

<u>No:</u>	BH2020/00917	<u>Ward:</u>	Goldsmid Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Unit 1-3 Ellen Street Hove BN3 3LN		
<u>Proposal:</u>	Demolition of existing buildings & redevelopment to provide a mixed-use scheme comprising commercial floorspace (flexible commercial & community floorspace & residential units (C3 use), together with associated car & cycle parking, plant, supporting facilities, amenity space, landscaping & infrastructure works.		
<u>Officer:</u>	Robin Hodgetts, Henrietta Ashun, tel: 292366 Or 295783	<u>Valid Date:</u>	02.04.2020
<u>Con Area:</u>		<u>Expiry Date:</u>	02.07.2020
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Savills 33 Margaret Street London W1G 0JD		
<u>Applicant:</u>	Watkin Jones Group C/O Savills 33 Margaret Street London W1G 0JD		

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 **2nd October 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:

Build to Rent Housing:

- A restriction that all homes are held as 'Build to Rent' under a covenant for at least 15 years
- Inclusion of a 'clawback' arrangement to fund the consequent affordable housing requirement in the event of any private rented housing being sold or taken out of the Build to Rent sector based on values of units at that particular time (as assessed for viability) within the 15 year covenant period.
- All units to be self-contained and let separately under unified ownership and management
- Submission of a Management and Servicing Agreement

- Submission of a Tenancy Agreement, for example of at least 3 years available to all tenants (unless tenants agree a lesser period) with a break clause of 1 month after initial 6m months. No upfront fees of any kind except deposits and rent in advance
- A minimum of 5% of all residential units to be built to wheelchair accessible standard and evidenced before first occupation. Marketing Agreement to include provision that all reasonable endeavours will be used to ensure wheelchair units are matched with disabled tenants.

Affordable housing:

- Provision of **10%** affordable housing habitable rooms on site based on rent levels 75% of market level
- Provision of an affordable housing mix. The location of these affordable units may vary over time within the scheme however the reduced rent levels and overall mix of sizes shall remain the same.
- Affordable housing units to be secured in perpetuity and inclusion of a mechanism to 'clawback' the value of the affordable housing provision based on values of the specific units at that particular time if circumstances arise where the all or part of a build to rent scheme is sold or converted to another tenure.
- Provision of Affordable Housing Management Plan and Marketing and Lettings Plan, with eligibility criteria for occupants to be agreed with council with priority for local people/essential local workers/wheelchair or disabled users
- Restriction of a set service charge for affordable tenants (for example to secure as a percentage maximum ceiling on gross income of affordable housing tenants)
- Provision of Annual Statement, confirming approach to letting of affordable units and identifying how overall 10% level, range of sizes, rent levels are maintained and other relevant information
- Viability Review mechanism

Education

- A financial contribution of **£125,991** for secondary school and sixth form education (Blatchington Mill and Hove Park Schools)

Public art

- Commissioning and installation of an Artistic Component to the value of **£97,340** within the development in public view or in the immediate vicinity of the site. This could comprise an 'uplift' in the value of public realm provision to incorporate an artistic component.

Open space and recreation/sports:

- Provision of a financial contribution of **£497,364.15** towards enhancement of outdoor/indoor sports, parks and gardens, children's play space, allotments, amenity greenspace and semi-natural space at the following locations:

- Outdoor sport (£120,272.86) – Withdean Sports Complex, Nevill Recreation Ground or Hove Park
- Indoor sport (£79,086) – Withdean and King Alfred (existing or replacement)
- Children's Play (£11,737.29) - Hove Park, Stoneham Park, St Ann's Wells Garden, Sea front Squares & Wish Park
- Parks and Gardens (£176,032.52) -Hove Park and/or Stoneham Park and/or Davis Park and/or St Ann's Wells Garden and/or Sea front Squares and/or Wish Park and/or Hove lawns.
- Allotments (£17,261.73)
- Amenity Green Space - (£14,113.70) - Hove Park and/or Stoneham Park and/or Davis Park and/or St Ann's Wells Garden and/or Sea front Squares and/or Wish Park and/or Hove lawns and/or Small grassed areas and verges, within 1 mile radius.
- Natural and semi-natural - (£)Hove Park and/or Stoneham Park and/or Davis Park and/or St Ann's Wells Garden and/or Sea front Squares and/or Wish Park and/or Hove lawns and/or existing tree lined streets, within 1 mile radius and/or small grassed areas and verges, within 1 mile radius.

Employment:

- Submission of an Employment & Training Strategy to secure the use of at least 20% local construction labour
- A financial contribution of **£60,800** towards the Local Employment Scheme

Sustainable Transport and Highways:

Sustainable Transport Contribution of £12,000 towards the following

- Dropped kerb improvements on but not limited to the following junctions:
 - Clarendon Road at the junction with Ethel Road running north to south;
 - Junction of Goldstone Street with Livingstone Street (east side running north to south);
 - Junction of Goldstone Street with Shirley Street (east side running north to south);
 - Junction of Goldstone Street with Goldstone Road (east side running north to south)

Highway Works (varipus)

- Conway Street – a reconfigured arrangement
- Provision of dropped kerb crossings on Clarendon Road at the junction with Ethel Road running north to south, Goldstone Street with Livingstone Street (east side running north to south), Goldstone Street with Shirley Street (east side running north to south) and Goldstone Street with Goldstone Road (east side running north to south) as per permitted scheme BH2016/02663
- Introduction of raised pedestrian crossings on the Conway Street approaches to the Goldstone Street and Ethel Street junctions, as well as on the Ellen Street approach to Ethel Street

- General public realm improvements to Conway Street, the northern side of Ellen Street, the western side of Ethel Street, eastern side of Fonthill Road
- Closure of 2 x existing site accesses on Ellen Street and reinstatement of the footway at these locations, to include comprehensive repaving of the footway with high visual quality surfacing
- Amendments to on-street parking and the proposed introduction of two car club parking bays
- Pedestrian and cyclist accessibility improvements to the existing steps between Conway Street and Goldstone Villas at the western end of the former,
- Provision of new/replacement street lighting, including but not limited to feeder pillar, gear, lanterns, brackets and columns, to the following areas
- Any other reasonable works associated with any of the above
- Dedication of additional land with the application site as adopted highway to compensate for obstructions to pedestrian access along existing footways by any aspects of the proposals

Residential and Employee Travel Plans

(details to be included within the late list)

Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

Reason: For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
To be completed within the late list			

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

3.
 - A. No works shall take place until a Demolition and Environmental Management Plan has been submitted to and approved in writing by the local planning authority which shall include:
 - (i) The phases of the Proposed Demolition Phases 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, businesses and elected members to ensure that they are all kept aware of site progress during the demolition phase and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme);

- (iv) A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise, dust management, vibration, site traffic, parking by staff and contractors and the removal of waste from the site;
 - (v) Details of hours of operation including all associated vehicular movements;
 - (vi) Details of the measures to manage local traffic movements around this (including those by pedestrians and cyclists) and any associated on-street restrictions and other measures necessary to minimise congestion on the highway and permit safe access by site vehicles;
 - (vii) A plan showing traffic routes for vehicles during the demolition and clearance of demolition waste phases;
 - (viii) A scheme to minimise congestion, delays and disturbances to traffic and public transport services in the vicinity of the site owing to staff and contractor car parking and site traffic. This will include the identification of areas for staff and contractor parking. The scheme shall be informed by 16 hour parking stress surveys of the streets and public car parks in the vicinity of the site. These shall be carried out in accordance with the Lambeth methodology and shall be conducted on one neutral weekday and one Saturday, with the survey extent, dates and times to be agreed in advance with the Council;
 - (ix) An audit of all waste generated during demolition works.
- B. Upon completion of Phase A, no construction or site preparatory works shall take place until a Construction and Environmental Management Plan has been submitted to and approved in writing by the local planning authority which shall include:
- (i) The Construction phases of the Proposed Development including the forecasted completion date(s);
 - (ii) A scheme of how the contractors will liaise with local residents, businesses and elected members to ensure that they are all kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme);
 - (iii) A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise, dust management, vibration, site traffic, parking by staff and contractors and deliveries to and from the site;
 - (iv) Details of hours of construction including all associated vehicular movements;
 - (v) Details of the construction compound, including the proposed location, design and construction of vehicular accesses to this from the highway, associated measures to manage local traffic movements around this (including those by pedestrians and cyclists) and any associated on-street restrictions and other measures necessary to minimise congestion on the highway and permit safe access by site vehicles;
 - (vi) A plan showing construction traffic routes;

- (vii) A scheme to minimise congestion, delays and disturbances to traffic and public transport services in the vicinity of the site owing to staff and contractor car parking and site traffic. This will include the identification of areas for staff and contractor parking. The scheme shall be informed by 16 hour parking stress surveys of the streets and public car parks in the vicinity of the site. These shall be carried out in accordance with the Lambeth methodology and shall be conducted on one neutral weekday and one Saturday, with the survey extent, dates and times to be agreed in advance with the Council;

- (viii) An audit of all waste generated during construction works.

The demolition and construction phases shall be carried out in accordance with the approved CEMPs

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.

- 4. Prior to the development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

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.

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

- 1. A preliminary risk assessment which has identified:
 - all previous uses,
 - potential contaminants associated with those uses,
 - a conceptual model of the site indicating sources, pathways and receptors,
 - potentially unacceptable risks arising from contamination at the site
- 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
- 3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and

remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
5. A verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

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

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

6. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

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.

7. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

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.

8. No development apart from demolition shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods as per the recommendations of the Flood Risk Assessment & Drainage Strategy (Ref: 1727-ISS-XX-XX-RP-C-0003) has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the building commencing.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal in accordance with Policy CP11 of the City Plan Part One.

9. Piling and investigation boreholes using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.
Reason: Piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating referential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater in accordance with policy SU3 of the Brighton & Hove Local Plan
10. No development shall take place other than demolition until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policy HE12 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One
11. No part of the development hereby permitted shall be brought into use until the archaeological site investigation and post – investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that phase has been completed and approved in writing by the Local Planning Authority. The archaeological site investigation and post - investigation assessment will be undertaken in accordance with the programme set out in the written scheme of investigation approved under condition 10.
Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policy HE12 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.
12. Prior to the commencement of development hereby approved (other than demolition works and enabling works, and works to trees), evidence should be submitted to demonstrate that the energy plant/room(s) have capacity to connect to a future district heat network in the area. Evidence should demonstrate the following:
 - A route onto and through site: space on site for the pipework connecting the point at which primary piping enters the site with the on-site heat exchanger/ plant room/ energy centre. Proposals must demonstrate a plausible route for heat piping and demonstrate how suitable access could be gained to the piping and that the route is protected throughout all planned phases of development.
 - Metering: installed to record flow volumes and energy delivered on the primary circuit.

Reason: To ensure that the development is sustainable and makes efficient use of energy to comply with policies CP8 and DA4 of the Brighton & Hove City Plan Part One.

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

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

14. No development above ground floor slab level prior to commencement of that stage of works shall take place until full details of door(s) and window(s) and their reveals and cills including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections have been submitted to and approved in writing by the Local Planning Authority. Details shall be implemented as approved.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.

15. Within 6 months of first occupation of the non-residential units hereby permitted a BREEAM Building Research Establishment Post Construction Review Certificate must be issued confirming that the non-residential development built has achieved a minimum BREEAM New Construction rating of 'Excellent' and such certificate shall have 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.

16. No development above ground floor slab level hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):

- a) samples of all brick, render and tiling (including details of the colour of render/paintwork to be used)
- b) samples of all cladding to be used,
- c) samples of all hard-surfacing materials,
- d) details of the proposed window, door and balcony treatments,
- e) details of all other materials to be used externally,

Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to comply with policies CP12 and CP13 of the Brighton & Hove City Plan Part One.

17. 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.

18. No development shall take place above ground floor slab level until an ecological design strategy (EDS) addressing enhancement of the site for biodiversity, incorporating the recommendations made in the Preliminary Ecological Appraisal Report (Greengage, March 2020) and the Bat Emergence Survey Report (Greengage, May 2020) has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:

- a) purpose and conservation objectives for the proposed works;
- b) review of site potential and constraints;
- c) detailed design(s) and/or working method(s) to achieve stated objectives;
- d) extent and location /area of proposed works on appropriate scale maps and plans;
- e) type and source of materials to be used where appropriate, e.g. native species of local provenance;
- f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- g) persons responsible for implementing the works;
- h) details of initial aftercare and long-term maintenance;
- i) details for monitoring and remedial measures;
- j) details for disposal of any wastes arising from works.

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

Reason: To ensure that any adverse environmental impacts of development activities can be mitigated, compensated and restored and that the proposed design, specification and implementation can demonstrate this, and to provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 170 and 175 of the National Planning Policy Framework, and Policy CP10 of the Brighton & Hove City Council City Plan Part One.

19. The development hereby permitted shall not be first occupied until details of any external lighting proposed has first been submitted to and approved in writing by the Local Planning Authority. This shall include certification on completion, from a competent person, to demonstrate that the lighting installation complies with the with the recommendations of the Institution of Lighting Professionals (ILP) e.g. Guidance On Undertaking Environmental Lighting Impact Assessments.

External lighting for the development shall be designed and positioned to:

- Be the minimum required to perform the relevant lighting task.
- Minimise light spillage and pollution including impact to wildlife habitats.

- Include landscaping/screening measures to screen illuminated areas in environmentally sensitive areas.
- Avoid dazzle or distraction to drivers on nearby highways.
- Have reference to both horizontal and vertical illuminance to account for the varied sensitive receptors on and around the site.

