

Type of contribution

- 5.7. To safeguard the implementation of these policies, it is important that instances in which approval/sign off from the council is needed is clearly identified and secured.

Level of contribution

- 5.8. This is arrived at after the internal gross area of the development (in this instance approximately 5,348 sq.m) is multiplied by a baseline value per square metre of construction arrived at from past records of Artistic Component contributions for this type of development in this area. This includes average construction values taking into account relative infrastructure costs.
- 5.9. It is suggested that the Artistic Component element for this application is to the value of £28,300.
- 5.10. As ever, the final contribution will be a matter for the case officer to test against requirements for s106 contributions for the whole development in relation to other identified contributions which may be necessary.
- 5.11. To make sure that the requirements of Policies CP5, CP7 and CP13 are met at implementation stage, it is recommended that an Artistic Component schedule be included in the section 106 agreement. Wording is suggested next.

- 5.12. **City Clean:** No objection

- 5.13. **Economic Development:** Comment

Main Comments

City Regeneration fully supports this application for demolition of existing houses (C3) and erection of 1no three storey and 1no four storey buildings incorporating 1,650sqm of B1 commercial employment space and 47no dwellings with associated parking.

- 5.14. We regret the further reduction in square meterage for employment floorspace compared with the original scheme and revised submission early 2019 (see below).

'City Regeneration originally supported an outline application for this site in July 2018 for the demolition of existing houses (C3) and erection of a mixed-use building over 6 floors incorporating 2450sqm of commercial space (A1/A3/B1) and 91no dwellings with associated parking and approval of reserved matters for access, layout and scale. The previous application proposed an additional 1,488sqm of A1 space; 207sqm of A3 and 755 sq m of office space which can create 20 full time employment posts.

City Regeneration welcomes the expected 20 FTE jobs which could be created by this scheme'.

- 5.15. The subsequent revised application in 2019 and current further revision has resulted in a reduction in both the residential element and commercial employment space.
- 5.16. From an Economic Development perspective, the reduction of commercial space from an initial 2450sqm to 1650sqm is significant and regrettable however it is recognised that this current proposal has an impact on the overall development and not solely to the detriment of the commercial space. The current revision now has an emphasis on the provision of B1 office space, which is welcomed in this area of the city, following the removal of D and A category floorspace from this revised proposal.
- 5.17. Using the current OffPAT Employment Density Guidance, 1650 sqm of B1 class employment space should have the potential to provide 137 FTEs, which is most welcome.
- 5.18. Should this application be approved, there will be a requirement, detailed through a S106 agreement, for the developer or designated contractors to submit an Employment & Training Strategy to the Council in writing for approval, at least one month before the intended date of Commencement of Development.
- 5.19. The strategy should demonstrate how the developer or main contractor and / or their subcontractors will source local labour and provide training opportunities during the life of the project. How they will work with the Council's Local Employment Scheme Co-ordinator and organisations operating in the city to encourage employment of local construction workers during the demolition (if applicable) and construction phases of the Proposed Development, with a target that at least 20% of the temporary and permanent job opportunities created by the construction of the Proposed Development are provided for local people (residents living within the city postcodes).
- 5.20. Early contact with the council's Local Employment Scheme Co-ordinator is recommended in order to access advice and guidance with regards to the production of the strategy if required, to be informed of the monitoring process regarding the workforce and for early negotiation regarding training opportunities.
- 5.21. It is recommended that reference is made to the CITB (Construction Industry Training Board) Skills Academy guideline regarding KPIs which are based on value of the development.

- 5.22. In addition to the strategy and with reference to the council's Technical Guidance for Developer Contributions, there will be a requirement for a contribution towards the delivery of the council's Local Employment Scheme for construction. The contribution will be for a sum of **£28,200** to be submitted prior to commencement and should be included in the S106 agreement.
- 5.23. **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 £18,736.80 if this development was to proceed. The development is in the catchment area for Blatchington Mill and Hove Park Schools. Both of these schools are currently full and therefore it is entirely appropriate to seek a contribution in this respect. I have not sought a contribution for the studio units as it is highly unlikely that there would be any school age pupils generated by these, I have also reduced the overall level of contributions by the amount that would be generated by 6 three bedroom houses as the site already contains this level of housing.
- 5.24. **Environmental Health: No objection**
The acoustic report is useful in that it indicates that noise from the trading estate is not likely to be an insurmountable problem in the design of the fenestration of the proposed building. Should the council be minded to approve the outline application it is recommended that the developer be required to prepare an acoustic report to inform the designers and planning authority of the appropriate design of the fenestration and such recommendations to be implemented.
- 5.25. **Heritage: No objection**
This site does not impact on any designated or non-designated heritage assets and therefore the Heritage Team does not wish to comment on this application.
- 5.26. **Housing Strategy: Comment**
The city-wide Housing Strategy adopted by Council in March 2015 has as Priority 1: Improving Housing Supply, with a commitment to prioritise support for new housing development that delivers a housing mix the city needs with a particular emphasis on family homes for Affordable Rent. The council has an Affordable Housing Brief based on evidenced housing needs in the city.
- 5.27. This response is provided by Housing Strategy & Enabling to outline where the scheme does and does not meet the council's Affordable Housing Brief and current policy CP20 regarding provision of affordable housing. CP20 requires 40% of properties to be developed as affordable housing on site in schemes of

more than 15 units where viable. Developers are required to prove where it is not viable for them to meet this policy provision.

- 5.28. This application is for 47 flats (reduced from the originally proposed 91) being developed as part of a scheme that also includes office and commercial space. The application states that it will provide the policy position of 40% affordable housing equating to 19 homes. Policy CP20 requires this to be mixed tenure including Affordable Rent and Intermediate/ Shared Ownership Homes.
- 5.29. Brighton and Hove is a growing City with 290,395 people and the population due to increase to 311,500 by 2030. Our affordable housing brief reflects the very pressing need for affordable homes in the City. With half of all households in the city earning less than £29,100 per annum, the city's private sector housing is unaffordable for many local residents.
- 5.30. In terms of need for affordable rented accommodation: We have 9287 people listed on the joint housing register – 74% of whom are in demonstrable need - Bands A to C. [May 2020]. We also have significant numbers of people housed in temporary accommodation. These numbered 1,772 households, 929 of which include children and/or pregnant women, as of Dec 2019.
- 5.31. Affordable Housing is generally provided through the council or a Registered Provider from the council's Affordable Housing Delivery Partnership or other agreed provider. Affordable housing rents are capped at Local Housing Allowance levels improving affordability and the council is able to nominate people from the Housing Register to all the affordable rent homes ensure local housing need is being met.
- 5.32. Shared ownership housing is an accepted way to allow those who could not afford to purchase a home outright to get a foot on the ownership ladder. The council would expect shared ownership properties to be sold to people with a local connection to the city. Payment of a commuted sum can be considered where providing the affordable housing on site is not viable or possible for agreed practical reasons. Commuted sums are calculated in accordance with published guidelines and allow the council to provide affordable housing elsewhere in the city.
- Tenure mix
- 5.33. Policy CP20 requires mixed tenure to be provided and the Affordable Housing Brief sets out a broad tenure split of 55% Social Rent or Affordable Rent and 45% Intermediate (Shared Ownership sale) as a citywide objective. This would equate to 10 homes for Affordable Rent and 9 for Shared Ownership.

Design/ Wheelchair provision

- 5.34. Affordable housing units should be indistinguishable from market housing in the scheme's overall appearance. The scheme will be expected to meet Secure by Design principles. All the housing in the scheme is situated on floors 1 to 3 of one block with two shared access points. The ground floor of the block is for commercial use and there is a second block of office space provided separately. There is basement level parking and cycle storage.
- 5.35. The Council's wheelchair accessible standard requires that it meets national technical standards Part 4 M (3) at build completion (i.e. fully wheelchair accessible at time of first letting/ sale). Council policy requires 5% wheelchair accessible homes provided across the whole development (and 10% within the affordable housing development). This equates to 2 units within the affordable element of this scheme. The preferred tenure for these units would be Affordable Rent. No wheelchair homes are currently identified but some of the unit sizes could accommodate this as needed.