The lighting shall be implemented as approved and retained.

Reason: To protect the amenity of neighbouring occupiers and users of the surrounding area and in the interest of biodiversity, in accordance with policies QD25 and QD27 of the Brighton & Hove Local Plan and CP10 of the Brighton and Hove City Plan Part One.

20. Prior to occupation of any development 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.

21. Notwithstanding the submitted plans hereby including details confirming adequate operational capacity for the relevant bin stores 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 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

22. Notwithstanding the submitted drawings prior to occupation 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 (including areas of specific landscaping to minimise wind speeds in communal amenity areas);
- b. a schedule detailing sizes and numbers/densities of all proposed trees/plants which shall include details of appropriate shade tolerant species and 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. Shade-tolerant species of a mixture of native and exotic origin that are capable of thriving on the specific soil type found on the site should be included where planting locations receive low levels of annual sunlight,

- d. Measures to promote healthy root growth such as mulching and shared root trenches between planted specimens shall be included in the landscaping proposals to maximise the survival rate of replacement trees;
- e. details of all proposed boundary treatments to include type, position, design, dimensions and materials;
- f. details, furniture and equipment for specific amenity areas including, children's play area and games areas;
- g. details of all screening within amenity areas for the protection of privacy
- h. details of food growing areas for residents
- i. details of a landscape maintenance programme

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 and Policy QD16 of the Local Plan.

23. Prior to first occupation details of the photovoltaic array referred to in the Energy Statement 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 and retained as such thereafter.

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.

24. The development hereby permitted shall not be occupied until details showing the type, number, location and timescale for implementation of swift, bat and bee 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.

25. No more than 75 percent of the build to rent residential units hereby permitted shall be occupied prior to the completion of the Shell and Core of all the B1 floorspace, unless otherwise agreed in writing with the local planning authority.

Reason: To safeguard the supply of office floorspace in the city given the identified shortage and to comply with policies CP3 and DA6 of Brighton & Hove City Plan Part One.

26. 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.

27. No customers of the hereby permitted commercial units shall remain on the premises outside the hours of 07.00 to 23.00 for the F.2 uses and outside the hours of 06.00 to 23.00 for the E use. No activity associated with the operation of the uses within the site shall take place between the hours of 23.30 and 05.30 daily.

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

28. The Tenant Management Plan shall be implemented as hereby approved and complied with for the duration of the development unless otherwise agreed with the Local Planning Authority,

Reason: To ensure the safety of occupants and the amenity of neighbouring residents and to comply with policies QD27 and SU10 of the Brighton and Hove Local Plan and CP12 of the Brighton and Hove City Plan Part One.

29. The report recommendations as set out in the Noise and Vibration Assessment Reference 7937/FD/BL) shall be implemented as hereby approved and complied with for the duration of the development. The mitigation measures and design features required for the users of the site and those living and working nearby shall be provided in accordance with BS8233. WHO standards and ProPG guidance

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

30. The communal roof terrace amenity spaces hereby approved shall only be used by occupiers between the hours of 7am-11.00pm Monday-Saturday and 8am-10pm on Sundays.

Reason: To protect the amenity of occupiers of the development and neighbours from undue noise or disturbance, to comply with policy QD27 of the Brighton and Hove Local Plan.

31. The wheelchair accessible dwelling(s) hereby permitted as detailed on the approved drawings shall be completed in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings) prior to first occupation and shall be retained as such thereafter. All other dwelling(s) hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

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

32. No residential unit hereby approved shall be occupied until it 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.
33. No residential unit approved shall be occupied until it 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.
34. 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.
35. No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.
Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policy CP12 of the Brighton & Hove City Plan Part One.
36. The office floorspace hereby permitted shall be used solely as an office (Use Class E and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification), no change of use shall occur without planning permission obtained from the Local Planning Authority.
Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the supply of office floorspace in the city given the identified shortage, to comply with policies CP3 and DA6 of Brighton & Hove City Plan Part One.

37. The flexible E/F.2 space shall be used for flexible E/F.2 space only and for no other purpose (including any other purpose in Class E 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 and also to safeguard the amenities of the area and to comply with policies CP3 and QD27 of Brighton & Hove City Plan Part One.
38. Notwithstanding the approved plans, prior to first occupation of the residential development hereby approved full details of privacy screens to the balconies shall be submitted to and approved in writing by the Local Planning Authority. The approved screening shall prevent overlooking and shall be carried out in full as approved prior to first occupation of the development and thereafter permanently retained as such.
Reason: To protect the privacy of neighbouring occupiers in accordance with policy QD27 of the Brighton and Hove Local Plan.
39. Notwithstanding the approved plans, no development above ground floor slab level hereby permitted shall take place until details of the commercial ground floor frontages have been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure a satisfactory appearance to the development and to comply with policies DA6, CP12 and CP13 of the Brighton & Hove City Plan Part One.
40. Notwithstanding the approved plans, the windows in the western most elevation of the seven storey building facing the adjoining site to the west shall be obscure glazed and non-opening, unless the parts of the window(s) which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.
Reason: To ensure the proposed development does not prejudice any future development on the neighbouring site in keeping with the objectives of Policy DA6 of the Brighton and Hove City Plan Part One.
41. Notwithstanding the approved plans, no development above ground floor slab level hereby permitted shall take place until details of the western façade treatment of the seven storey building on the western extent of the site have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development and to comply with policies DA6, CP12 and CP13 of the Brighton & Hove City Plan Part One.

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

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

43. The development hereby approved shall not first occupied until a Community Use Management Plan has been submitted to the Local Planning Authority for written approval. The Plan shall include details of:

- a. Details of arrangements for arrivals and departures
- b. Details of management
- c. Details of facilities provided, in connection with the commercial and residential uses, if any

The agreed Community Use Building Management Plan shall be implemented as approved.

Reason: To ensure the safety of occupants and the amenity of neighbouring residents and to comply with policies QD27 and SU10 of the Brighton and Hove Local Plan and CP12 of the Brighton and Hove City Plan Part One.

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

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

45. The glazed frontages to the ground floor non-residential uses on Conway Street, Ethel Street and Ellen Street shall be fitted with clear glass which shall be retained and kept unobstructed at all times.

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

46. Prior to first occupation of the development hereby permitted, a scheme shall have been submitted to and approved in writing by the Local Planning Authority to provide that the residents of the proposed development have no entitlement to a resident's parking permit; and the entitlement of resident's to visitor permits shall be 25 permits per unit per year.

Reason: To ensure that the development does not result in unreasonable overspill parking and to comply with policies TR7 & QD27 of the Brighton & Hove Local Plan and CP9 of the City Plan Part One.

47. Notwithstanding plans hereby permitted, prior to commencement of development, details of secure, accessible and inclusive cycle parking facilities for the occupants of, and visitors to, the development, and for the management thereof, shall have been submitted to and approved in writing by the Local Planning Authority. This should include a cycle parking scheme management plan. 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 the 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 National Planning Policy Framework Paragraph 110.

48. Prior to first occupation of the development hereby permitted, full details of electric vehicle charging points within the proposed car park hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

Reason: To encourage travel by more sustainable means and seek measures which reduce fuel use and greenhouse gas emissions and to comply with policies SA6, CP7, CP9, CP12, CP13 and CP15 of the City Plan Part One and SPD14 Parking Standards.

49. Notwithstanding plans hereby permitted, details of disabled parking facilities 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 the development provides for the needs of disabled residents and visitors to the site and to comply with policy TR18 of the Brighton & Hove Local Plan and SPD14 guidance.

50. The development hereby permitted shall not be occupied until a Delivery & Service Management Plan has been submitted and approved in writing by the Local Planning Authority. The submitted plan shall include details of
- i. how, where and by what routes, delivery and servicing vehicles will access the site for different purposes;
 - ii. the type and size of vehicles anticipated for each purpose;
 - iii. the times and frequencies when vehicles of different types and size will access the site for different purposes and how long they will dwell, supported by demand and dwell forecasts;
 - iv. the location and layout of loading/unloading/parking and drop-off spaces/areas for those vehicles;

- v. the location of storage/collection/drop-off facilities - including any temporary locations for collection days - and how containers/packages/receptacles will be transferred between these and vehicles;
- vi. transfer routes associated with the above;
- vii. any management office, site office or concierge facility that will form part of collection/delivery arrangements and any related systems or arrangement to allow drivers/riders and to communicate with staff within this;
- viii. gates, barriers, intercom systems and any other vehicle access restrictions; and related management measures and restrictions;

All deliveries and servicing shall thereafter be carried out in accordance with the approved plan.

Reason: In order to ensure the safe operation of the development and to protect the amenities of nearby residents and to comply with policies TR7, SU10, QD27 and SR4 of the Brighton & Hove Local Plan and SA2, CP4, CP5, CP9, CP12, CP13 and CP15 of the City Plan Part One.

51. Notwithstanding the plans hereby permitted, no development shall commence until a scheme detailing the design of external areas 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, including to both sides of any interfaces with the adopted highway
- 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 development.

Reason: In the interest of highway safety, inclusivity, sustainability, quality design, the historic environment and public amenity and to comply with policies TR7, TR11, TR12, TR14, TR15, TR18, SU3, SU5, QD1, QD2, QD3, QD14, QD20, QD25, QD26, QD27 and HE6 of the Brighton & Hove Local Plan and SA6, CP7, CP9, CP12, CP13 and CP15 of the Brighton & Hove City Plan Part One, and National Planning Policy Framework paragraphs 108-110.

52. The development shall provide for 216 residential units (C3 use), 1662 sqm of office floorspace (E use), 341 sqm of flexible commercial and community floorspace (E/F.2 use) within buildings of up to 18 storeys in height only.

Reason: To ensure the Local Planning Authority retains control over the density, mix and type of uses within the development and its height, in the interests of retaining sufficient commercial floorspace within the Policy DA6 Development Area, ensuring an appropriate housing mix and density and to

ensure the character and appearance of the area including wider strategic views and impact to heritage assets are protected, and to ensure the protection of the amenities of the occupiers of existing and proposed properties, to comply with Policies HE3, HE6, HO5, HO13, QD5 and QD27 of the Brighton & Hove Local Plan and DA6, CP1, CP2, CP3, CP12, CP14, CP15 and CP19 of the Brighton & Hove City Plan Part One and SPGBH15 Tall Buildings.

Informatives.

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. Crime prevention measures could be evidenced by a Secure By Design Developers Award Certificate or equivalent.
3. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see [Gov.uk website](http://Gov.uk)); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
4. The water efficiency standard required under condition 35 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. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
8. Swift bricks can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height above 5m height, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting swift bricks above windows or doors. Where swift bricks are not practical due to the nature of construction, alternative designs of suitable swift nest boxes should be provided in their place.
9. 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
10. 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 a statutory nuisance is occurring and if any action is appropriate.
11. The applicant is advised that the disabled car parking spaces should be designed in accordance with Department for Transport produced Traffic Advisory Leaflet 5/95 Parking for Disabled People. This requires a 1.2m clear zone to both sides of the bay
12. The applicant is advised that the scheme to amend permit entitlements should include the registered address of the completed development; an invitation to the Council as Highway Authority (copied to the Council's Parking Team) to amend the Traffic Regulation Order; and details of arrangements to notify potential purchasers and occupiers of the development of those amended entitlements.
13. The applicant is advised that the scheme of external works secured by the street design condition will need to be carefully coordinated with the adjoining scheme of highway works that is to be developed and approved as a planning obligation of the decision. It is anticipated that both will be submitted and approved at the same time to ensure that they are complimentary.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application site sits to the west of Hove Station to the south side of Conway Street and is currently occupied by single storey brick and metal clad industrial sheds with associated car parking.
- 2.2. The Brighton & Hove Bus Company is located in the buildings/land to the north of the site and also own the car park to the west end of the site which does not form part of the application site. Three and four storey office buildings exist to the west with mixed commercial buildings beyond. To the south of the site there are ten storey residential blocks which form part of the Clarendon Estate with low rise residential development at the base of the blocks along with garages and car parking. To the east of the site are the rear of properties which front Goldstone Villas the majority of which have single storey additions and garages fronting onto Ethel Street. A number of these have been converted to commercial uses some set out over two storeys.
- 2.3. The east side of Ethel Street is occupied by open off street private car parking bays.
- 2.4. The site measures 0.4019 hectares and is located within the Conway Street Industrial Area Strategic Allocation, which is located within the wider policy DA6 Hove Station Area of the Brighton & Hove City Plan Part One.
- 2.5. This site lies immediately to the west of the Hove Station Conservation Area, which adjoins the Denmark Villas Conservation Area to the east. To the north east of the site is the Grade II listed Hove Station, the station forms an architectural and historic important grouping with the adjacent public house at 100 Goldstone Villas, which is included on the council's local list. Each building is contained within the Hove Station Conservation Area.
- 2.6. The gradient of the land slopes slightly down from the north to the south leading to a difference in levels between the northern side of the site from the southern.

Proposal

- 2.7. Planning permission is sought for the erection of a building between 2 and 18 storeys creating a total of 216 build to rent residential dwellings (mix of studio, 1, 2 and 3 beds) with basement parking as follows:
 - 31 x studios, 101 x 1 beds – total 1 bed units 132 (61%), 73 x 2 beds (34%), 11 x 3 beds (5%)
 - associated car & cycle parking, plant, supporting facilities, amenity space, landscaping & infrastructure works
 - 1662m² commercial floorspace (B1) & 341m² of flexible commercial & community floor space (B1/D1/D2)).
- 2.8. The proposed density equates to circa 537 dwellings per hectare; this

calculation includes the site area occupied by the commercial offices which would slightly increase the density.