Unit mix

- 5.36. This scheme overall has a high proportion of studio and one bedroom flats and a smaller number of two and three bedroom homes. The overall unit mix is made up of 57% studios and 1 beds / 30% 2 beds and 13% 3 beds. This is in contrast to the demographic analysis included in Policy CP19 (Unit Mix) which outlines that 65% of the overall demand/need is for 2 and 3 bedroom homes.
- 5.37. Assessment of affordable housing needs shows that although greatest need (numerically) is for smaller one and two bed properties there is significant pressure on larger family sized homes, with those seeking to rent a 3 bed property having to wait for longer.
- 5.38. Policy CP20 and the council's Affordable Housing Brief (AHB) sets out a preferred mix of 30% 1 beds / 45% 2 beds and 25% 3 beds with the final mix to be determined through negotiation on individual sites.
- 5.39. At this scheme the preferred mix would equate to: 6 x 1 beds / 9 x 2 beds and 4 x 3 beds.
- 5.40. To ensure that all new homes developed are of a good standard that is flexible, adaptable and fit for purpose, our Affordable Housing Brief offers support for schemes that meet the new nationally described space standards.
- 5.41. Housing Strategy & Enabling support this application as the provision of 19 affordable homes is welcomed and will contribute towards meeting the city's need for affordable homes. This is supported on the basis that it meets policy position of 40% of the housing overall.
- 5.42. **Planning Policy:** Comment

Housing provision

The site is currently occupied by 6 semi-detached 2-storey dwellings with gardens. The outline application is for 91 apartments in 6 storey block (5 storeys + penthouse) comprising 55 market and 36 affordable units (40%). This would provide a potential net gain of 85 residential dwellings on a 'windfall site' which is not identified in the adopted CPP1 or emerging CPP2. Policy CP1 sets a target to deliver at least 13,200 new homes over the period 2010-2030, however this is a minimum figure which represents only c44% of the city's objectively assessed housing need. In addition, the inspector for the recent planning appeal on Land south of Ovingdean Road (APP/Q1445/W/17/3177606) concluded that there is a potential five year housing land supply shortfall of at least 200 dwellings.

- 5.43. Although not within a defined DA or designated centre, the site is well located for intensification of development, being c400m from Portslade rail station and on a regular bus route, and within walking distance of a range of local shops and services on Portland Road and Boundary Road/Station Road. Within this context, the provision of significant additional housing through redevelopment of this site would be welcome and should be supported, subject to complying with other planning policies.

Housing mix

- 5.44. The proposed development would significantly increase the number of dwellings on the site. The units proposed are predominantly 1 or 2-bed flats, together with 8 studio flats but only 11 3-bed flats (of which only 4 would be affordable units). Whilst accepting that the form of development favours provision of smaller dwelling units, there is a potential conflict with Policy CP20 in terms of the affordable housing mix. The views of the Council's Housing officers will be needed on whether the proposed mix is acceptable, given the limited provision of family housing.
- 5.45. The apartments are small, but appear to meet the nationally described minimum space standards, with the exception of the 3 bed 5 person units. None of the apartments would be larger than 75 sq.m, which is small for family housing. All of the apartments have private balconies or gardens, and there is a proposed communal garden which could be used as a children's play area.
- 5.46. The applicant states that the units meet Lifetime Homes standards. The development should comply with the accessibility/adaptability standards in Building Regs M4(2) and provide 10% affordable units and 5% of all apartments being suitable for occupation by a wheelchair user in accordance with Building Reg M4(3).

Employment provision

- 5.47. The north-west corner of the application site includes a small area of car parking (19 parking spaces) located within the Portland Road Trading Estate. This part of the site is designated as protected employment land under Policy CP3(4) which allows for employment-led (residential and employment) mixed use development, subject to there being no net loss in employment floorspace unless justified against criteria in CPP1 paragraph 4.36. The outline proposal includes a 5-storey office block to the rear of the main residential development, which would provide 755 sq.m new B1 office space within the protected employment land. Since the land is currently used for car parking, this would provide a net gain in B1 employment floorspace which would comply with Policy CP3. Subject to the loss of car parking being considered acceptable, and deliver an additional benefit from the scheme.

Retail provision

- 5.48. The application includes a proposal for two A1 retail units totalling 1,488 sq.m on the ground floor fronting Portland Road, together with a A3 unit of c210 sq.m. The Planning Statement states that the option of a D2 gymnasium may be explored in place of some A1 floorspace, depending on demand. Whilst these uses would add vitality to the location, the application site is not in a defined retail centre, being c400m distant from the Boundary Road/Station Road District Centre and c450m from the Portland Road Local Centre. In planning policy terms it is classed as 'out-of-centre'. As indicated in Policy CP4, proposals for retail development outside defined centres require a sequential test in accordance with national policy (NPPF para 24). In addition, the proposed retail floorspace exceeds 1,000 sq.m, so the applicant will also need to provide a retail impact assessment in accordance with Policy CP4. Guidance on the requirements and content of an impact assessment is provided in the NPPF (para 26) and the accompanying NPPG (ref ID: 2b-010-20140306). A D2 leisure use (if proposed as part of the mix) would also be classed as a main town centre use and be subject to equivalent policy requirements.

Design and amenity issues

- 5.49. The proposed development would be a maximum of 6 storeys measuring c17.7m in height from the lowest ground level fronting Portland St. This would fall below the 18m definition of a 'tall building' in Policy CP12. The applicant's Planning and Design and Access Statements indicate that the residential block and office building to the rear would be comparable in height to the neighbouring residential block to the west (Martello Lofts) although this is only 4 storeys in height. The design will need to be assessed in detail against relevant development plan policies, including CP12 and CP14. There will be significant amenity impacts on the 2-storey semi-detached dwellings on Olive Road directly to the north of application site, which would be surrounded by

taller buildings. These impacts would need to be assessed against 'saved' Policy QD27.

Open space

- 5.50. All 91 flats would have balconies, and the first floor flats would have small private gardens to the rear of the residential block (at ground floor level). This would comply with the requirements for outdoor private amenity space in saved LP Policy HO5. The Design and Access Statements states that there is a proposed communal garden which could be used as a children's play area. In addition, the development would need to provide off-site financial contributions towards open space and sports provision to meet the requirements of Policies CP16 and CP17.

Final comments on revised scheme

- 5.51. These additional comments relate solely to the further amendments to the proposed scheme submitted in March 2020. They should be read in conjunction with the previously submitted Planning Policy comments dated 24 July 2018 and 9 December 2019.
- 5.52. The further amendments now proposed reduce the number of residential units to 47 apartments (a net reduction of 3 units) and slightly alter the indicative housing mix. The non-residential floorspace has also been slightly reduced with the A1 retail and D1 medical uses now removed.

Housing provision

- 5.53. The proposed redevelopment for 47 residential apartments would provide a net gain of 41 dwellings compared to the existing six dwellings on the site. The Council's latest housing supply figures in the SHLAA Update 2019 (published in February 2020) show a five year housing shortfall of 1,200 dwellings (equivalent to only 4.0 years supply). Therefore, when considering the planning balance for this proposal, increased weight should be given to housing delivery in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11). Given the city's housing requirement and the current supply position, the additional housing proposed would be welcome and should be supported, subject to complying with other planning policies.

Housing mix

- 5.54. The amended scheme now proposes a mix of 3 studio flats, 24 1-bed, 14 2-bed and 6 3-bed flats. Compared to the previous proposal for 50 residential units, the number of 3-bed flats has been increased by 3 units, whilst the number of studio and 1-bed flats have both reduced by 3 units. However, it should be noted that this is an outline application with the layout to be agreed as reserved matters, therefore there is scope for the number of units and size mix to be altered at the detailed planning stage. The housing mix is still heavily skewed towards smaller units with a majority being 1- bed apartments.

However, the amended mix does slightly increase the proportion of larger 3-bed units, bringing it closer to the city's identified housing demand identified in the supporting text to Policy CP19 (para 4.231). As stated in my previous policy comments, a higher proportion of 2 and 3-bed units would be preferable, however it is accepted that this is a flatted development and the housing mix is only illustrative at this stage.

- 5.55. The residential units all appear to meet the nationally described minimum space standards and all would have balconies providing outdoor amenity space in line with saved Policy HO5.

Affordable housing

- 5.56. It is understood that the applicant is still committed to providing 40% onsite affordable housing in compliance with the requirements in Policy CP20. The applicant has not undertaken any viability assessment at this stage and further assessment will have to be undertaken at the reserved matters stage to determine the appropriate size mix of affordable units in line with Policy CP20.
- 5.57. The Council's Affordable Housing Brief recommends a tenure split of 55% affordable rent and 45% shared ownership. The applicant's Affordable Housing Statement (submitted in May 2019) indicates that the exact number of each tenure type and size of units can be negotiated with the Council, based on its current housing need assessments. It would be helpful to include provision for the 40% affordable housing and 55/45 tenure split in the s106 agreement.
- 5.58. The views of the Council's Housing officers will also be needed on the size and tenure mix of the affordable units.

Employment provision

- 5.59. The amended scheme now proposes a total of up to 1,650 sq.m B1 commercial floorspace, comprising the whole of the ground floor of main building in addition to the smaller separate office building in the north-west corner of the application site. The proposed B1 space would contribute towards the supply of modern, flexible employment floorspace in the city and therefore support Policies CP2 and CP3.
- 5.60. Following the removal of the A1 retail and D1 medical/health floorspace from the application, I do not consider that a sequential test is required. Although the NPPF Glossary includes offices under 'Main town centre uses', the application site is directly adjacent to and extends into an existing area designated for mixed employment and residential uses in Policy CP3. In addition, the sloping topography of the site would constrain the design of residential units at ground level and the frontage directly onto Portland Road would be more suited to commercial use at ground floor level. City Plan Part One (para 4.29) identifies

a substantial need for B1 office floorspace and the B1 office provision within the scheme is therefore welcomed.

Design and amenity issues

5.61. It is understood that the external design and amenity aspects of the application have not changed from the previous proposal, so my previous policy comments still apply.

5.62. **Sustainable Urban Drainage: Comment**

The site itself has had no reported flood incidents, however there have been reported incidents in the area and there is a surface water risk in the area as illustrated by the EA's surface water flood risk map. In principle we would have no objections to development once we have received a sustainable drainage assessment with the following information;

- A detailed design of the development using sustainable drainage systems. Examples can be found on <https://www.susdrain.org/>
- Drainage calculations illustrating pre and post development peak flow rates during a 1 in 100 year event plus 30% for climate change. As result evidence 50% reduction in discharge offsite in keeping with our Strategic Flood Risk Assessment
- A detailed maintenance plan showing how the Sustainable drainage Systems on site will be maintained, showing how often and who by. No development can be commenced until we have received this information.

Revised comment

5.63. The submitted Flood Risk and Drainage Plan is acceptable.

5.64. **Sustainable Transport: Object**

The LHA Transport Team have provided extensive feedback on this application over a number of consultation responses. An overview of the initial concerns is outlined below as well as the full summary of their final comments.

5.65. Overview of initial concerns

- Due to the size of the development, it meets the criteria as a major development and as such will need to provide a Transport Assessment (TA) and Travel Plan (TP) to demonstrate the likely effects of demand for travel of the proposed development and to demonstrate the impacts have been mitigated in accordance with NPPF 111 City Plan Part One policy CP9 and draft City Plan part two policy DM35. The absence of this information makes it impossible to rule out the possibility of a severe transport impacts as detailed in NPPF 109 such that, if a TA and TP is not provided before determination, the application should be refused,
- The submitted Transport Statement (TS) is not sufficient for the impacts of the development to be assessed, noting that this is a requirement of NPPF paragraph 111. As noted in our previous response, a more detailed Transport Assessment (TA) must be provided and we invite the applicant to enter scoping discussions with us to agree content and assumptions.

- The TRICS derived trip generation estimate is unacceptable. We are unable to accept that the proposed TRICS rates for any of the proposed land uses are representative owing to inappropriate selection criteria.
- Inadequate information on the impact of the development on the Olive Road junction,
- Insufficient details on parking demand for scheme,
- Details are required in respect of collisions analysis,
- Further information on delivery and servicing arrangements. An estimate of forecast numbers of delivery movements during the peak hours should also be provided with accompanying capacity analysis to demonstrate that the proposed single loading bay within the Trading Estate can accommodate this,
- Further details are also required on the following matters to ensure compliance with paragraph 108-110 of the NPPF and other local policy. These should address the following:
 - Cycle parking facilities. This should ensure that type, quantum, layout and design is policy compliant;
 - Disabled parking including quantum and design;
 - Motor-cycle parking facilities;
 - The internal layout of the basement car park. Swept path analysis should be provided to show that spaces are accessible and how the ramp operates;

Final comments on revised scheme

Summary

- 5.66. Whilst the previous concern regarding the impact of the development on Olive Road has now been resolved, there are still outstanding matters which make the application currently unsuitable for determination. Unfortunately, the application remains unsuitable for determination due to an ongoing lack of information from which to assess the likely significant impacts of the proposals - as required by National Planning Policy Framework (NPPF) paragraph 111. These include:
- Pedestrian Access: further clarification is needed on the pedestrian access adjacent to Portland Trading Estate access road. It is unclear if this pedestrian access point is to be ramped. It is required for a levels design to be submitted prior to determination to understand whether there is any pinch point with the start and orientation of the ramp.
- 5.67. Notwithstanding the above, taking the proposals as they stand - we would nonetheless object to the proposals for the following reason:
- Delivery and servicing access arrangements and associated safety, access and inclusivity concerns:
 - The proposed loading bay on Portland Trading Estate is too small to accommodate the forecast delivery and servicing demand. The bay is required to be a minimum of 23m to accommodate 1 LGV and 1 OGV during the peak hour with the proposed bay measuring 5.6m. If delivery and servicing arrangements cannot be adequately

- accommodated this may result in overspill parking impacting on surrounding local roads. This is of particular concern if overspill parking impacts on specific sensitive junctions such as those at either end of Olive Road.
- The proposed loading bay involves a 'shared surface' arrangement, which is contrary to national inclusive design guidance. This poses obvious issues for wheelchair users, the visually impaired and others. However, no equality assessment has been provided to acknowledge and justify the impacts and departures. Evidence also has not been provided of the engagement with disability groups/organisations that is recommended by national guidance to shape proposals in such circumstances.
- 5.68. In summary the proposals are contrary to NPPF paragraphs 108 and 110 and City Plan Part One policies CP9, CP12 and CP13, and Local Plan policy TR7, for reasons of safety, access and inclusivity.
- 5.69. It is suggested that a 10m loading bay could be implemented on Portland Road frontage once the vehicle crossovers have been stopped up. However, this would require a Road Safety Audit prior to commencement due to concerns of the loading bay impacting on visibility splays from the site access and Olive Road junction. This loading bay would not be within an adequate distance to the bin store so a 12m loading bay would still be required on the Portland Trading Estate Access. It is therefore suggested that two bays are implemented.
- 5.70. It is our strong preference that these issues should be addressed through the submission of highway improvement scheme before determination (and an associated road safety audit in accordance with GG1119). This will allow us to assess the proposals for feasibility, as this is by no means certain. However, we cannot say that there is no prospect that an alternative proposal will be feasible. Therefore, we would be willing to lift our safety objection to the loading proposals were the applicant could provide amended plans to an extended loading bay on the access road and agree to a Grampian condition requiring alternative bay on Portland Road to be agreed before commencement of development.
- 5.71. There are further aspects of the proposals that also remain unsatisfactory or less than ideal. However, it is noted that this is an outline application and the internal layout has been submitted for illustrative purposes and are therefore distinguished from the above by the fact that they can be resolved at reserved matters application. Instances include the following:
- Cycle parking facilities. This should ensure that type, quantum, layout and design is policy compliant;

- Disabled parking including quantum and design;
 - Motor cycle parking facilities; and
 - Further information on the internal layout of the basement car park to include swept path analysis.
- 5.72. Positive aspects of the proposals that require no further attention include the following:
- The impact of the development at the junctions at Olive Road and the junctions at either end of this Portland Road and A270 Old Shoreham Road would not be exacerbated by the proposal and no further operational impact assessment is required.
- 5.73. Key matters that have been considered include:
- Sustainable transport contribution of £199,530 to be allocated towards: pedestrian crossing improvements on but not limited to Portland Road, improved pedestrian crossing on Portland Road and bus stop improvements on Portland Road.
 - A travel plan due to uplift in person trips. This can be secured by condition.

External

5.74. **Ecology:** Comment

The current application offers relatively little in the way of biodiversity enhancement, although it is noted from the Design and Access Statement that existing palms and yuccas will be replaced with native shrubs and trees to create a green boundary.