- 2.9. Proposed materials are a combination of:
- Brick: cream/buff stock, white/buff stock
 - Ceramic tiles: green
 - Metal panels: aluminium
 - Window frame: dark grey aluminium.
- 2.10. There have been a number of revisions to the scheme during the life of the application. The key alterations include:
- Changes to the materiality and elevational treatment
 - Enhanced public realm improvements
 - The addition of balconies to provide private amenity space (increasing the overall provision from 52% to 75%)
 - Addition of green roofs
 - Inclusion of a flexible commercial/community space (341 sq.m) on the ground floor
 - An offer for provision of 10% affordable housing

3. RELEVANT HISTORY

Extant Scheme

- 3.1. **BH2016/02663** - Demolition of existing commercial units (B8) and erection of buildings ranging from four storeys to seventeen storeys in height comprising a mixed use development of no.186 residential apartments (C3), 1,988 sqm of offices (B1) and 226sqm of retail (A1) with car parking at basement level. – Allowed on appeal 24.01.2019
- 3.2. Main Differences between extant scheme and current proposal include:
- Current scheme provides 30 additional residential units
 - Current scheme provides 221 sq.m less commercial space (although this commercial space does provide a greater degree of flexibility)
 - Current scheme provides no retail space (226 sq.m in extant scheme)
 - Current scheme is one additional storey taller (18 storeys rather than the 17 of the extant scheme).
 - The tallest tower for current scheme has been moved further to the east
 - South facing communal amenity spaces rather than one surrounded on all sides (courtyard).
 - The current proposal offers a more cohesive design approach than the extant scheme.
 - Both offer 10% affordable housing provision.
 - Current scheme is for Build-to-rent (BTR) properties.

Pre-Application History and Design South East Review Panel:

PRE-APPLICATION ADVICE – November 2019

- 3.3. Two Options were initially submitted with the proposal undergoing significant changes since.
- 3.4. Option 1 was more closely aligned to the extant planning permission with the erection of buildings up to 17 storeys in height, comprising a mixed use development of 192 'Build to Rent' (BTR) residential units and 2573sqm of commercial space.
- 3.5. Option 2 proposed the erection of buildings up to fifteen storeys in height, comprising a mixed use development of around 220 'Build to Rent' (BTR) residential units and around 1,700sqm of commercial space.

BHCC advised the following:

- It was considered that the extant planning permission (BH2016/02663) resulted in a very dense form of development. Whilst it was acknowledged that Options 1 and 2 did not propose a substantial increase in overall floorspace in comparison to the extant scheme it may not be easily achievable to provide for greater densities / increased residential numbers on the site whilst providing an appropriate design and acceptable amenity outcomes for neighbouring and future residents,
 - It was welcomed that a more coherent design approach was being considered in respect of form and materiality for any future proposal,
 - Option 2 offered benefits in respect of a more usable external amenity area and potential improvements in daylighting to the lower floors and active frontages at ground floor level, though the additional massing, especially to the western flank appeared very dominant in streetscene views and was considered to need revisiting.
 - The site was located within the DA6 development area which seeks employment focussed regeneration. Any future scheme should aim to provide as a minimum the quantum of B1 employment space included in the extant planning permission,
 - It was suggested that the scheme would benefit from input from the external Design Review Panel at an early stage.
- 3.6. A summary of the Design Review is set out below.
- The proposal was taken to Design Review Panel on 26 November 2019 and the comments provided:
- The proposal represents a significant improvement on the existing application that has been approved for the site and the panel considers the simplified architectural treatment and building form to sit better in this location in Hove. However, the site is in a critical location for the Council. It provides a gateway to the west from the station, is a busy pedestrian thoroughfare, and is on the edge of a conservation area and an existing residential estate. Fundamentally, the proposal fails to create a clear sense of place that can help address the existing severance between uses around the site. Practical analysis of pedestrian and other movement and activity in the vicinity of the site is

needed to ensure the development both benefits and connects existing and prospective communities.

- Further justification (beyond financial viability) is needed for the density within the development. The high density required on the site has resulted in an internal layout that compromises the quality of life for the prospective residents, through the dominance of single aspect units and long internal corridors. The provision of office space is welcome; however, this could be extended over two floors. More creative uses could be encouraged on the lower level to create active frontages and an enhanced dynamic surrounding the site, making it actively contribute toward the surrounding context. While we support the provision of the podium-level private amenity space, there could be merit in losing the commercial space beneath it and having the communal gardens at ground floor level to provide a visual amenity for the public from street level. In addition, the provision of high-quality public realm will be necessary given the sensitivity and high population density of the development. Consultation with Hove Station Neighbourhood Forum may be beneficial to see how such public benefit contributions can extend beyond the site boundary.
- While the simplified architectural style is an improvement, we would like to see an even more pared back architectural language. A more elegant skyline could be achieved by creating a greater height differential between the taller elements and dropping the shoulder of the towers to sit below the roofline visible from the conservation area.

3.7. Key Recommendations:

- Justification for the site layout should be underpinned by thorough analysis of the current and proposed street hierarchy and movement of pedestrians and traffic around the site. This will inform the treatment of the public realm and landscape strategy on the edges of the development.
- Further consideration of the existing and future residential community is needed to strengthen the sense of place and reduce the severance caused by the new building to the surrounding residential estate.
- The proposal is very dense, resulting in too many single aspect apartments with little visual or physical amenity. Either the density should be lowered, or the site layout reconfigured to alleviate the compromised internal arrangement of the buildings.
- A more definite variety of building heights would benefit the overall appearance of the development. Reducing the shoulder of the tall building to sit below the roofline visible through the conservation area will lessen the impact of the proposal.
- Extending the office space over two floors will create a noise buffer for the homes and make up some of the demand for office space in Hove. Smaller, more creative uses on the ground floor will create more dynamic and active frontages.
- The proposal should contribute more toward public realm improvements beyond the site boundary, particularly on the southern side of the site.
- The architectural treatment should be further simplified to ensure the buildings sit elegantly within the Hove skyline.

4. REPRESENTATIONS

- 4.1. **Councillors Allcock, Ebel and O'Quinn** support the application. A copy of the representation is attached to the report.
- 4.2. **Three (3)** letters have been received throughout the application process objecting to the proposed development for the following reasons:
- 4.3. Height, scale and design
- Lack of affordable housing
 - Lack of parking and increased traffic
 - Impact on heritage assets to the east
 - Impact on the amenity of surrounding residents
- 4.4. **One (1)** letter of support has been received.

5. CONSULTATIONS

- Internal
- 5.1. **Air Quality: No objection**
Rail and bus transport links are very good. Air Quality surrounding future residential locations is clean. Traffic production due to the development is low. This plan is not predicted to contribute significant levels of pollution to the Air Quality Management Area.
- 5.2. On grounds of air quality the application is recommended for approval.
- 5.3. **Arboriculture: No objection**
The proposal requires the removal of two trees currently on site, the Tree Survey and Arboricultural Impact Assessment compiled by Greengage lists both as category C according to BS5837 Recommendations. I concur that neither T1 Acer pseudoplatanus or T2 Fraxinus excelsior should pose a constraint to development and removal is acceptable in this instance. Arboriculture note the Landscape Master Plan outlines eleven proposed plantings within the streetscene as well as various internal locations and will mitigate the loss of canopy coverage.
- 5.4. Although arboriculture welcome the inclusion of the eleven public realm street trees as part of the landscaping proposal, further discussion is necessary regarding species selection, maintenance, materials and pit construction. The

location of underground services will also have a bearing upon the landscape proposal.

5.5. **Children and Young People's Trust:** No objection

Contribution of £125,991.20:

5.6. The team will not be seeking a contribution in respect of primary education places as there are sufficient primary places in this part of the city and the city overall. The calculation of the developer contribution shows that we will be seeking a contribution of **£125,991.20** towards the cost of secondary and school sixth form provision if this development was to proceed.

5.7. With regard to the secondary provision, the development is in the current catchment area for Blatchington Mill and Hove Park schools. At the present time there is no surplus capacity in this catchment area. Secondary pupil numbers in the city are currently rising and it is anticipated that all secondary schools will be full in a few years' time, any funding secured for secondary education in the city will be spent at Hove Park and / or Blatchington Mill schools.

5.8. **City Clean:** No objection

Waste storage, capacity and access all meet the correct standards.

5.9. **City Neighbourhood Co-ordinator:** No comment received

5.10. **City Parks:** No comment received

5.11. **County Archaeologist:** No objection subject to conditions

The information provided is satisfactory and identifies that there is a risk that archaeological remains will be damaged. Nonetheless it is acceptable that the risk of damage to archaeology is mitigated by the application of planning conditions which are outlined in this response.

5.12. **Ecology:** No Objection subject to conditions

The information provided is satisfactory and enables the LPA to determine that whilst the proposed development is likely to have an impact on biodiversity, those impacts can be mitigated through the application of planning conditions which are outlined in this response.

5.13. **Economic Development:** No objection

City Regeneration fully supports this application for the demolition of existing buildings & redevelopment to provide a mixed-use scheme comprising commercial floorspace (B1 use) & residential units (C3 use). The 2016sqm of commercial floorspace is will provide much needed facilities for new and

existing businesses seeking A Class office space in the city, which has been in short supply for some years.

- 5.14. Due to the size of the development, it meets the criteria as a major development and as such will be subject to developer contributions for the sum of £60,800 in line with the council's Technical Guidance for Developer Contributions. There will also be a requirement for the submission of an Employment and Training Strategy relating to the site. Fuller details are provided in the Main Comments.
- 5.15. **Environment Agency: No objection subject to conditions**
We consider that planning permission could be granted to the proposed development, as submitted, if the following planning conditions are included as set out below. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.
- 5.16. **Environmental Health: No objection subject to conditions**
The application has been examined in relation to Environmental Protection measures and make the following comments. I concur with the Environment Agency Comments which include a suggested condition on Contaminated Land considerations.
- 5.17. The Tenant Management Plan is acceptable. The noise and Vibration Assessment is agreed and the report recommendations shall be secured by condition.
- 5.18. **Fire Brigade: No comments received**
- 5.19. **Heritage: Object**
It is considered that the proposed development would cause considerable harm to the settings of the designated heritage assets of Hove Railway Station and the Hove Station Conservation Area (the latter including the locally listed Station Public House), and would also cause clear harm to the setting of the Denmark Villas conservation area. In the case of the designated heritage assets, this harm is considered to be less than substantial under the terms of the NPPF but must nevertheless be given great weight in decision making and there are no heritage benefits and only modest public realm benefits to the proposals that may be weighed against that harm. The harm to the setting of the locally listed public house in Goldstone Villas itself would be considerable and must be taken into account in weighing the application, as required by paragraph 197 of the NPPF.

Statement of Significance

- 5.20. This site lies immediately to the west of the Hove Station conservation area, which adjoins the Denmark Villas conservation area to the east. The special character of the Hove Station conservation area derives from the relationship between the station itself and the surrounding late Victorian buildings which connect the station with the main part of the town along Goldstone Villas.
- 5.21. This is a busy, tree-lined road with terraced properties to the north and more domestic, lower scale property to the south. This road contains a wide variety of late Victorian buildings with very few modern buildings apart from a small house (No. 37) and Cliftonville Court, a 1960's office block which unfortunately sits opposite and intrudes on the setting of the listed station and the adjacent Ralli Memorial Hall. The most significant features of Goldstone Villas are two long terraces close to the railway station and the public house at the north end.
- 5.22. The Character Statement for the area notes that *"when looking up from Holy Trinity Church, there is a long row of buildings culminating at the top of the wide street with the low pitched slated roof of the railway station"* Around the corner in Station Approach the space is defined to the north and west by the station and to the south by the Ralli Memorial Hall, which acts as an important focal point despite the unsympathetic modern development adjacent and the petrol station opposite.
- 5.23. The most important building is Hove Station, listed grade II, dating from several building periods. The first building was constructed in 1865-6 in the Tuscan villa style; this is the white painted block which sits most prominently on the site facing down Goldstone Villas. It is two storeys high, rendered, with a shallow pitched slate roof with end bays which break forward at first floor level. The windows have segmental-heads, moulded surrounds, and sash windows without glazing bars. On either side are single storey rusticated wings with similar fenestration. The main building slightly to the west which now forms the passenger station was built in 1879, possibly to the designs of F. D. Bannister. It is constructed in red brick with a grey brick plinth, stone dressing and quoins, a hipped bitumen-covered slate roof and a canopy over the forecourt area supported by cast iron columns.
- 5.24. The station forms an architectural and historic important grouping with the adjacent public house at 100 Goldstone Villas, which is included on the council's local list. This dates from c1885 and was built as the Cliftonville Hotel. It is two storeys high, seven windows wide, in white-painted render with quoins, dentil cornice and shell-motif arches over the first floor windows. The roof is slate covered and hipped to either end. The ground floor has been extended to the south, possible for a billiard room, and a pub frontage added in a late 19th century style with heavy pilasters and brackets supporting the deep fascia and cornice. Its location beside Hove Station emphasises its close historic connection with the railway.
- 5.25. The Ralli Memorial Hall is also listed grade II. It was constructed in 1913 to the designs of a London practice, Read and McDonald, for Mrs Stephen Ralli. The

design is in the 'Wrenaissance' style, with red brick walls laid in English bond, a hipped clay tile roof with upswept eaves and a strongly moulded wooden dentil cornice. The main entrance with mullioned and transom windows faces Denmark Villas, with the long length of the assembly hall fronting Station Approach. The brick walls and wrought iron railings are also listed grade II.