5.75. Provided the recommended mitigation measures are implemented, the proposed development is unlikely to have a detrimental impact on biodiversity and can be supported from an ecological perspective. In line with the NERC Act and the NPPF, the site should be enhanced for biodiversity through use of species of known wildlife value within the landscape scheme, the provision of bird, bat and/or insect boxes. Consideration should be given to the installation of a green roof.

5.76. **Scottish Gas Networks:** No objection

5.77. **Southern Water:** No objection

5.78. **Sussex Police:** Comment

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

5.79. The National Planning Policy Framework demonstrates the government's aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of

life or community cohesion. With the level of crime and anti-social behaviour in Brighton & Hove district being above average when compared with the rest of Sussex, there are no major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends should be considered.

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

6. MATERIAL CONSIDERATIONS

- 6.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report
- 6.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016)
 - Brighton & Hove Local Plan 2005 (retained policies March 2016);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
 - East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only - site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- 6.3. Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications but any greater weight to be given to individual policies will need to await the outcome of the Regulation 19 consultation. The council will consider the best time to carry out the consultation after the coronavirus (Covid-19) restrictions are lifted.

Brighton & Hove City Plan Part One

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

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

TR4	Travel plans
TR7	Safe Development
TR14	Cycle access and parking
SU5	Surface water and foul sewage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD5	Design - street frontages
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes

Supplementary Planning Guidance:

SPD14	Parking Standards
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Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD11	Nature Conservation & Development
SPD14	Parking Standards
SPD16	Sustainable Drainage
PAN 05:	Design Guidance for the Storage and Collection of Recyclable Materials and Waste
PAN 06:	Food Growing and Development

Developer Contributions Technical Guidance (March 2017).

8. CONSIDERATIONS & ASSESSMENT

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

Planning Policy Context and Principle of Development

- 8.2. The site predominantly consists of 6 semi-detached properties and their respective gardens. The remainder of the site takes in land to the west of the access to Portland Road Trading Estate. This land is designated as protected employment land CP3.4 which is allocated for mixed use employment / residential development.

Employment provision

- 8.3. The proposed scheme as revised would provide for up 1650sqm of flexible office space (B1). This would be sited within the ground floor of the main four storey building fronting Portland Road and also within all three floors of the second proposed building fronting the access road to the north west of the site.
- 8.4. Part of the site is located within a specific area 'Portland Road Trading Estate (including EDF and Martello House)' allocated for employment led (residential and employment) mixed-used development in policy CP3.4.
- 8.5. The wider Portland Trading Estate site is identified by the council as suitable for employment led mixed use (residential and employment) development where the twin benefits of high-quality modern business floorspace and additional housing units can be achieved through a more effective and efficient use of the sites.
- 8.6. Whilst part of the site is outside Portland Road Trading Estate on residential land, there would be no net loss of residential properties and the close

proximity to the Trading Estate is such that a sequential test for commercial space outside of main town centre locations could not reasonably be required.

- 8.7. Whilst the overall level of commercial space has reduced as the scheme was revised the level of B1 office space has increased significantly from 755sqm to up to 1650sqm and is strongly welcomed.
- 8.8. Using the current OffPAT Employment Density Guidance, 1650 sqm of B1 class employment space should have the potential to provide 137 FTEs and the employment provision weighs in favour of the scheme.
- 8.9. The proposed spaces shown on the indicative layouts all have the potential to cater for different types and sizes of business and this flexibility is welcomed. Whilst the depth of the ground floor has been reduced to improve lighting within the commercial area these are still deep and predominantly single aspect units without access to external space. The plans were revised during the life of the application to increase the floor to ceiling height of the ground floor whilst the indicative plans do show skylights to the rear and these are both positive alterations which improve the overall quality of the employment offer.
- 8.10. City Plan Part One (para 4.29) identifies a substantial need for B1 office floorspace. The revised scheme has a much greater emphasis on the provision of B1 office space within the scheme than originally submitted and this change is welcomed.
- 8.11. City Regeneration support the scheme and overall the proposal is considered to be in accordance with development plan policies in respect of employment provision.

Housing provision:

- 8.12. The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five-year housing land supply position is assessed annually.
- 8.13. The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five-year housing land supply position is assessed annually.
- 8.14. The council's most recent housing land supply position published in the SHLAA Update 2019 shows a five-year housing supply shortfall of 1,200 (equivalent to

4.0 years of housing supply). As the council is currently unable to demonstrate a five-year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

- 8.15. In the context of Brighton & Hove, this is considered a relatively large scale C3 residential development proposal. The provision of 47 C3 residential units, a net increase of 41 units represents a meaningful proportion of the annual housing supply based on the city's housing delivery target of 13,200 as set out in City Plan Policy CP1. In this respect the proposal would make a valuable contribution to the city's housing supply and this is welcomed in principle.

Affordable Housing and Viability:

- 8.16. City Plan Policy CP20 requires housing development of over 15 units to provide 40% affordable housing. The 40% target may be applied more flexibly where the council considers this to be justified, in accordance with the specific criteria set out in the policy.
- 8.17. Policy CP20 currently requires mixed tenure to be provided, which is the most effective way of ensuring a balanced community is achieved. The Affordable Housing Brief sets out a broad tenure split of 55% as Affordable Rent and 45% as affordable home ownership i.e. Shared Ownership sale, as a citywide objective.
- 8.18. In respect of the councils identified housing need, affordable housing for rent remains the council's key priority. Affordable Housing in the city is generally provided through the Local Authority or a Registered Provider from the council's Affordable Housing List.
- 8.19. The applicant has set out that they propose to provide a policy compliant level of affordable housing of 40% with a split of 55/45 (affordable rent / shared ownership).
- 8.20. The Housing Strategy Team have indicated that the preferred number and mix would be for 19 units, broken down into 6 x 1 beds / 9 x 2 beds and 4 x 3 beds. The applicant has indicated that they are happy with the overall approach and a policy compliant level of affordable housing will be secured in the legal agreement.
- 8.21. It must be noted that whilst the applicant has not provided a Financial Viability Assessment (FVA) to demonstrate that the scheme can viably provide for 40% affordable housing, this is not a requirement set out in CP20.

8.22. Overall, the offer of policy compliant affordable housing in accordance with policy CP20 is welcomed and weighs strongly in favour of the scheme.

Design, Scale, Massing and Impact on wider townscape:

8.23. National and local policies seek to secure good quality design which respects general townscape and the setting of heritage assets.

8.24. Policy CP12 on Urban Design sets that development should meet certain criteria. The keys points are set out below:

- Raise the standard of architecture and design in the city;
- Establish a strong sense of place by respecting the diverse character and urban grain of the city's identified neighbourhoods;
- Achieve excellence in sustainable building design and construction;
- Conserve or enhance the city's built and archaeological heritage and its settings;
- Protect or enhance strategic views into, out of and within the city;
- Be inclusive, adaptable and accessible;
- Ensure that the design of the external spaces is an integral element of the overall design approach, in a manner which provides a legible distinction between public and private realm;

8.25. It must be noted that whilst this is an outline application with layout and scale to be considered, the appearance is to be reserved. Although outline applications present difficulties for assessment within built up areas, with for example the appearance inextricably linked to the overall design, there is considered sufficient information to determine this application.

8.26. The character of the immediate area consists of a mix of commercial units and residential blocks, generally up to 3 three storeys in height to the north of Portland Road with the four/five storey Martello Lofts immediately adjacent to the west. To the south of the site is much more residential in character, although with some retail, commercial at ground floor level along Portland Road.

8.27. The site itself includes 6 semi-detached properties in spacious garden plots. The ground levels rise from south to north with the entrances of the properties set back from the road and at a higher level and have front gardens which include off street parking. The existing properties are considered representative of much of the suburban housing in the wider surrounding area and make a positive contribution to the streetscene.

8.28. Increasing residential densities within the city is accepted, in principle, subject to proposals aligning with key development plan policies. Proposed developments are required to have an acceptable visual impact on the surrounding area whilst protecting neighbouring amenity. CP12 sets out that built form is required to raise the standard of architecture and design in the city

and establish a strong sense of place by respecting the diverse character and urban grain of the city's identified neighbourhoods.

- 8.29. The proposed development consists of a primary building fronting Portland Road at four storeys in height with commercial space at ground floor level and a basement level with vehicular and cycle parking. In addition, there would be a three-storey commercial building sited to the north-west of the site abutting the Portland Trading Estate access Road. Access to the basement would be via a ramp from the Trading Estate.
- 8.30. The scheme as originally submitted was 6 storeys in height fronting Portland Road with a five-storey separate office building. It was considered that a building of six storeys in this location with an unbroken frontage would be excessive in respect of scale and massing and would likely result in an overly dominant and negative impact on the streetscene. After discussions with the applicant the scheme was revised with two storeys removed across the scheme and a set back applied to the top storey to the rear. The revised scheme now consists of a total of four storeys in height, sitting below the height of Martello Lofts and Nos. 2 and 4 Olive Road and is more appropriately scaled and broadly respects the existing building typologies in the immediate vicinity.
- 8.31. Revisions to the scheme were also sought in relation to the building line, which was set back a further 3m from the road in comparison to the originally submitted scheme, reducing the bulk immediately fronting Portland Road. Whilst the proposed front building line would still be set further forward than the existing semi-detached properties which have more spacious landscaped frontages, it is considered that the proposal would leave sufficient spaces for landscaping to the south and the proposal is acceptable in this regard.
- 8.32. In order to provide a level threshold at ground floor level the frontage the development is cut into the bank, unlike the sloped arrangement of the existing front gardens. Whilst this will result in a starker appearance, less representative of the surrounding area, where development rises gently above road level it acknowledged that this approach is necessary to provide level accesses without significant ramping along the street frontage.
- 8.33. As the gradient of the land rises steeply from the south to the north the standalone office building fronting the Portland Trading Estate access road whilst retaining the same height as the main building would be three rather than four storeys. This building although larger, is similar in massing to the extant permission for an office building in this location and is considered acceptable in respect of layout and scale.

- 8.34. Alterations to the ground floor office level included an increase to the floor to ceiling height to ensure more generous proportions to enable this level to be clearly distinguished from the residential accommodation above.
- 8.35. Whilst the alterations set out above have reduced the overall height and bulk of the proposal it is nevertheless a building of significant scale and site coverage with a built form that is closer to the site boundaries on all sides than existing with a relatively modest communal amenity space to rear. It is though recognised that some compromises are necessary to achieve increased densities across the city with a certain level of massing required to enable viable redevelopments.
- 8.36. An indicative appearance drawing has been submitted which shows how the fenestration and balcony placement could look on the Portland Road frontage. Whilst still approach is not considered entirely successful it is considered that an acceptable design which breaks down the horizontal massing, differentiates the commercial space from the residential and provides sufficient variation in detail and materiality could be achieved to ensure the proposal successfully integrates itself into the surrounding area.
- 8.37. A successfully landscaping plan will also be key to soften the Portland Road frontage of the scheme.
- 8.38. In summary, in order to maximise density on sites to provide additional housing and employment space it is acknowledged that the site coverage, scale and height of the built form must be significantly increased over the existing situation. The site is partly within the Portland Road Estate Trading Estate which is allocated for mixed use employment and residential development which will require higher densities than existing to viably come forward. The massing of the scheme has improved significantly throughout the application process and whilst some design concerns remain it is considered that within the parameters set within this outline application that a building of sufficient architectural quality and appearance can be designed which would sit acceptably within the surrounding area.
- 8.39. Conditions requiring details / samples of materials are proposed to ensure a high-quality build is maintained through to completion.
- 8.40. Whilst the height and form of future development on the adjoining site to the north may be restricted to a degree by the proposed scheme, it is considered that subject to sufficient spacing satisfactory level of built form on the site to the north could be achieved without significant detriment to the amenity of future occupiers and the application is acceptable in this regard.

Landscaping / public realm

- 8.41. National and local plan policies place great emphasis on securing good design and placemaking. City Plan Policy CP13 requires the quality, legibility and accessibility of the city's public urban realm to be improved in a comprehensive manner through new development schemes, transport schemes and regeneration schemes. Such proposals are required to produce attractive and adaptable streets and public spaces that enrich people's quality of life and provide for the needs of all users by:
1. Positively contributing to the network of public streets and spaces in the city;
 2. Enhancing the local distinctiveness of the city's neighbourhoods;
 3. Conserving or enhancing the setting of the city's built heritage;
 4. Reducing the adverse impact of vehicular traffic and car parking;
 5. Utilising high quality, robust and sustainable materials for all elements of the street scene;
 6. Incorporating street trees and biodiversity wherever possible;
 7. Encouraging active living and healthier lifestyles;
 8. Helping to create safe and inclusive public spaces;
 9. Incorporating an appropriate and integral public art element; and
 10. Reducing the clutter of street furniture and signage
- 8.42. Details relating to landscaping are reserved matters and as such are not for expressly for consideration in this application.
- 8.43. Whilst ideally the layout of the site would have included a greater of amenity space there is considered to be sufficient space on the site to provide an acceptable landscaping scheme and the proposal is acceptable in this regard.

Artistic Component

- 8.44. Contributions are sought from significant major schemes towards direct on-site provision by the developer as part of a scheme or in the immediate vicinity of the development. City Plan Policy CP5 Culture and Tourism supports investment in public realm spaces suitable for outdoor events and cultural activities and the enhancement and retention of existing public art works. Policy CP7 Infrastructure and Developer Contributions seeks development to contribute towards necessary social, environmental and physical infrastructure including artistic components secured as public art and public realm improvements; and policy CP13 Public Streets and Spaces seeks to improve the quality and legibility of the city's public realm by incorporating an appropriate and integral public art element.
- 8.45. The artistic component is calculated via a standard formula linked to the overall floorspace of the scheme and in this instance the value of the contribution totals £28,300. This contribution is not a monetary payment to be sought by the council but rather an uplift to the quality of the scheme to the value of this amount and will be secured within the legal agreement.

- 8.46. It is recommended that an overall Artistic Component Strategy is sought allowing delivery of the artistic component elements where required which should consider a consistent approach across the site.
- 8.47. Taking into consideration an approved Artistic Component Strategy for suitable projects this may include street furniture, hard or soft landscaping, internal or external murals or sculptures or uplift in materials and may also include improvements to adjacent public realm. The objective is to bring an individual identity to the scheme with an uplift to the public realm and the development over and above the proposed plans.

Open Space and amenity / sports provision

- 8.48. Policy CP16 on Open space sets out a number of key criteria in respect of open space. Developments will be required to optimise the provision of safe onsite public open space with good passive surveillance and accord with Biosphere Reserve principles and objectives. Where it is not practicable for all or part of the open space requirements to be provided on site, an appropriate alternative agreed provision and / or contributions towards off-site provision will be required.
- 8.49. The scale of the proposed development generates a significant demand for all of the open space typologies. These cannot be feasibly accommodated on site in most instances and as such contributions will be sought.
- 8.50. The 2011 Open Spaces study requires amenity green spaces to be able to accommodate recreational function beyond acting as a visual amenity or a landscape buffer and a certain degree of informal activity is envisaged in them and it should be of the size and scale to accommodate that activity.
- 8.51. It is acknowledged that to ensure an efficient use of the site that this has resulted in limited space on site for amenity greenspace. Whilst this in an outline application without full details there is no indication (or likely the necessary space) for a designated children's play area, or any indoor or outdoor sport provision and as such a full contribution has been sought.
- 8.52. It is welcomed that the applicant has agreed to fully meet the financial contribution of £117,234.81 towards enhancement of outdoor/indoor sports, parks and gardens, children's playspace, allotments, amenity greenspace and semi-natural space in accordance with the requirements of policies CP7, CP16 and CP17 and the Developer Contributions Technical Guidance.