- 5.26. Denmark Villas conservation area to the east of Hove Station conservation area was developed between 1850 – 1880. The dominant character and appearance of the area is its Italianate classicism, a feature reflected in the design of nearby Hove station. Most of the villas are two storey with hipped slate roofs and small dormers, smooth yellow brick fronts, with cream rendered flank walls, ground floor bays with balustraded parapets, rendered quoins, bold moulded window architraves, overhanging eaves, and strongly modelled porches featuring Corinthian capitals.
- 5.27. They are set back from the road behind low yellow brick or rendered walls with piers (many with lush shrubbery behind) and feature decorative tiled entrance paths and stone or tiled steps. The Denmark Villas Conservation Area Character Statement notes that these characteristics give *“a very pleasing rhythm and consistent homogenous feel to the street, quite distinctive from surrounding areas”*.
- 5.28. To the north west of the site is the locally listed Fonthill Road Railway Bridge. The Brighton to Shoreham-by-Sea line was completed in May 1840 (before the main line), and therefore the bridge likely dates to this time. It is built in buff brick, with a low, segmental-arched opening and projecting piers to either side, red brick dressings and recessed panels of flint above. Its setting is mixed and robust and it is not visible from great distance. Further north-east, Hove Park is a locally listed park/garden, being an Edwardian municipal park that largely retains its original layout (the sports facilities at the southern end having been added in the 1920s).

The Proposal and Potential Impacts

- 5.29. The applicant submitted a further heritage impact statement on 10 June which seeks to address the previous Heritage team comments. With regard to weighing the identified harm arising from the proposals against wider public benefits, it must be stressed that this is not within the role of the Heritage team and therefore no further comment will be made on this balancing duty. With regard to comparisons between the consented scheme and the current application, it is agreed that both would cause less than substantial harm to the settings of the heritage assets.
- 5.30. However, the term less than substantial inevitably covers varying degrees of harm and, for the reasons given in the previous comments, it is considered that the degree of harm arising from the current application is nevertheless

greater. With regard to Policy CP12, this submission appears to have misunderstood the council's policy on tall buildings, which must be read in conjunction with SPGBH15. It is agreed that visibility is not the same as harm but the previous Heritage team comments have explained why the combination of the footprint, height and massing of the proposals would cause harm where it is viewed in conjunction with the heritage assets. Amended drawings have more recently been submitted, together with revised CGIs and two revised viewpoints, but as far as the excessive height and bulky massing of the scheme is concerned there are no substantive changes that would lead to any different assessment of the impact of the scheme on the settings of the heritage assets as identified in the previous comments. The addition of balconies to the very tall tower neither increases nor lessens the previously-identified harm to the settings of the heritage assets, as illustrated in the two revised viewpoints that have been submitted (views 2 and 3). It is still considered that this tower in particular is overly tall and inelegant.

5.31. The previous conclusions and recommendation consequently remain unchanged.

5.32. **Housing Strategy:** No objection

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 as guidance for developers. Housing will work positively with developers to answer housing need.

5.33. 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 relating to affordable housing. This scheme is a Build to Rent development. Build to Rent is a new housing type introduced in the National Planning Policy Framework (NPPF) 2019 and defined as 'housing which is typically 100% rented out.' The associated Planning Policy Guidance (PPG) suggests 20% of homes on such schemes could be provided as affordable, where viable and introduced a specific new tenure of affordable private rent (often also referred to as Discount Market Rent or DMR) for Build to rent schemes only. Build to Rent schemes do not require the owner/manager to accept direct nominations from the council to the homes provided. Tenants for these homes will be found via set criteria agreed between the owner and the council.

5.34. In light of the introduction of the Build to Rent tenure within the NPPF, the council commissioned a study which has informed the council's Build to Rent

Policy DM6 as included in the draft City Plan Part 2 (CPP2). The final CPP2 draft was approved by council in April 2020 and forwarded to the government for independent examination. Policy DM6 outlines what the council aims to achieve in affordable housing terms within the NPPF and associated guidance. Key factors relate to quality of the accommodation; length of tenancy (at least three years as an option); a covenant that the homes remain as build to rent tenure for 15 years and a review of viability as included for all schemes.

- 5.35. Build to rent schemes can offer good quality accommodation as well as flexible/longer tenancies of three years or more. Good quality private rented accommodation and longer tenancies are welcomed by Housing.
- 5.36. Viability of a scheme is an agreed reason for reviewing the affordable housing provision when confirmed by an independent assessment commissioned by the council. The viability at this scheme has assessed it as unable to provide any affordable housing and this has been verified independently for the council. However, the developer has decided to provide an element of affordable housing at the scheme which is welcomed.
- 5.37. This development proposes 10% of the habitable rooms available - to be provided as affordable private rent let at an average discounted rate of 25% below the local market rent with no formal nominations agreement. Affordable housing is required to remain affordable in perpetuity, so a 'clawback' provision will be in place to ensure that, any change of tenure or sale of such units will not result in a loss of community benefit of the affordable units.
- 5.38. This provision could be seen as disappointing in the context of the council's 40% policy requirement/ LHA rent level for affordable rented homes in traditional housing schemes, but also needs to be considered in the light of the 20% provision outlined in NPPG and the agreed viability. Provision of a commuted sum in lieu of affordable housing on site is an agreed alternative. On site provision has been agreed at two previous build to rent schemes on a similar basis to the current proposal.
- 5.39. Supported by Housing in the context of national planning guidance, the outcome of the viability assessment and the council's build to rent policy. Unit mix and the criteria to be used to allocate the affordable private rent homes to be agreed.
- 5.40. **Percent for Art:** No objection subject to contribution
To make sure the requirements of local planning policy are met at implementation stage, it is recommended that an 'Artistic Component' schedule be included in the section 106 agreement. Wording is suggested in the 'Recommendations' part of this form.

5.41. **Policy:** Support in principal with some concerns

Initial comments on original submission

- 5.42. The general principle of mixed used redevelopment comprising predominantly employment (B1 office) and residential is supported by Policy DA6 and is also promoted in the emerging Neighbourhood Plan and Hove Station Area Masterplan/SPD (both still at draft stage). The extant planning permission granted in January 2019 has also established that a residential-led mixed use scheme would be acceptable on this site. However, Policy DA6 and the other emerging documents all emphasise the objective of comprehensive and planned redevelopment of the whole Conway St area, and this principle also underpins the draft Neighbourhood Plan and Masterplan/SPD. Therefore it is important to ensure that this application does not prejudice this wider objective.
- 5.43. The proposed level of housing exceeds the Strategic Allocation minimum target of 200 dwellings. However, the Policy DA6 targets are stated as minima in the policy and a larger quantum of residential development would contribute towards the City Plan housing target and 5-year housing land shortfall.
- 5.44. The application commits to meet most of the requirements for Build to Rent (BTR) developments set out in Policy DM6 in the emerging CPP2 Proposed Submission draft (which was approved by Council for public consultation on 23 April 2020). This includes a covenant requiring the units to be held as BTR for a minimum of 15 years (subject to a viability review if any/all of the BTR units are sold within this period with potential to 'clawback' any uplift in value resulting from the sale of units); the offer of tenancies 3+ years to all tenants with defined in-tenancy rent reviews; and the ongoing provision of unified, professional on-site management.
- 5.45. However, the applicant has not committed to providing affordable housing in line with the emerging Policy DM6 requirement (which now sets a requirement for provision of up to 20% affordable housing at genuinely affordable rents to be agreed with the Council). The applicant has submitted a Financial Viability Assessment (FVA) which concludes that the proposed development cannot provide any affordable housing. In accordance with the Council's Viability Assessment Checklist, the FVA should be reviewed independently by the DVS (or another valuation specialist). It would be appropriate to test the viability of a range of different scenarios in terms of the numbers, size and rental discount applied to the affordable units. In the event that it is agreed that the scheme cannot viably meet the policy DM6 affordable housing policy requirements in full, then provision should be made for a future viability review.

- 5.46. In terms of proposed housing mix, it is considered that the development should provide a higher proportion of 3 bedroom units and also increase the proportion of 2 bedroom units relative to studios and 1 bedroom units in order to better reflect the range of housing needs identified in Policy CP19 (para 4.231).
- 5.47. The proposed density of residential development would considerably exceed the minimum density level of 100 dwellings/ha sought in Policy CP14 and will need to be considered in detail against the CP14 criteria, taking account of comments from other consultees (e.g heritage, housing and transport).
- 5.48. All of the proposed dwellings would meet the Nationally Described Space Standards (NDSS) and national accessibility/adaptability standards, including 5% wheelchair adapted housing. A high proportion of the residential flats would also include private useable amenity space in accordance with saved Policy HO5, whilst the development would also include substantial shared communal amenity space both interior and exterior. Further amendment of the housing mix to provide a higher proportion of 2 and 3 bedroom units could potentially allow for a further increase in the proportion of flats having private amenity space.
- 5.49. The inclusion of flexible B1 office floorspace in the proposed scheme is strongly supported and accords with Policy DA6 and Policy CP2. The proposals would result in a slight increase in employment floorspace compared with the existing use, however the provision of B1 office space in place of B8 storage/ warehousing would be expected to support a much higher number of FTE jobs due to increased employment densities. However, it is disappointing that the overall amount of commercial floorspace proposed is below that in the current permission (although the B1 office element would be slightly higher). It is also unclear whether the needs of the existing commercial occupiers would be addressed, which is a requirement set out in Para 3.72 of the supporting text to Policy DA6.
- 5.50. The proposed development falls within the definition of ‘tall buildings’ in Policy CP12 and SPG15 Tall Buildings. SPG15 designates the area adjoining Hove Station as a node suitable for taller development and the extant planning permission (which extends up to 17 storeys) provides a precedent for tall building development on this site. The applicant has submitted a Heritage, Townscape & Visual Impact Assessment (HTVIA) which concludes that the harm caused by the development would be less than substantial and would be outweighed by the public benefits of the scheme. The HTVIA and other aspects of design and visual impact will need to be assessed carefully against SPG15 and the relevant City Plan policies, including CP12, CP14 and CP15.

- 5.51. The proposed development seeks to provide active street frontages and to add vitality to the immediate area through proposals to enhance the public realm both within and surrounding the application site, including through pavement widening, new surfacing, new pedestrian crossings, new street trees and new seating. These proposals will need to be assessed in detail against the strategy and local priorities for the Hove Station area and Conway St Strategic Allocation in Policy DA6.
- 5.52. Similarly, consideration should be given to how far the application would address the Policy DA6 local priorities in terms of water distribution/sewerage and surface water drainage, protecting groundwater sources from pollution, green infrastructure, and low/zero carbon decentralised energy/heat networks.
- 5.53. Unless the application is determined after the implementation of CIL, the proposed residential space would be required to provide financial contributions towards off-site open space and sports provision in line with Policies CP16 and CP17, using the Council's online Open Space calculator.

Updated Policy comments following changes to the proposal

- 5.54. Taking account of the conclusions of the DVS review, the applicant's offer to provide a proportion of discounted market rent units is broadly welcomed, as is the commitment to offer minimum tenancies of at least 3 years and to the inclusion of a clawback mechanism in the event of any units being sold within 15 years. Provision will also need to be made within the s106 agreement to ensure the retention of the affordable units (or their equivalent value) in perpetuity (i.e beyond 15 years).
- 5.55. However, the applicant's affordable housing offer still falls short of the level of provision sought under Policy DM6 both in terms of number of units and the level of discount. Therefore, there is no policy justification for waiving the requirement for a viability review. The approach of requiring a viability review where the level of affordable provision initially falls short of policy requirements for viability reasons is established council practice set out in the Affordable Housing Brief.
- 5.56. The amended proposals would reduce the quantum of commercial (office) floorspace from 2,016 sqm to 1,662 sqm, allowing for 341 sqm to be provided as flexible commercial/community space. The level of dedicated business/office space would be less than the current storage/warehousing floorspace on the site (1,835 sqm) and the B1 office provision within the extant planning consent (BH2016/02263), however the provision of office space in place of storage/ warehousing would be likely to support a much higher number of FTE jobs. It would also support the Policy DA6 requirement to contribute to a range of office and flexible workspaces including larger floor

plate offices and affordable business floorspace suitable for small business and digital media/creative industries (DA6.c.1.b). However, it is noted that under the Use Classes Order (UCO) to be introduced on 1 Sept 2020, office floorspace will fall within the new Class E (Commercial, Business and Service) which will also include retail, professional services or restaurant/cafe uses.

- 5.57. The principle of allowing flexibility for local community uses within a small area of the ground floor is accepted. It is considered that the small area of floorspace proposed would prevent the space being used for any use attracting large numbers of users/visitors or undermining existing facilities (or the 'Community hubs' proposed in the emerging Hove Station Neighbourhood Plan). However, given the significant changes proposed in the new UCO, it is suggested that the applicant be requested to provide further detail and clarification on the types of community uses that are envisaged and might potentially be allowed for.
- 5.58. The amendments to the development design and public realm are broadly welcomed, but will need to be assessed in detail against the priorities in Policy DA6 and other relevant plan policies as referenced in my earlier policy comments.

Private Sector Housing:

- 5.59. Nearly all the residential units have inner bedroom(s) accessed through open plan living room/kitchen areas. This goes against good design from a means of escape from fire point of view, even if automatic fire detection and sprinklers are provided. Ideally escape from sleeping rooms should not be through another habitable room and not a kitchen without an acceptable alternative means of escape provided. In studio units the sleeping area should be sited nearest the dwelling exit door and the kitchen area furthest away.

- 5.60. **Sports Facilities and Development:** No comment received

- 5.61. **Sustainability:** No objection subject to conditions

At this stage this development is expected to amply meet the requirements of City Plan policy CP8, to reduce carbon emissions from the residential development and to achieve an "Excellent" BREEAM rating for the non-residential areas.

- 5.62. The requirement to achieve a water efficiency of 110 litres /person / day are also met.

Backup boilers

- 5.63. The letter clarifies that the inclusion of a back-up gas boiler is for resilience at times when the weather is very cold. The Air Source Heat Pump system (if

installed, see below) would be the primary source of heating and hot water. Therefore a backup boiler is acceptable as it will add resilience but does not compromise the low-carbon heating proposals.

Electric heating

- 5.64. This section acknowledges that there are two alternative heating systems and it seems that a decision has yet to be taken as to which system to install. One is Air Source Heat Pump communal heating, the other is individual resistive electric heating in each flat.
- 5.65. It is understood that there are pros and cons to each system. However from the point of view of reducing carbon emissions, cost of fuel bills to residents, and potential for future connection to a district heat network, a heat pump communal heating system is preferred. If it is decided to install an individual electric heating system, then the impact on carbon emissions will need to be reviewed to ensure that the development still meets City Plan Policy CP8.

Solar PV.

The letter clarifies that solar PV is to be included within the development. A drawing is attached, which was also uploaded on the planning portal on 15 July. The drawing shows the location and layout of the proposed 50kW solar PV installation on the two upper roof levels of the Ellen St development. Given the relative height of these towers the PV elements will be hidden from view from surrounding properties.

- 5.66. This satisfies our previous request for further information about the solar PV.

- 5.67. **Sustainable Drainage:** No objection subject to conditions

- 5.68. **Transport Planning:** No objection subject to conditions

Summary

- 5.69. This is our 3rd response to this application. In our last response we requested additional information on the distribution and assignment of trips. This was because the proposed level of trips exceeded the threshold required for further assessment. The applicant has now submitted additional information. This satisfies us that the threshold will not be exceeded on any of the primary connecting links (including Fonthill Road, Goldstone Villas and Sackville Road). Therefore, no further junction assessment is required, and we consider the matter resolved.
- 5.70. Furthermore, we also raised objections to the proposed off-site highway works for reasons of safety, access and inclusivity. Key reasons amongst others included:

- The proposed one-way configuration on Conway Street has omitted a contraflow cycle lane in favour of a shared 3.5m foot/cycleway on the northern side of Conway Street. As proposed, that would be a 'mixed' arrangement where pedestrians and cyclists share the entire width without any separation from one another. Mixing pedestrians and cyclist users cannot be accepted. This also 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. The proposal also does not comply with National Inclusive Design Guidance and guidance in the DfT's LTN 01/20.
- Raised tables and lack of delineation at the junction between Conway Street and Ethel Street. Improvements are required to ensure safety for users including pedestrians, cyclists and those with mobility and/or visual impairments. Guidance on the Use of Tactile Paving sets out requirements for accommodating cyclists in close proximity to pedestrians for benefit of visually impaired people. There is currently a lack of delineation between user groups and therefore those that are visually impaired would not know that they are entering the area.

5.71. Whilst these concerns have still not been addressed as part of the additional information submitted, we are satisfied that - subject to the outcome of statutory TRO consultations on proposed changes to access and parking/loading - it should be possible to agree alternative proposals post-decision that would do so. The area of proposed enhancements spans both areas of existing adopted highway outside the application boundary and proposed private land within it. It will also require some of the latter to be dedicated as adopted highway to overcome obstruction to access within the former. We therefore recommend that the alternative scheme is secured both by an obligation (for the areas outside the application boundary) and a condition (for those within it). We recommend that the scheme of works within the obligation is based on a written scope of works (similar to that agreed for the previous appeal scheme). The works within the application site can be secured through a Plans Notwithstanding condition, to allow necessary alterations to the secured plans. As enhancements under both parts are essential to the acceptability of the proposed development but are contingent on changes to TROs, both the obligation and condition must require the detailed scheme of works to be approved prior to commencement of any development (not prior to occupation, or prior to development above ground slab level etc...). This is because changes to TROs are subject to statutory processes which require consultation and allow for objection. The acceptability of necessary changes therefore cannot be guaranteed.

5.72. Previously we sought both the LPA and the applicant's positive agreement to the proposed scope of a DEMP/CEMP obligation. This was to overcome significant safety and journey time impacts that arise from various aspects of the proposals. These include the site's location directly at the entrance and

exit to one of the City's main bus depots and an important pedestrian connection to Hove Station. The nature of the proposals means that vehicle loading/unloading is likely to need to occur from within the highway for significant portions of the works. Works will also need to take place at the same time and in the same space as a significant highway improvement scheme associated with the application. We have not received any response to this request. Therefore, our non-objection to this application remains conditional on our recommended scope being secured by the LPA.

- 5.73. We also objected on cycle parking and design related issues as part of an in-combination case. Subject to the proposed Grampian and other conditions/obligations, this would now be our only remaining concern. Whilst not meeting the standards for cycle parking requirements, NPPF para 109 states that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'. On this basis we do not feel that there is a reasonable basis to object. However, if there are other non-transport concerns, this could contribute to an in-combination reason for refusal.
- 5.74. There are further aspects of the proposals that also remain unsatisfactory or less than ideal. However, these are distinguished from the above by the fact that we would be able to recommend conditions or obligations to resolve them and we acknowledge that the applicant has confirmed that they would be willing to accept conditions or obligations in respect of these items. Instances include the following:
- The access ramp will be steep and will require an edge treatment to help manage the interface between vehicles using the ramp and pedestrians on Conway Street. Additionally, signing will be required within the site to advise cyclists that they should use the lift when accessing the basement cycle parking.
 - Disabled parking provision. 22 disabled spaces have been proposed. SPD14 requires 24 spaces and therefore 2 visitor spaces need to be converted to disabled spaces. A snapshot of a plan showing disabled spaces has been submitted in the TAA. This has not been addressed in TAA2. We require a full scaled plan to be submitted so this can be secured. This should detail the full 24 disabled parking spaces.
 - Electric charging provision. A snapshot of a plan showing disabled spaces has been submitted in the TAA. This has not been addressed in TAA2. We require a full scaled plan to be submitted so this can be secured.
- 5.75. An updated Travel Plan can be secured by obligation. Positive aspects of the proposals that require no further attention include the following:
- A walking & cycling audit has been carried out, including a site visit. Whilst there are some issues with the methodology used we have carried out our

own assessment on this occasion and are satisfied that the recommendations are nonetheless appropriate. These are accepted and can be secured by obligation.

- Confirmation that the pedestrian crossing improvements previously identified under permitted scheme BH2016/02663 will be delivered by the applicant under s106.
- The loading bay has been re-positioned to the east to allow the available visibility to the right for vehicles exiting the proposed basement car park to be increased to 25m which is acceptable.
- The proposed quantum of cycle parking is accepted. However, there are still issues that need to be resolved relating to quality and design (as mentioned above).
- An in-principle agreement from an operator has been obtained to provide two car club vehicles in the vicinity of the site. This confirms that the provision of these two bays would be feasible from the operator's commercial perspective. This provides the necessary confidence to secure them by obligation.
- The proposed development would generate 42 vehicle trips (two-way) in the AM peak and 46 vehicle trips (two-way) in the PM peak. However, it has been demonstrated that the proposed development is not expected to exceed 30 vehicles at any of the primary connecting links (including Fonthill Road, Goldstone Villas and Sackville Road). Therefore, no further junction assessment is required.
- The capacity of the proposed loading bay, based on the updated assessment and our own review, is accepted.
- An accepted parking survey has been submitted and the impacts of overspill parking have now been assessed and are accepted.

5.76. Other key matters of regular interest that have been considered include:

- The parking survey demonstrated that the majority of roads within 200m were over capacity and that substantial overspill would therefore occur therefore conditions are recommended to remove the entitlement of future residents to both resident permits and reduce their entitlement to visitor permits.
- The current proposals will result in the loss of 10 on-street parking spaces. This will be mitigated by two car club bays. It should be noted that the loss of these spaces would result in some loss of income to the council as they are Pay & Display or shared use bays. This is a preliminary estimate of the number of parking spaces to be lost and will depend upon final scheme of highway works to be secured by condition.
- Proposed trip generation falls below the various thresholds where further highway, pedestrian, cycle and public transport assessments are required. We therefore have no concerns about impact on nearby junctions.
- A sustainable transport contribution of £283,050 to be allocated towards pedestrian crossing improvements, repaving sections of footways, improving cycle parking on Blatchingham Road, repainting road markings and introducing additional bike share stations.

5.77. A comprehensive highway works scheme is required to facilitate the delivery of and to mitigate the development. This can broadly be summarised as site interface aspects (i.e. re-instating footway at the current access points and forming the new access arrangement etc), facilitating aspects (i.e. footway improvements, works to Conway Street including proposed one-way arrangements and cycle provision etc), public realm improvements (i.e. street trees and enhancement of materials etc) and local improvements (i.e. those to be carried over from the previous permitted scheme, plus those identified through the walking / cycling audit etc). Further discussion of each of these points is included later in this response. Some adoption of land around the site as compensatory highway will be required to overcome obstructions to existing pedestrian accesses that are posed by aspects of the proposals. Whilst in several areas substantial private thresholds are proposed, it is proposed to introduce streets with narrow footways to the front of these. The trees will serve to obstruct pedestrian access by not leaving enough room for people to pass them. Therefore, an obligation is also recommended to secure access for pedestrians by requiring compensatory land within the private thresholds to be offered for adoption.

5.78. **Urban Design:** Support but seek further modifications

Initial comments on original submission: Object

5.79. The proposed development site is within strategic allocation 1 (Conway Street) of DA6 (Hove Station Area). This area is identified as a potential tall buildings zone. The site occupies the south-eastern most corner of the strategic allocation, benefitting from close proximity to Hove Station, and directly adjacent to the Hove Station conservation area.

5.80. The proposal is for a residential-led mixed-use development of 216 residential units with 2016m² of commercial space at ground level. This presents a very high proposed residential density of approximately 540dph. The proposals have developed through several stages of pre-application advice and design review and, in many ways, have responded positively.

5.81. Design attributes which are considered to be successful include:

- A general site layout which optimises southerly aspect and generates improvement to the public realm to the south and east;
- A consideration of the future development of the wider contextual area which enshrines the ambition to integrate proposals and to regenerate the Conway Street area;
- Communal amenity areas which are of a high quality and present excellent opportunity for social interaction and urban greening;
- Improvements to public realm of Ellen Street and Ethel Street which include street tree planting and street furniture, and which are considered to be of high quality and a positive contribution to the regeneration of the area;
- An internal layout which adheres to national space standards, and;

- A well-proportioned elevational composition.
- 5.82. However, as noted above, the recommendation is to object on design grounds.
- 5.83. Reasons for objection, of which most were raised at pre-application stage, include:
- A lack of residential character or identity in public realm and architectural form and appearance. This can be addressed by introducing residential access to the south of the proposals, introducing inset balconies to enliven the appearance, and improving the quality of the Conway Street public realm and residential entrances. Please refer to more detailed comment on *Masterplanning, Public realm and Site Layout*, and *Architectural Form, Composition and Materiality* below;
 - A poor quality of public realm to Conway Street. This could be improved by clarifying the proposed character of this street, introducing street planting and addressing matters of architectural form. Please refer to more detailed comment on *Masterplanning, Public realm and Site Layout*, and *Architectural Form, Composition and Materiality* below;
 - A missed opportunity to optimise biodiversity gains and amenity space by providing roof terraces at 7th floor level between the tower elements;
 - A bulky and inelegant profile to the tower element. This can be addressed by introducing methods to break down the perceived mass. Please refer to more detailed comment on *Scale and Massing*, and *Architectural Form, Composition and Materiality* below;
 - The detrimental impact of the height of proposals on Conway Street. This could be improved by addressing matters of architectural form. Please refer to more detailed comment on *Architectural Form, Composition and Materiality* below;
 - A low provision of private external amenity. Please refer to more detailed comment on Orientation, Aspect and Internal Layout below;
 - A lack of clarity in the function of south facing access decks aside from access to dwellings;
 - The proximity of first floor residential accommodation to heavily trafficked and noisy areas to the north and east;
 - A lack of clarity in the expression of architectural form. Please refer to more detailed comment on *Architectural Form, Composition and Materiality* below for suggested improvements;
 - Flatness to the appearance of proposals. This could be addressed by employing methods to introduce depth and shadow. Please refer to more detailed comment on *Architectural Form, Composition and Materiality* below for suggested improvements;
 - An over dominance of dark brown tones in the proposed materiality which is not considered to respond to context.
- 5.84. It is considered that these concerns can be addressed without fundamentally altering proposals and that doing so would significantly improve their success.