Impact on Neighbouring Amenity

- 8.53. Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or

adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

- 8.54. As discussed previously, the scheme has been revised since the original submission. The overall height has been reduced by the removal of the top two storeys, and in addition a set back to the top floor to the rear and this has had clear benefits in reducing the impact on neighbouring amenity.
- 8.55. The main impacts on amenity are to the two properties to the north fronting Olive Road (2 and 4 Olive Road) and also to the flats in the recently converted former office block, Martello House, immediately to the west of the site.
- 8.56. A Sunlight, Daylight & Overshadowing Report Revision 2 by Delta Green Environment Design (dated 17 June 2019) has been submitted, which takes in the revisions to the scheme and supersedes the original assessment.
- 8.57. The report concludes that the impact on surrounding residential properties is limited in respect of sunlighting and daylight. As existing, the Martello Lofts development has good levels of daylight to the eastern facing elevation and this will generally be the case with the proposal in situ. Using the BRE's methodology of assessing the Vertical Sky Component (VSC) there are 6 east facing windows (two at lower ground, three at ground, one at second floor level) where the daylight would fall below BRE guidelines and thus classed as a noticeable reduction. In all six cases the loss of daylight is only just outside the guidelines and would not represent a significant harmful impact.
- 8.58. In respect of sunlight, the results show that with the proposed development in situ the sunlight hours to the east facing windows of Martello House would reduce slightly. The sunlight to Martello Lofts will still remain well in excess of the BRE guidelines with the proposed development, with the exception of one ground floor window where sunlight provision falls marginally below BRE guidance.
- 8.59. It is noted that the submitted assessment does not include the recently constructed pent house floor. As all windows meet BRE guidance on the second floor, the Penthouse level which would be a floor higher and would also highly likely meet BRE guidelines and as such the assessment is considered robust.
- 8.60. The rear windows of Nos. 2 and 4 Olive Road were assessed in respect of the impact on sunlight and daylight and the rear garden areas were assessed for overshadowing. The south facing side windows in 2 Olive Road were not assessed as the ground floor windows are as existing obstructed by a car port and the first floor window is a secondary window.

- 8.61. With the proposal in situ the impact in respect of the loss of sunlight and daylight to the rear windows and the impact of overshadowing to the rear garden is considered minimal and all well within BRE guidance.
- 8.62. Overall, in respect of sunlight and daylight to neighbouring properties there is only a relatively minimal impact and the proposal is acceptable in this regard.
- 8.63. The proposal would be separated from the Martello Lofts development by the existing trading estate access road and it is not considered that there would be a significantly overbearing or enclosing impact to the residential properties within Martello Lofts.
- 8.64. In respect of the impact on 2 and 4 Olive Road the proposed scheme would undoubtedly result in a more bulky and dominant form of development than they experience as existing. Due to the gradient of the land the overall height of the proposed scheme would still sit below that of 2 and 4 Olive Road and it must also be considered that there is also an extant planning permission for three storeys buildings on the west of the trading estate access road and any detrimental impact is not such that it would result in a significantly overbearing or enclosing impact that would warrant the refusal of the application.
- 8.65. Given the close proximity of the proposed development to 2 and 4 Olive Road and to the Martello Loft development and the increased number of residential units in comparison to existing there will be an increase in the potential for both perceived and actual overlooking especially from any proposed terraces / balconies.
- 8.66. It must be noted though that the external appearance and internal layout is not being secured in this application with these details to be agreed within a future reserved matters application. It is considered that flat layouts, window and balcony siting would need to be carefully considered to ensure the impact of overlooking towards adjoining properties is minimised as far as practicably possible and as such the proposal is considered to be acceptable in this regard.
- 8.67. The separation distances between the proposed development and neighbouring residential properties to the southern side of Portland Road are such that there is not considered to be any significant loss of amenity as a result of the proposed development.
- 8.68. Noise and disturbance from the proposed development, be it from future occupiers or transport related impacts can be controlled via either a Delivery and Servicing Management Plan to be secured by condition and it is not considered that neighbouring properties will be significantly impacted in this regard.

- 8.69. Noise and dust during the construction of the scheme will be controlled by a Demolition and Environmental Management Plan (DEMP) and Construction and Environmental Management Plan (CEMP).
- 8.70. Impacts in respect of the loss of daylight and sunlight to the neighbouring commercial occupiers have not been assessed by the applicant. Due to the height, massing and siting of the proposed built form and its proximity to neighbouring commercial properties there is likely to be some level of detrimental impact. It is considered though that for commercial premises, which have a lower level of protection than for residential properties that any harm to amenity would not be so significant as to warrant refusal.
- 8.71. In addition, when assessing concern from commercial operators that increasing residential development on the site may prejudice the operation of noisy commercial uses consideration must be given to the council's future aspirations for the Trading Estate, which is for higher density mixed use development. As such, it is acknowledged that any redevelopment scheme aiming to maximise the capacity of the site is likely to include residential development in relatively close proximity to adjoining commercial occupiers and the proposed arrangement is considered acceptable in this regard.

Standard of accommodation

- 8.72. Whilst neither the internal residential layouts or the external appearance of the scheme is to be secured in this application the applicant has supplied indicative floor plans to aid the assessment of the application.
- 8.73. Whilst the Local Planning Authority does not have adopted space standards, for comparative purposes the Government's Technical Housing Standards – National Described Space Standards March 2015 document sets out recommended space standards for new dwellings. The units in the indicative layouts have all been designed to meet or exceed the Nationally Described Space Standards and this is welcomed.
- 8.74. Some concerns are raised in respect of the indicative layouts which feature a large number of single aspect units accessed off a double loaded corridor and a significant proportion of relatively deep north facing units. Whilst the footprint of the building will limit significant alterations it is considered that there are clear improvements to the internal layout that could be achieved to improve living conditions for future occupiers and as such whilst the indicative layouts have shortcomings it is considered that an a scheme which provided for an acceptable standard of accommodation could be provided for.
- 8.75. Notwithstanding the large proportion of north facing residential units in the indicative layout, the development is set a sufficient distance from

neighbouring properties and this in conjunction with appropriate fenestration treatment and layout design it is considered that acceptable daylighting within the proposed units would be achievable.

- 8.76. The indicative plan shows a narrow entrance and corridor at ground for level for the residential. There is scope for a more generous opening and corridor widths in a future reserved matters application to improve the liveability of the scheme.
- 8.77. The proposal is considered to be in compliance with Local Plan Policy HO5 which requires private useable amenity space in new residential development with all of the units provided with balconies in the indicative plans. A relatively modest communal amenity space is also provided at first floor to the rear. Whilst this space would not provide 'private amenity' amenity for residents in accordance with HO5 and would likely be largely overshadowed for much of the day it would provide a further community offer for residents.
- 8.78. Overall, the quantum of private amenity space provision is considered acceptable.
- 8.79. There will still be a significant level of mutual overlooking between the windows and balconies of the respective blocks and the external communal area to the rear and in addition there would be further impacts on privacy with some views afforded from the existing neighbouring residential occupiers to the west and north. Whilst this will impact the privacy of future residents to a degree there will inevitably be a certain degree of overlooking in a scheme of this density and overall the scheme is considered acceptable in this regard.

Noise Impacts for future occupiers

- 8.80. There are a number of potential noise sources in close proximity to the site. This includes traffic noise from Portland Road and also operational noise from nearby commercial / industrial units. The closest of these commercial noise sources would be sited on the northern boundary of the site.
- 8.81. There will also be a number of potential noise sources from the proposed development, eg. from plant, cycle and refuse stores, external terraces and deliveries.
- 8.82. The applicant submitted the acoustic report used for the neighbouring development at Martello Lofts which provided a general overview of the noise impacts in the locality.
- 8.83. A condition is recommended requiring further noise assessment of the revised scheme and then a later assessment considering the potential noise sources

within the development along with necessary mitigation to ensure acceptable noise conditions for future occupiers.

- 8.84. Further conditions are required in respect of servicing and soundproofing.
- 8.85. Subject to compliance with the suggested conditions it is not considered that there will be any significant impact to future occupiers in respect of noise and disturbance.

Housing Mix:

- 8.86. Policy CP19 relates to housing mix and states it should be demonstrated that proposals have had regard to housing mix considerations and have been informed by local assessments of housing demand and need.
- 8.87. The proposed scheme has been subject to a number of revisions during the life of the application. The current indicative layout includes 47 residential properties in the following mix:
- 3 x studios (6%)
 - 24 x one-bedroom units (51%)
 - 14 x two-bedroom units (30%)
 - 6 x three-bedroom units (13%)
- 8.88. Policy CP19 does not set specific requirements for housing mix but does expect developments to provide an appropriate mix of housing type, size and tenure informed by local assessments of housing demand and need, whilst having regard to the characteristics of existing neighbourhoods and communities. Compared to the overall pattern of need/demand across the city set out in CPP1 (para 4.213) the proposed mix is strongly focused towards smaller 1 and 2 bed units.
- 8.89. The revised Planning Policy response sets out that in terms of the market housing mix the accommodation is biased towards smaller dwellings with one bedroom and two bed units comprising 57% of the total scheme and only 13% of units being of three bedrooms. There are no larger units (4 or more bedrooms) proposed. It is also acknowledged that 6 larger dwellings with gardens are to be lost.
- 8.90. The supporting text to Policy CP19 at 4.213 and within the latest objective assessment of housing need for Brighton & Hove (Objectively Assessed Need for Housing: Brighton & Hove, GL Hearn June 2015) indicates that for market housing, most demand is likely to be for 2 and 3 bedroom properties (35% each) - although the analysis also suggests a notable need for both 1-bedroom and 4 or more bedroom homes.