Updated comments on current application: support but seek modifications

- 5.85. The proposed development site is within strategic allocation 1 (Conway Street) of DA6 (Hove Station Area). This area is identified as a potential tall buildings zone. The site occupies the south-eastern most corner of the strategic allocation, benefitting from close proximity to Hove Station, and directly adjacent to the Hove Station conservation area.
- 5.86. The proposal is for a residential-led mixed-use development of 216 residential units with 2016m² of commercial space at ground level. This presents a very high proposed residential density of approximately 540dph.
- 5.87. The proposals have developed through several stages of pre-application advice and design review and, in many ways, have responded positively. Design attributes which are considered to be successful include:
- A general site layout which optimises southerly aspect and generates improvement to the public realm to the south and east;
 - A consideration of the future development of the wider contextual area which enshrines the ambition to integrate proposals and to regenerate the Conway Street area;
 - Communal amenity areas which are of a high quality and present excellent opportunity for social interaction and urban greening;
 - Improvements to public realm of Ellen Street and Ethel Street which include street tree planting and street furniture, and which are considered to be of high quality and a positive contribution to the regeneration of the area;
 - An internal layout which adheres to national space standards, and;
 - A well-proportioned elevational composition.
- 5.88. The applicant has also engaged in a process of design development to address concerns and recommendations raised during the course of this application (urban design comments 12/06/20), which has been mostly successful. Previous concerns which have now been mitigated related to:
- Quality of the Conway Street public realm;
 - Biodiversity gains to ground level and to 7th floor roofs;
 - Provision of private external amenity;
 - Functionality of south facing access decks and balconies, and;
 - Materiality and contextual appropriateness.
- 5.89. However, some concerns remain with regard to:
- The commercial appearance / character of parts of the proposals generating a non-residential character. This is not specific to Ellen Street, but is a general comment related to the previous reasons for objection: “A lack of residential character or identity” and “Flatness to the appearance of proposals”;
 - A bulky and inelegant profile to the tower element;
 - The detrimental impact of the scale and massing of proposals on the character and quality of Conway Street, and;
 - The character of Ellen Street at Ground level during times when commercial frontage is inactive.

- 5.90. Despite these remaining concerns and when considered holistically, the applicant has done well to develop proposals in line with council policy objectives and the National Design Guide. Thus, the recommendation is to Support / Seek Modifications, and the applicant is encouraged to further consider these remaining concerns.

External

- 5.91. **Conservation Advisory Group (CAG): Object**

The Group recommends refusal (unanimous decision)

- 5.92. The tall buildings proposed would seriously harm the setting of several heritage assets including Hove Station Grade II, Ralli Hall Grade II, St Barnabas Church Grade II*, the locally listed Station Public House (originally the Cliftonville Hotel), Hove Park Conservation Area, Hove Station Conservation Area and Denmark Villas Conservation Area.

- 5.93. The buildings are of poor design and appear slab like and monolithic.

- 5.94. The proposed development is not characteristic of the scale, landform and pattern of the townscape and damages its existing quality and characteristic features.

- 5.95. **Sunlight/Daylight (BRE) – Comment**

Initial Conclusions

- 5.96. This report has analysed the daylight and sunlight report by Consil 'Daylight, Sunlight and Overshadowing Report, Hove Gardens, 1-3 Ellen Street, Hove BN3 3LP'. The assessment has been carried out against the guidelines in the BRE Report 'Site layout planning for daylight and sunlight: a guide to good practice'.

- 5.97. 32 north facing windows in Livingstone House would have losses of daylight outside the guidelines. The largest relative losses of light would be to windows in the centre bays of the building, which may light kitchens. Large overhangs above the windows on the second and sixth floors restrict the amount of light currently reaching these windows. Without the overhangs, the loss of light would still be outside the BRE guidelines for 20 kitchens on floors 1-5, but closer to the recommendations. The impact would be classified as moderate adverse. Windows towards either end of Livingstone House would be less affected, and any impact would be minor adverse.

- 5.98. Loss of daylight to eight windows in 2-12 Ellen Street, and two in each of 88 and 96 Goldstone Villas, would be outside the BRE guidelines, but not by much. These would count as minor adverse impacts.

- 5.99. Loss of daylight to other dwellings analysed would be within the BRE guidelines and classed as negligible. The only other residential properties that could be affected and have not been analysed are at Goldstone House. There may be a loss of daylight outside the guidelines to worst case windows on the ground floor, but this is likely to be no more than a minor adverse impact.
- 5.100. Loss of sunlight would not be an issue for any of the surrounding dwellings, as the affected windows do not face within 90 degrees of due south.
- 5.101. Daylight provision in living rooms in the new development would be unusually poor. Out of the 145 living/kitchen/diners analysed, 92 (63%) would not meet the recommended minimum for such a combined space. 60 of these (41%) would be below the lower minimum standard for a living room. In addition, six of the 22 studios would not meet this minimum standard. Some living areas on the lower floors would have extremely low levels of daylight.
- 5.102. Sunlight provision in the new development is also very poor. Out of 145 living/kitchen/diners analysed, only 28 (19%) would fully meet the British Standard sunlight recommendations. Another two would meet the annual recommendation only; 19 would meet the winter recommendation but not the annual one. 96 living/kitchen/diners, or two thirds of those analysed, would not meet either recommendation. A large majority of these would receive very little sun. Sunlight provision in the studios is a little better, with 16 of the 22 studios meeting the recommendations in full and another two meeting the winter recommendation.
- 5.103. The layout of the flats and their window provision should be revised to improve the daylight and sunlight in these living areas.
- 5.104. The proposed rooftop amenity areas would be well sunlit, meeting the BRE recommendations.

Updated comments

- 5.105. Our earlier report criticised daylight provision within the living rooms in the proposed development. Out of the 145 living/kitchen/diners analysed, 92 (63%) did not meet the recommended minimum for such a combined space. 60 of these (41%) were below the lower minimum standard for a living room. In addition, six of the 22 studios did not meet this minimum standard.
- 5.106. In their latest report Consil have sought to justify these poor levels by comparing with three other consented schemes that also would have poor daylight provision. However the daylight in living/kitchen/diners in the previous design for Hove Gardens would be substantially worse than the others, both in terms of the proportion of living rooms not meeting the minimum standard, and

when considering the worst lit rooms (average daylight factors or ADFs down to 0.43%, 0.55% and 0.58%). The proposed plans have now been revised to improve daylight provision, and the scheme re-analysed. Of the seven measures Consil list, increasing window areas and adding extra windows will obviously help. Reducing the depth of balconies can also help, since a balcony above the window will block light from the sky. Changing the frame factor will help slightly, provided windows with that frame size will actually be installed in the final building.

- 5.107. Other measures do not increase daylight provision. Consil have now analysed all floors, including the better lit 9th - 17th floors (previously they only analysed the 1st - 8th floors). This increases the number and proportion of compliant rooms, but does not change the daylight in any of them.
- 5.108. Consil have also assumed that two flats on each floor will have their kitchens 'internalised' presumably by inserting a division between them and the living room. Although this increases the average daylight factor in the living room, because it is now smaller, it does not improve living conditions for the flat occupants who now have a completely non-daylit kitchen.
- 5.109. Not all the changes appear to be present on the revised plans. The private balconies appear to be the same depth as on the previous plans, and on the first floor room R28 does not have the extra window that has been modelled by Consil. The layouts of the kitchens appear to be the same as before, with the kitchen an integral part of the living space and no division between them.
- 5.110. The changes have improved daylight provision in some of the rooms, but there are still a sizeable number of living/kitchen/dining rooms with average daylight factors below the recommended minima. 188 living/kitchen/dining rooms have now been analysed and 71 of them (38% of the total) would not meet the recommended minimum (2% ADF) for such a combined space. 65 of these are on the lowest eight residential floors, compared to 92 for the previous design. 23 living/kitchen/diners (12%) would be below the lower minimum standard (1.5% ADF) for a living room. This compares to 60 for the previous design.
- 5.111. In addition, seven of the 27 studios would not meet the minimum 2% ADF for a space with a kitchen, and four would be below the recommended 1.5% for a living room.
- 5.112. There are fewer rooms with extremely low levels of light. The living areas with the worst daylight have predicted ADFs of 0.90 and 0.98%, although in these rooms the 'improvement' is largely due to internalising the kitchen which, as explained above, is not ideal.

- 5.113. Consil have analysed the proportions of windows achieving sunlight recommendations and concluded that this has gone down, because extra windows have been inserted in the most obstructed parts of the development. A better measure is to look at the proportion of living rooms with at least one window meeting the BS sunlight recommendations (25% of annual probable sunlight hours year round, with 5% in the winter between 21 September and 21 March). 67 of the 188 living/kitchen/diners (36% of the total) would be in this category with another 30 meeting the winter recommendation only. The studios are a little better, with 16 of the 27 meeting the recommendations in full, another meeting the annual recommendation but not the winter one, and one meeting the winter recommendation only.
- 5.114. For the previous scheme only the lowest eight residential floors were analysed for sunlight. 44 of the total 167 units (including studios) on these floors met the recommendations in full. This has now risen to 46, so sunlight provision is very slightly better than before, but still well below what would be expected as good practice.
- 5.115. Overall it can be concluded that daylight provision is still poor, but significantly better than for the previous design. Sunlight provision is also still poor, and slightly better than for the previous design. Further improvements to these levels of light would probably require more drastic design changes like removing balconies, realigning access decks to be opposite kitchens rather than main living areas, and reducing the massing.
- 5.116. **Hove Station Neighbourhood Forum: Support**
 The Forum supports this application which has been significantly improved since it was submitted and since the public exhibition in Ralli Hall on February 5th. The major positive features which now align the proposal more fully with the policies of the Draft Neighbourhood Plan are:
- the fact that it will be the first virtually car free development in the Neighbourhood Plan's proposed Hove Station Quarter, with improved provision for pedestrians and cyclists in the immediate neighbourhood
 - a significant improvement in the appearance of this very high density development by modifications to the design of the buildings
 - the delivery of substantial public realm/streetscape improvements both in adjacent streets and elsewhere in the immediate neighbourhood
 - the provision of a community room for use by both the incoming tenants and current residents, not least those living in the immediately adjacent Clarendon Ellen Estate - thus mitigating its design as a 'gated development'
- 5.117. The major limitation of the final scheme is that only 10% of the housing is affordable, The Forum's view is that in the ongoing bargaining between the Council and the developers a level closer to the City's new policy of 22%

should be agreed, but not at the expense of further significant delay to the development or the risk of losing the 10% offered on appeal.

A community space in a socially inclusive Hove Station quarter.

- 5.118. At the early meetings the Forum pointed out that the proposed scheme was essentially a 'gated development'. The residents of the adjacent tower blocks would be able to look down and across Ellen Street at the first storey level green spaces between the new tower blocks, but would have no access to them.
- 5.119. We requested an amendment to the design to relocate one of the two green spaces to ground level, with an arrangement (possibly in co-operation with the Clarendon and Ellen Residents Association) for limited and managed access for estate residents for perhaps two hours in the afternoon on two days per week. Thus existing residents would receive some direct benefit from the development and such an amendment would create an opportunity for new residents and existing residents to meet as members of the evolving Hove Station Quarter community.
- 5.120. Unfortunately, the developers were not able to respond to this suggestion. However, in the context of our concerns, they did respond to a subsequent suggestion by ward councilors for the conversion of a ground floor office space at the corner of Ellen Street and Ethel Street to provide a 'community space' at the corner of Ellen Street and Ethel Street. This amendment is warmly welcomed by the Forum.
- 5.121. In our early community engagement work with the Clarendon and Ellen Street Residents' Association we became aware of their ambition for the provision of a RA managed community facility towards the eastern end of the estate to complement the facilities of the Honeycroft and Vallance centres at the western end. The Forum has been informed that if the space is leased by an external party (perhaps by the Council on behalf of the Residents' Association) there would be an informal co-operative arrangement with the on-site management of the building which will operate from the main entrance on the corner of Ethel Street and Conway Street. If this is not possible the WJ onsite staff would manage the space on behalf of both their tenants and local community organisations,
- 5.122. The Neighbourhood Plan's 'big idea' is that the phased comprehensive redevelopment of the City Plan Development Area 6 should deliver an integrated Hove Station Quarter, which is interconnected both physically (straddling the railway line) and socially by creating opportunities for mutually beneficial interaction between newcomers and existing residents. This innovative community space provision will help to facilitate such social

interaction and means that the project cannot now be simply characterized as a 'gated development'.

Public realm improvements and the Hove Station Community Hub

- 5.123. The creation of high quality spaces for the public between buildings is a key Neighbourhood Plan objective, which focuses attention on the quality and attractiveness of the streetscape and local public green spaces which neighbourhood regeneration delivers. The Forum emphasized that a major benefit of the now superseded Matsim scheme was the proposed transformation of Conway Street with retail and office uses along the south side ('an active frontage') linked to a refurbishment of the stairs up to Goldstone Villas and major improvements to the area at the foot of the stairs.
- 5.124. However, in contrast, the basic design of this scheme creates an active commercial frontage along Ellen Street, whereas much of the Conway Street frontage will be the services entrance to the development. In this context the Forum pressed for significant improvement to the initial proposals for both streets. The resultant final landscape proposals for Ellen Street include a wider footpath, with generous provision of trees, together with seats and low level planters. This will now deliver both a pleasant pedestrian route and an improved view from the Clarendon and Ellen Street estate.
- 5.125. The final proposals for Conway Street and Ethel Street have both upgraded the landscaping by the provision of increased tree planting and low level planters and by improving the relationship between provision for one-way vehicular traffic and the routes for both pedestrians and cyclists, notably the addition of a cycle path on Conway Street.
- 5.126. Moreover, the project will now make three significant contributions to the delivery of the Neighbourhood Plan policy for the creation of a **Hove Station Community Hub**, through the enhancement of the immediate environs of the Station:
- the removal of the Matsim scheme's proposal for new shops and cafes on Conway Street will ensure that the development will boost footfall and customer demand for the Goldstone Villas parade of shops
 - the refurbishment of the stairs will be a major improvement for pedestrians.
 - the proposed S106 funded highway improvements will include the repaving of sections of footways on Goldstone Villas, Station Approach and Denmark Villas
- 5.127. Overall the shift of the active frontage of the scheme from Conway Street to Ellen Street is, on balance, welcome, not least because the south-facing orientation of this design will provide a better outlook for the residents of the estate. Moreover it presents opportunities for the development of Ellen Street

as a pedestrian-friendly east-west link through the core of the eventual comprehensive redevelopment of the Conway Street area.

Development Density and Building Design

- 5.128. Overall, a very high density and high rise scheme is appropriate for the site, given its location immediately adjacent to the Station and the tower blocks of the Clarendon-Estate. It is consistent with both City Plan Policies and the policies of the emerging Neighbourhood Plan. However, the initial design of the project, as presented at the public exhibition in February, was heavily criticized by the Forum, the Hove Civic Society, the Regency Society and the Council's Urban Design Team - it was widely perceived to be a poor alternative to the well-received Matsim scheme.
- 5.129. Thus the development team 'took a step back' and made significant changes which have substantially improved quality of the development which included
- increasing the size of the windows
 - increasing the number of balconies and repositioning them
 - changes to the brickwork to a much lighter tone
 - increasing the number of PV panels on the roof
 - converting the flat roofs to green roofs,
 - changing the façade treatment at the top of the central tower
- 5.130. Thus the Forum is now convinced that the scheme will be a worthy 'beacon project' which will contribute positively to the identity of the Hove Station Quarter.

Housing Provision and Affordable Rents

- 5.131. Whilst the KAP project on Newtown Road has been approved for the provision of apartments for sale, this project (like the much larger scale MODA Sackville Road redevelopment) is a Build to Rent (BTR) scheme. A total of 216 residential units will be provided for private tenants, together with ground floor office space along the Ellen Street frontage. This extremely high density project will eventually make a significant contribution to the city's overall annual house building target of some 500 dwellings per year, which has been imposed by government planning policies. However, its location immediately adjacent Hove Station with access to excellent train, bus and taxi services mean that residents will not need to depend on car ownership. It is also the logical site for the first phase of the redevelopment of the Conway Street area.
- 5.132. W J will own and manage their scheme for a minimum of 30 years. Onsite management offers the attractive prospect of a well maintained, sustainable development which will make a major contribution to the diverse quality of the Hove Station Quarter. All the flats will be let on three year tenancies providing more security better for tenants compared with the bulk of the city's private rented housing stock. Affordable units will be exactly the same in appearance

and specification as the market rent homes and their tenants will have access to all the shared facilities on site.

- 5.133. The Forum has been informed that the market rent pcm will be
- £1,045 for a studio,
 - £1,305 for one bed,
 - £1,475 for two beds and
 - £1.665 for three beds
- 5.134. **But only 22 units (10%) - will be available at affordable rents at either a 20% or 30% discount pcm, with an average discount of 25%.**
- 5.135. The Council's viability assessment agreed with that provided by WJ that the project could not provide any affordable units as well as meeting agreed S106 obligations for supporting transport improvements, contributing to schools provision, public realm improvements etc. However, given that the Matsim scheme had been approved at 10%, WJ agreed to do the same. As with MODA this scheme demonstrates that the provision of any level of affordable housing is within the gift of the developer rather than being established by the operation of the planning system. If the Council were to try and impose a higher level WJ, like Matsim before them, would appeal and win.
- 5.136. Thus 90% of the units will not be affordable for low income households. But they may be affordable and provide better value for many existing private tenants of flats in mainly lower quality conversions of 19th century housing nearby, paying rents pcm which are typically up to £850 for 1 bed, £1300, for two beds £1600 for three beds
- 5.137. However, the Forum is concerned that WJ rented properties may well be attractive to Londoners, given the location so close to Hove Station, and simply draw more people into the Hove rental market.
- 5.138. **Thus WJ should be required to develop a lettings policy which gives priority to local applicants in the allocation of all tenancies, not just in the allocation of the affordable units as required by the City's affordable homes policy.**

Traffic and movement

- 5.139. The outstanding and very welcome feature of this proposal is that it is essentially car free, making parking provision only for residents who are 'blue badge holders'. It is also intended that 'overspill parking' will not be possible as tenants will not be eligible for parking permits in nearby streets. Car club provision will cater for tenants who wish to drive but do not need to own a car. These restrictive measures will be complemented by the provision of financial incentives for both tenants and office workers to increase cycle usage and the

local bus services. Thus the vast majority of incoming tenants and workers will not bring cars with them.

- 5.140. Thus the scheme establishes a clear precedent for the eventual, essentially car free development of the rest of the Conway Street area which will be vital to deliver the Neighbourhood Plan vision of a sustainable green Hove Station Quarter.

Conclusion:

- 5.141. The delivery of this project will put in place the first piece of the Conway Street redevelopment jigsaw puzzle. As such it highlights some of the challenges which will have to be addressed in the ongoing, council funded, preparation of the Hove Station Master Plan, which is scheduled for public consultation in November-December. The Forum is working in partnership with the Council on this detailed plan, which will specify the volume, mass, height and phasing of the comprehensive residential and commercial redevelopment of the rest of the area over the next 5-7 years, such that it meets the policy requirements of both the City Plan and the Hove Station Neighbourhood Plan.
- 5.142. Two issues will be critical for the delivery of the Neighbourhood Plan vision of sustainable, green Hove Station Quarter – the continuation and refinement of the car free development process and the use of council owned land to deliver the increase in genuinely affordable housing which our area desperately needs.
- 5.143. The Forum welcomes the assurances given to us by WJ that they are committed to developing collaborative working relations with the Forum, the Council and other private landowners in the area to contribute to the Master Plan, in parallel with the delivery of their project. This may bode well for the future development of the Hove Station Neighbourhood Quarter.
- 5.144. **Scotland Gas Networks:** no comment on merits of application
This mains record only shows the pipes owned by SGN in our role as a Licensed Gas Transporter (GT). Please note that privately owned gas pipes or pipes owned by other GTs may be present in this area and information regarding those pipes needs to be requested from the owners. If we know of any other pipes in the area we will note them on the plans as a shaded area and/or a series of x's.
- 5.145. The information shown on this plan is given without obligation or warranty and the accuracy cannot be guaranteed. Service pipes, valves, siphons, stub connections etc. are not shown but their presence should be anticipated. Your attention is drawn to the information and disclaimer on these plans. The information included on the plan is only valid for 28 days.

- 5.146. On the mains record you may see the low/medium/intermediate pressure gas main near your site. There should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system. You should, where required confirm the position using hand dug trial holes. A colour copy of these plans and the gas safety advice booklet enclosed should be passed to the senior person on site in order to prevent damage to our plant and potential direct or consequential costs to your organisation.
- 5.147. Safe digging practices in accordance with HSE publication HSG47 “Avoiding Danger from Underground Services” must be used to verify and establish the actual position of the mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all relevant people (direct labour or contractors) working for you on or near gas pipes. It must be stressed that both direct and consequential damage to gas plant can be dangerous for your employees and the general public and repairs to any such damage will incur a charge to you or the organisation carrying out work on your behalf. Your works should be carried out in such a manner that we are able to gain access to our apparatus throughout the duration of your operations.
- 5.148. **Wind/Microclimate: Comment**
An external consultant (RWDI) was instructed to independently review the submitted Wind / Microclimate Report.
- 5.149. Their initial conclusion requested further information from the applicant:
- 5.150. The results of the assessment are broadly in line with our own expectations of the wind microclimate in Hove, which gives us confidence that it is robust (pending clarification on the above points). We note that there is an area on the eastern podium where the conditions are suitable only for strolling during the summer, bordering on walking. This is substantially windier than the target conditions, and the report does not provide any further recommendation for improving it. Can ArcAero please provide their recommendation for this area, or else justify why they consider it not to be necessary? Please also comment on whether there are any entrances into the amenity space that may be affected the windy conditions.
- 5.151. The figures showing wind conditions on the podium and roof terrace levels appears to have contiguous regions that spread across different levels (see example below where the strolling [green] and walking [yellow] contours appear to continue from the roof terrace to the podium, which are at different heights). This may simply be coincidence and a product of the top-down view, but we would request that ArcAero please check and confirm that the results are shown correctly for their respective heights at each level.

Conclusions from RWDI review

- 5.152. Overall, the microclimate results appear to be reasonable and consistent with our expectations for such a development in Hove. This gives us some confidence that the methodology for the assessment is robust. However, we have made a number of requests in this document for further information to help us confirm whether that is the case.
- 5.153. Following further submission of information as requested by RWDI, the final comment was:
- 5.154. We have no further queries or requests, and we are happy to confirm that in light of the consultant's responses the assessment appears to be robust.
- 5.155. Our one point for the council's further consideration, as described in our comments above, is the relatively "windy" conditions that would occur on parts of the elevated amenity spaces (conditions suitable only for strolling during the summer, when sitting or standing would be desired).
- 5.156. As we have explained above, this exceedance of the relevant comfort threshold does not automatically mean that it is "unacceptable", but it is important to understand that occupants may be less likely to use these areas for amenity use. This should be weighed against other considerations including: the intended activity in these areas, the availability of seating in other (less windy) parts of the development, and the potential disadvantages of implementing additional mitigation measures (such as screens or extra planting, which may block the view).
- 5.157. **Southern Water: No objection subject to conditions**
Our initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent:
- 5.158. A formal application for connection to the public sewerage system is required in order to service this development. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link: southernwater.co.uk/developing-building/connection-charging-arrangements
- 5.159. The developer can discharge surface water flow no greater than existing levels if proven to be connected and it is ensured that there is no overall increase in flows into the sewerage system. Any existing discharge of surface water run off to the public sewer will have to be proven by means of Topographical and/or

CCTV survey report showing the existing connection points, pipe sizes, gradients and calculations confirming the proposed surface water flow will be no greater than the existing contributing flows.

- 5.160. Following initial investigations, Southern Water can provide a water supply to the site. Southern Water requires a formal application for connection and on-site mains to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent: A formal application for connection to the water supply is required in order to service this development.
- 5.161. The proposed development would lie within a Source Protection Zone around one of Southern Water's public water supply sources as defined under the Environment Agency's Groundwater Protection Policy. Southern Water will rely on your consultations with the Environment Agency to ensure the protection of the public water supply source.
- 5.162. **Sussex Police Community Safety: No objection in principle**
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, I have no major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends and site specific requirements should be considered.
- 5.163. It is important to note that for communal developments, security is not only relevant externally but it also has to be present to prevent internal criminal acts as well, deterring both external and internal threats to the residents.
- 5.164. The design and layout of the development has basement parking, ground floor retail / commercial usage with residential on subsequent floors. I was pleased to note the separation of the residential entrances from the retail / commercial element. A roller shutter will be required for the basement vehicle entrance, cycle storage in the basement will need to be reduced and be lockable. Access into the core residential areas from the basement will need to be controlled along with the retail commercial routes.
- 5.165. From a crime prevention perspective, it will be imperative that access control is implemented into the design and layout to ensure control of entry is for authorised persons only. It will also be important in ensuring that the structure of the development is maintained so that different uses do not cause conflict

with each other. Segregation of the day to day activities of the residential element from the commercial / retail element of the development.

5.166. Developments over 25 flats / apartments can suffer adversely from anti-social behaviour due to unrestricted access to all areas and floors of the building. In order to create a safe and secure communal environment for residents occupying blocks of multiple flats, and to reduce the opportunity for antisocial behaviour by restricting access to all areas and floors of the building to all residents. SBD seeks to curtail unlawful free movement throughout the building through the use of an access control system (compartmentalisation). The application of such is a matter for the specifier, but may be achieved by either, or a combination, of the following:

- Controlled lift access – each resident is assigned access to the floor on which their dwelling is located via the use of a proximity reader, swipe card or key. Fire egress stairwells should also be controlled on each floor, from the stairwell into communal corridors, to reduce the risk of them being used for anti-social behaviour or criminal activities.
- Dedicated door-sets on each landing preventing unauthorised access to the corridor from the stairwell and lift; each resident being assigned access to the floor on which their dwelling is located. Fire egress stairwells should then be controlled on the ground floor preventing

5.167. I recommend that the secure cycles stores within the basement are constructed as such that they are lockable have good surveillance through them and hold no more than 30 cycles each. This will reduce the payoff for a would-be offender as well as affording additional security to the resident.