- 8.91. In this case, a higher proportion of smaller units would be expected given the development format and location, though there is a concern that the scheme is proposing only 13% 3-bed units (compared against the city-wide requirement of 42% 3 and 4+ bed units in CPP1 para 4.213).
- 8.92. Whilst the layout is only illustrative it is acknowledged that without reducing the overall number or size of the units it would not be possible to significantly alter the mix to achieve a more policy compliant blend.
- 8.93. Notwithstanding the above, it is acknowledged that the nature of flatted developments does not necessarily lend itself as well to larger family sized units. Furthermore, the smallest units are all predominantly one-bedroom units (rather than studios) and as such are able to provide accommodation for couples and thus do provide some flexibility for future occupiers. Whilst the loss of family housing with gardens is regrettable the overall quantum and mix of the residential offer would be significantly increased.
- 8.94. Overall, whilst the proposed residential housing mix, which is skewed towards smaller dwellings weighs against the scheme, when the proposal is assessed in its totality, with the benefits of a significant provision of housing units and employment space, the policy conflict is not so significant as to warrant refusal of the scheme and as such the indicative housing mix is considered acceptable in this instance.

Sustainable Transport:

- 8.95. City Plan policy CP9 seeks to promote sustainable modes of transport and cycling and walking to reduce reliance on the private car. Local plan policy TR4 promotes the use of Travel Plans. Policy TR7 seeks to ensure highway safety. Development is expected to meet vehicular and cycle parking standards set out in SPD14.
- 8.96. It is noted that a significant proportion of the objections received from local residents are in the respect of increased parking pressures in the vicinity, localised traffic congestion and highway safety concerns, including the capacity of the Olive Road junction.
- 8.97. The site is in a sustainable location close to services and is well located to take advantage of existing public transport links, including Portslade Station.
- 8.98. The scheme has been designed with a basement car park accessed from the Portland Road Trading Estate.
- 8.99. A Transport Assessment (TA) was submitted during the life of the application with further transport information submitted by the applicant as the application progressed.

- 8.100. There has been significant input from the LHA Transport Team on this application. The Team has provided comments on the initial proposals and further comments during the life of the application as the scheme was revised and more information was provided by the applicant.
- 8.101. Early responses from the LHA Transport Team raised a significant number of issues and asked for further information in some key areas. The main concerns raised in respect of the submitted application include the following:
- Lack of Transport Assessment or Travel Plan with the initial application,
 - Insufficient information / details on the following;
 - cycle parking provision and arrangements,
 - disabled access and parking,
 - servicing and deliveries and demand forecasts,
 - basement parking space allocation and the operation and the management of the space,
 - Impact on Olive Road junction,
 - trip generation information,
 - parking demand/overspill assessment,
 - road safety analysis
- 8.102. Sufficient information has now been received on trip rates and these have been agreed by the LHA Transport Team.
- 8.103. Details have also been submitted by the applicant apportioning vehicular trips to specific routes for both the commercial and the residential uses. Taking this into account the LHA Transport Team confirm that there is less than 5% impact on all junctions as a result of this proposal and therefore, it can be concluded that the previous congestion concerns relating to Olive Road and the junctions at either end with Portland Road and A270 Old Shoreham Road would not be exacerbated by the proposal and no further operational impact assessment is required.
- 8.104. The final LHA Highways Team response still objects to the proposed development. The primary concern relates to delivery and servicing, specifically a lack of information on delivery forecasts and associated capacity, safety, access and inclusivity concerns. The scheme proposes a single loading bay off the access road, 5.6m in length which the applicant's submitted TA considers is sufficient to service the development. The LHA Highways Team set out that the loading bay is too small to accommodate the forecast delivery and servicing demand. The consultee response outlines that the loading bay would be required to be a minimum of 23m to accommodate 1 LGV and 1 OGV during the peak hour. The concern is that if delivery and servicing arrangements cannot be adequately accommodated this may result in overspill

parking impacting on surrounding local roads, including sensitive junctions such as Olive Road.

- 8.105. Whilst noting the objection from the LHA Transport Team, their response does outline a possible solution in respect of proposing a Grampian condition to implement an additional loading bay on Portland Road of circa 10m, subject to a Road Safety Audit and alterations to the loading bay that has been proposed to increase its length and improve its design for access / equalities reasons.
- 8.106. The applicant is willing to enter into such a Grampian condition, whilst alterations can be secured to extend and improve the proposed loading bay by condition and or through the reserved matters process which would increase loading bay capacity and whilst it may not be possible to provide for the full 23m set out by the LHA Transport Team it is considered that sufficient capacity could be secured to ensure that the proposal would not generate overspill parking and thus potential detrimental impacts on the highway network.
- 8.107. A Delivery and Servicing Management Plan is also to be secured by condition.
- 8.108. In additional the LHA Transport Team have expressed a concern in respect of whether a ramp is proposed in order to provide a disabled access into the main pedestrian access to the site off the Trading estate access road and whether any pinch points to such ramp would impede access.
- 8.109. Notwithstanding this concern, whilst due to the gradient of the site some ramping is inevitable, it is considered that there is sufficient space on site to achieve level access for pedestrians and this can be further assessed in the reserved matters application and secured by condition.
- 8.110. The applicant has set out in the TA that the site is well connected to local transport hubs and that future occupiers of the site will be encouraged to use sustainable modes. To help achieve these ends specific Travel Plans are proposed. These will be secured in the legal agreement.
- 8.111. Cycle parking provision has been provided for residents in stores either at basement or ground floor level. A number of concerns with the proposed cycle parking provision have been raised by the LHA Transport Team in respect of the siting, access, capacity and type of provision. Notwithstanding these concerns, the internal layout is not being secured in this application and it is considered that there is sufficient space on the site to achieve acceptable policy compliant cycle parking provision.
- 8.112. A sustainable transport contribution of £199,530 has been calculated based on the increase in total trips (including sustainable modes) to and from the

development. The LHA Highways Team are proposing this should be allocated to the following, stated here in order of priority.

- Pedestrian crossing improvements on but not limited to Portland Road; and/or
- Improved pedestrian crossing on Portland Road; and/or
- Bus stop improvements on Portland Road; and/or
- Public realm and accessibility improvements to footways within the adopted highway in the vicinity of the site.

- 8.113. The site is located within a 'light touch' Controlled Parking Zone (CPZ) and close to Portslade Train station. In respect of parking stress, using the 2011 Census data the LHA Highways Team has indicated that for the residential element of the scheme (residents and visitors) would generate the need for 27 parking spaces. For the commercial element, allowing for 1 space for every 100sqm of commercial as set out for Key Public Transport corridors in SPD14 would result in 17 car parking spaces resulting in a total of 44 spaces. The basement layout indicates 63 parking spaces. Whilst this is likely to be reduced slightly to achieve satisfactory cycle parking, disabled parking provision and appropriate vehicle access the basement space is large enough to accommodate revisions whilst still accommodating sufficient parking provision to ensure that there would not be any significant overspill parking.
- 8.114. Further details of the operation, layout and allocation of the vehicular parking, including the provision of electric charging spaces will be secured by condition.
- 8.115. In respect of road safety, details outlining road accidents in the immediate area were submitted by the applicant in their TA. There is nothing to suggest that there is a trend in the cause of collisions that would be exacerbated by additional traffic from the proposed development and the proposal is acceptable in this regard.
- 8.116. A Demolition and Environment Management Plan (DEMP) and a Construction and Environmental Management Plan (CEMP) will be required as a condition to ensure the demolition and construction of the scheme does not result in any adverse environmental health or transport impacts.
- 8.117. Overall, the proposal is considered acceptable in respect of Highways impacts and no objections have been raised in relation to impact on the Olive Road junction or the potential for overspill parking. Whilst concerns have been raised in respect of servicing and deliveries it is considered that these can be overcome by revisions to the scheme at reserved matters stage along with relevant conditions, including a Grampian condition to provide a loading bay on Portland Road. Acceptable details for cycle parking, vehicular parking, including for disabled users and pedestrian access can be secured by condition.

Sustainability:

- 8.118. City Plan policy CP8 requires that all developments incorporate sustainable design features to avoid expansion of the City's ecological footprint, achieve significant reductions in greenhouse gas emissions and mitigate against and adapt to climate change.
- 8.119. Policy CP8 specifies the residential energy and water efficiency standards required to be met, namely energy efficiency standards of 19% reduction in carbon emissions over Part L Building Regulations requirements 2013 and water efficiency standards of 110 litres per day and conditions are proposed to secure these standards. A further condition is proposed to secure a BREEAM rating of excellent for the commercial elements of the scheme.
- 8.120. Photovoltaic panels are proposed to the flat roofs. The exact quantum and siting will be secured via a proposed condition.
- 8.121. Ten percent of the parking spaces on-site will have active electric charging, with a further ten percent having passive provision to allow for later introduction.
- 8.122. There is potential for the applicant to consider further greening of the scheme and the potential for food growing in the future at the reserved matters stage.
- 8.123. Overall, subject to compliance with the suggested conditions the proposal is considered to have an acceptable impact in respect of sustainability.

Ecology

- 8.124. There are no sites designated for their nature conservation interest that are likely to be impacted by the proposed development.
- 8.125. The site currently contains 6 dwellings and their respective gardens along with the hardstanding area to the west of the site and has little biodiversity value.
- 8.126. It is suggested that bird boxes, swift bricks, bat boxes and also bee bricks / bug boxes are provided throughout the scheme and these are to be secured by condition.
- 8.127. Further nature enhancements to the scheme will be secured via an Ecological Design Strategy condition and subject to compliance with conditions the overall proposal is in accordance with development plan policies in respect of ecology.

Arboriculture:

- 8.128. Whilst not objecting to the loss of any specific existing trees on the site the Arboriculture Team initially raised concerns in respect of the overall level of development which led to limited space for soft landscaping.
- 8.129. The revised scheme repositioned the built form back further from Portland Road and as such created more space for landscaping. The Arboriculture Team are satisfied that the revised scheme has sufficient space for landscaping adjacent to the road frontage and the overall the scheme is acceptable in this regard.

Sustainable Urban Drainage / Flood Risk

- 8.130. Policy CP11 in the City Plan Part One sets out that the council will seek to manage and reduce flood risk and any potential adverse effects on people or property in Brighton & Hove, in accordance with the findings of the Strategic Flood Risk Assessment (SFRA). Saved policies SU3, SU5 and SU11 in the B&H Local Plan relates to water resources and their quality, surface water and foul sewage disposal infrastructure and Polluted land and buildings.
- 8.131. A Flood Risk Assessment and Surface Water Drainage Strategy by Ambiental Environmental Assessment was submitted during the life of the application in response to queries raised by the Sustainable Drainage Team.
- 8.132. The Local Lead Flood Authority is satisfied that the proposal would not result in an unacceptable flood risk and subject to the imposition of a condition to secure the recommendations in the submitted Surface Water Drainage Strategy.
- 8.133. Southern Water has confirmed that the additional foul sewerage flows from the proposed development will not increase the risk of flooding in the existing public sewerage network. Southern Water can hence facilitate foul sewerage disposal to service the proposed development.
- 8.134. Southern Water do not object subject to satisfactory measures for the proposed means of surface water run off disposal to ensure that there is not an increased risk of flooding and as such a specific condition is proposed.

Air Quality

- 8.135. Policy SU9 of the Local Plan relates to pollution and nuisance control. The policy states that development that may be liable to cause pollution and/or nuisance to land, air or water would only be permitted where human health and safety, amenity and the ecological well-being of the natural and built environment is not put at risk; when such development does not reduce the Local Planning Authority's ability to meet the Government's air quality; and other sustainability targets and development does not negatively impact upon the existing pollution and nuisance situation.

- 8.136. The Air Quality officer sets out that the prevailing air quality across this part of Hove is very good. The nearest road links exceeding the Air Quality Assessment Level for nitrogen dioxide are Wellington Road and Trafalgar Road in South Portslade and the proposal.
- 8.137. The Air Quality officer does not object to the proposal stating that it is very unlikely that the development will add more than 100 vehicle movements per day to Wellington Road / Trafalgar Road and thus trigger the need for the submission of an Air Quality Assessment in accordance with national guidance.
- 8.138. It is suggested that balcony and window treatment is carefully considered at first floor level adjacent to Olive Road at the reserved matters stage to limit the potential impact of poor air quality on future occupiers.
- 8.139. Subject to suggested conditions in respect of boiler emissions and electric charging points for car parking the proposal is considered acceptable in respect of air quality.

Other Considerations:

- 8.140. There have been objections from local residents setting out concerns that the existing local infrastructure and services (eg. Schools, doctors, dentists) are insufficient to cope with the additional residents / occupiers of the development.
- 8.141. It is noted that the development will be providing for significant contributions to employment training, sustainable transport, education and open space (including parks, amenity areas and indoor and sports) all of which will provide mitigation for the impact of the development. It is therefore considered that the impact of the development on local services is satisfactorily mitigated.

Conclusion and planning balance

- 8.142. Paragraph 11 of the NPPF makes it clear that planning application decisions should apply a presumption in favour of sustainable development. Furthermore, it sets out that where relevant development policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 8.143. As noted previously the Council is currently unable to demonstrate a 5-year housing supply and as such the relevant planning policies relating to housing delivery are considered out-of-date and the tilted balance of paragraph 11 must be applied.

- 8.144. Outlining the positives of the scheme, the public benefits include the contribution of a net increase of 41 residential units towards the City's housing target of 13,200 new homes over the plan period on a site that is partially inside and also abutting the Portland Road Trading Estate which is allocated for mixed use (employment and housing) regeneration. It is further acknowledged that the Council is currently unable to demonstrate a 5-year housing land supply and as such the proposed housing (which also includes 40% affordable provision) would make a meaningful contribution towards this shortfall and this weighs strongly in favour of the scheme.
- 8.145. The provision of modern and flexile employment floorspace with the potential to provide for 137FTE jobs also weighs strongly in favour of the scheme.
- 8.146. The design of the scheme has evolved positively during the life of the application. Whilst it is acknowledged that the scheme still represents a built form of considerable mass and site coverage which will result in some compromises both visually and also to the liveability of future accommodation, it is considered that a development of an acceptable appearance and design could be achieved within the parameters set out within this outline permission.
- 8.147. Furthermore, when the application is assessed holistically, considering the need to maximise the potential of the site and the significant public benefits of the proposed housing and employment floorspace, the overall design approach is found to be acceptable.
- 8.148. Whilst some level of harm to neighbouring amenity has been identified this is considered relatively limited and can be further mitigated by careful design and siting of windows and balconies at the reserved matters stage and does not weigh strongly against the scheme.
- 8.149. Whilst it is acknowledged that the indicative housing mix is somewhat skewed towards smaller units it is recognised that flatted developments are less suited to larger family sized units which also impact negatively on viability and whilst regrettable this would not warrant the refusal of the application.
- 8.150. Highways concerns raised in respect of insufficient servicing and delivery space and pedestrian access can be mitigated to a degree by revisions to be secured at the reserved matters stage and by condition and overall the proposal is considered satisfactory in respect of highways impacts.
- 8.151. Other factors including impacts relating to ecology, sustainability, arboriculture, flood risk, air quality have been assessed and have been considered acceptable.

- 8.152. Overall it is considered that the public benefits of the scheme taken as a whole, which include the provision of a significant amount of housing and employment floorspace, are such that they outweigh the negatives of the scheme.
- 8.153. The proposed development will make a significant contribution towards sustainable development in the City and thus complies with the NPPF and contributes towards meeting the objectives of City Plan Part One Policy CP1 and approval of planning permission is therefore recommended subject to the completion of a s106 planning legal agreement and to the conditions recommended above.

9. EQUALITIES

- 9.1. Access to the site for disabled users and less mobile users has been accommodated. The indicative layouts include wheelchair accessible housing (minimum of 5%) and disabled car parking and these will be secured by condition.

10. S106 AGREEMENT

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

contrary to policy CP7 of the Brighton and Hove City Plan Part 1 and the City Council's Developer Contributions Technical Guidance.

6. The proposed development fails to provide a financial contribution towards the enhancement of open space to meet the demand created by the development contrary to policies CP7 and CP16 of the Brighton and Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.