5.168. I strongly urge the applicant not to consider letter apertures within the flats' front doors. The absence of the letter aperture removes the opportunity for lock manipulation, fishing and arson attack and has the potential to reduce unnecessary access to the block. There are increasing crime problems associated with the delivery of post to buildings containing multiple dwellings or bedrooms. Therefore mail delivery that compromises the security of residential areas of a multi-occupied building in order to deliver individually to each residence should not be permitted. Facilities should be provided that enable mail to be delivered to safe and secure areas. Communal mail delivery facilities within building entrances serving multiple flats or rooms should be designed to incorporate the following:

- Located at the primary entrance/exit point of the building within view, within an internal area covered by CCTV or located within a secure access controlled entrance hall, or externally at the front of the building
- within view of those using the building;
- Be of robust construction;
- The individual letter boxes shall have a maximum aperture size of 260mm x 40mm;
- Have anti-fishing properties;
- Have fire resistance where considered necessary;

- Installed in accordance with the manufacturers specification
- 5.169. Additionally I would like to bring to the attention of the applicant or their agent SBD Commercial Development 2015 document. This is a comprehensive document that encapsulates both commercial developments where the public have no formal access, e.g. factory or office buildings, and those where public access is integral to the commercial use such as retail premises, leisure centres and public buildings.
- 5.170. This document will be able to provide the applicant with in-depth crime prevention advice pertinent to the design and layout. Accredited products that are fit for purpose and appropriate along with natural surveillance, access control will assist the development in creating a safe and secure environment in which to partake in leisure and retail activities. All external fire doors are to be devoid of any external furniture and linked back to security or be alarmed that will indicate when the door is opened or left ajar. Signage adjacent to the door is to be available to inform users of the consequences of misuse.
- 5.171. Both the above documents will be able to provide crime prevention advice for security measures such as; Underground parking and gating, secure access from basement to core areas, external and internal security measures, doors and window specifications, secure cycle storage, access control systems, lighting , CCTV, postal arrangements all which will be relevant to the development.
- 5.172. Where there are fire and security requirements for accessible doors, I would like to inform the applicant that there are dual fire and security certificated products available from door manufacturers.
- 5.173. I am the Secured by Design Officer for this location and would welcome a SBD application. Lighting throughout the development will be an important consideration and where it is implemented it should conform to the recommendations within BS 5489-1:2013.
- 5.174. I would also ask you to note that Sussex Police is now exploring the impact of growth on the provision of policing infrastructure over the coming years and further comment on this application may be made by our Joint Commercial Planning Manager.
- 5.175. Finally given the presence of underground car parking and the amenity spaces within the development, I recommend that the applicant seek advice from Sussex Police Counter Terrorist Security advisers with regards to the scheme as soon as it is practicable. The Crime & Disorder Act 1998 heightens the importance of taking crime prevention into account when planning decisions are made. Section 17 of the Act places a clear duty on both police and local

authorities to exercise their various functions with due regard to the likely effect on the prevention of crime and disorder.

- 5.176. You are asked to accord due weight to the advice offered in this letter which would demonstrate your authority's commitment to work in partnership and comply with the spirit of The Crime & Disorder Act.
- 5.177. **Sussex Police Counter Terrorism:** no comment received
- 5.178. **UK Power Networks:** No comment made

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, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
 - 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.;
 - Shoreham harbour Joint Area Action Plan (adopted October 2019).
- 6.3. Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
SA6	Sustainable Neighbourhoods
DA6	Hove Station Area
CP1	Housing delivery
CP2	Sustainable economic development
CP3	Employment land

CP4	Retail provision
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
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
QD25	External lighting
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
HO21	Provision of community facilities in residential and mixed use schemes
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas
HE10	Buildings of local interest

Brighton and Hove City Plan Part 2

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.

There are a number of relevant policies in this emerging plan including the following;

DM6 Build To Rent Housing

Supplementary Planning Guidance:
SPGBH15 Tall Buildings

Supplementary Planning Documents:
SPD03 Construction & Demolition Waste
SPD06 Trees & Development Sites
SPD11 Nature Conservation & Development
SPD14 Parking Standards
SPD16 Sustainable Drainage

Planning Advice Notes (PAN)
PAN 05 Design Guidance for the Storage and Collection of Recyclable
 Materials and Waste
PAN 06 Food Growing and Development

Further Guidance:
Affordable Housing Brief (December 2016)
Developer Contributions Technical Guidance (March 2017).

8. CONSIDERATIONS & ASSESSMENT

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

Background:

8.2. A similar mixed use scheme proposed on the site under application BH2016/02663 was refused at committee for the following reason:

The applicant has failed to provide sufficient affordable housing. The applicant has offered 18.8% affordable housing provision which is significantly below the 25% affordable housing provision that has been independently assessed as being viable by the District Valuer Service. The proposal is therefore contrary to policy CP20 of the Brighton & Hove City Plan Part One.

8.3. This was subsequently granted on appeal with the following conclusions by the Planning Inspector:

- The main parties agreed at the Hearing that the Council cannot demonstrate a five-year housing land supply. In such circumstances, the Framework's presumption in favour of sustainable development is engaged. This states that where policies which are most important for determining applications are out-of-date, which is the case here by reason of the absence of a five-year housing land supply, planning permission should be granted for development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- The main parties are agreed on the benefits of the scheme. The site is designated as a strategic allocation area within the City Plan where policy DA6 C applies. This policy seeks a comprehensive mixed use redevelopment of over the appeal site and wider commercial units along Conway Street. While there are some areas where the appeal scheme differs from the requirements of the policy, the Council confirmed at the Hearing that the proposed development generally accords with it. I have no reason to disagree, and being the first scheme to come forward I acknowledge that the proposed development could in effect kick-start this process of the wider regeneration of this area.
- It would provide much-needed new market and affordable housing and commercial space, and has the potential to open opportunities for employment during construction and operation stages. I also find that the proposed development would result in an improvement to character and appearance of the area against the existing situation. I attach considerable weight and importance to these benefits.
- I acknowledge that the level of affordable housing provision where pressing need exists is undoubtedly on the low side. But as I have found on the evidence before me the scheme cannot reasonably provide more. However, the provision of a review mechanism in the Legal Agreement, as discussed above, allows provision for payments to be made should the proposal demonstrate a surplus, and this reduces the any harm in this regard. It would also preserve the significance of the heritage assets.
- In my judgement, and applying the so-called tiled balance, I find that the adverse impacts of the proposed development do not significantly and demonstrably outweigh the benefits. The proposed development would amount to sustainable development for the purposes of the Framework, and would comply with the development plan as a whole.
- This planning permission remains extant on the site and the owners have indicated they will consider its implementation if the current scheme is not approved..

Planning Policy:

DA6 Hove Station Area:

- 8.4. The site falls within the Conway Street Industrial Area Strategic Allocation which is set within the wider Hove Station Development Area.
- 8.5. Within the Conway St strategic allocation, it specifically seeks the retention/replacement of 12,000 sq.m employment floorspace with a shift into high quality flexible office/business floorspace (i.e higher employment densities) and a minimum 200 residential units.

8.6. The strategy for the wider DA6 development area is to secure the long term regeneration opportunities around the Hove Station area and enable its development as an attractive and sustainable mixed-use area focussed on employment. The aim is to secure the creation of a high quality employment environment that will attract investment and new employment opportunities for the city and promote the efficient use of land through, predominantly employment and residential, mixed use developments. The policy sets out 10 local priorities to achieve this strategy. Those most relevant to the application site include:

- ensure that development takes account of and contributes to the appropriate provision of public open space and essential community services and provides environmental, biodiversity, pedestrian and public safety improvements
- Enhancing the sustainable transport interchange at Hove Station by improving the walking and cycling network in the wider area, improving permeability within the area, encouraging accessibility improvements over the railway at the station, strengthening north-south connections across the railway and beyond the area and east-west connections along Old Shoreham Road;
- Continuing to encourage more efficient use of under-used sites whilst retaining/replacing employment floorspace,
- Maintaining and strengthening the creative industries business cluster in the area,
- Creative use of development to integrate new green infrastructure including green space, accessible green roofs, green walls and other features which support Biosphere objectives;
- consideration of low and zero carbon decentralised energy and in particular heat networks,
- Over the plan period a minimum of 525 additional residential units are sought.

Hove Station Neighbourhood Forum:

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

Employment provision:

8.8. The amended proposals have reduced the quantum of B1 floorspace from 2,016 sqm to 1,662 sqm, but now include 341 sqm flexible commercial and community space (B1/D1/D2 under the current Use Classes Order definition

which apply at the time of writing the report). This is also less than the extant scheme which provides for 1988sqm of B1 floorspace and 226sqm of retail but has no community provision. As in the previous proposals, the commercial and commercial/ community floorspace would comprise the ground floor of the development.

- 8.9. It should be noted that the changes to the Use Classes Order (UCO) to be introduced on 1 Sept 2020 will subsume Class B1 within the new Class E (Commercial, Business and Service) which will also include the current A1, A2 and A3 Use Classes. This effectively means that it will not be possible to restrict the future use to commercial offices and use of the space for retail, professional services or restaurant/cafe could potentially be possible.
- 8.10. Policy DA6 seeks employment focused regeneration. Within the Conway St strategic allocation, it specifically seeks the retention/replacement of 12,000 sq.m employment floorspace with a shift into high quality flexible office/business floorspace (i.e higher employment densities). However, some loss of employment floorspace within the Conway St area is accepted (CPP1 para 3.72).
- 8.11. The level of dedicated business/office space would be less (1662sqm) than the current storage/warehousing floorspace on the site (1,835 sqm) and the level proposed in the extant planning consent (BH2016/02263) which provides for 1,988 sqm B1 space. However, the flexible commercial/community space would allow potential for increase to slightly over 2,000 sqm.
- 8.12. This is supported by the Policy Team:
“The provision of office space in place of storage/ warehousing would be likely to support a much higher number of FTE jobs and would support the Policy DA6 requirement to contribute to a range of office and flexible workspaces including larger floor plate offices and affordable business floorspace suitable for small business and digital media/creative industries (DA6.c.1.b).”
- 8.13. Given the above it is considered that whilst the scheme does not match the existing amount of commercial floorspace currently on site or meet the level specified by policy, the provision of office space proposed is considered acceptable in this instance as the floorspace will support a higher density of jobs and creates much needed modern floorspace in the city. Whilst the level of employment floorspace weighs against the scheme, this should be considered in the context of the other benefits of the scheme in terms of additional housing in the city, additional community space and the potential to drive regeneration of this area.

Community Provision:

- 8.14. The proposed 341m² of flexible community space did not form part of the original proposal but was added during the course of the application, following feedback from the ward Councillors.
- 8.15. The provision of a small area of the ground floor space potentially available for flexible commercial/community uses would allow for the provision of small scale local community facilities. Under the new UCO to be introduced from 1 Sept 2020, uses currently classified as D1 and D2 will fall variously within the new Class E, Class F1 (Learning and non-residential institutions), F2 (Local community) and Sui Generis. There is no information submitted as to how the space will be managed and a condition is recommended to secure this information.
- 8.16. Whilst Policy DA6 doesn't specifically make any provision for new community facilities, City Plan policies are generally supportive of community facilities in appropriate locations close to residential areas and accessible by public transport (e.g Policy SA6) and such provision would support the regeneration of the area and increased residential densities promoted in DA6 and the emerging Hove Station Masterplan.
- 8.17. The emerging Hove Station Neighbourhood Plan (Reg 14 version) identifies a Strategic Priority to plan for new and improved social and community facilities as needed for the increased population. NP Policy 13 specifically supports proposals which broaden and enhance the mix of community facilities as an essential component to the use mix in the Hove Station Quarter (although the preferred NP approach is to focus community facilities into the 'Community hubs' identified in Policy 14).
- 8.18. Saved Local Plan Policy HO19 supports new community facilities, subject to criteria relating to accessibility (including to socially excluded groups), and subject to having no unacceptable impacts on surrounding residential and local amenities, and accessibility by walking, cycling and public transport.
- 8.19. Policy HO21 positively encourages the provision of community facilities as part of residential and mixed use schemes to meet the realistic, assessed needs of residents, consistent with the scale and nature of the development proposed.
- 8.20. Draft Policy DM9 in the emerging CPP2 also supports the provision of new community facilities where the proposed use is compatible with adjoining and nearby uses; the site is close to the community it serves and is readily accessible by walking, cycling and public transport; and community facilities have been co-located, where feasible and appropriate. Although this policy carries little weight at this stage it does provide an indication of the direction of travel.

- 8.21. Therefore, the principle of allowing flexibility for local community uses within a small area of the ground floor is accepted.

Housing provision:

- 8.22. 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.

- 8.23. 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).

- 8.24. In the context of Brighton & Hove, this is considered a large scale C3 residential development proposal. The provision of 216 C3 residential units represents a significant proportion of the annual housing supply based on the city's housing delivery target of 13,200 as set out in City Plan Policy CP1. In this respect the proposal would make a valuable contribution to the city's housing supply and this is welcomed in principle. The proposed amount of C3 development also makes a significant contribution towards the requirement for 525 residential units for the Policy DA6 Hove Station Development Area as a whole.

Build to Rent Housing:

- 8.25. NPPF defines Built To Rent Housing as 'Purpose built housing that is typically 100% rented out... Schemes will usually offer longer tenancy agreements of three years or more, and will typically be professionally managed stock in single ownership and management control'. The Government is promoting build to rent as a means of improving the supply, choice and quality of private rented accommodation.

- 8.26. Emerging Policy DM6 of the draft City Plan Part Two specifically addresses Build to Rent Housing. The draft Policy DM6 sets out criteria that will be used to determine the acceptability of individual BTR schemes. These criteria include factors:

- housing choice
- appropriate mix
- standard of accommodation
- operation and management

- long term tenancies

8.27. Although carrying little weight at this stage, City Plan Part 2 policies do indicate the direction of travel.

8.28. As stated by the Planning Policy Officer, 'The council accepts that BTR can help improve the choice of housing and boost the supply of good quality rented accommodation in the city, including through provision of longer term secure tenancies'.

8.29. Build to Rent Housing provides is an important contribution to housing supply in the City and the nationally. The proposed development would provide 216 Build to Rent residential units which would contribute to the housing supply shortfall identified above. The proposed development accords with emerging policy DM6 of the draft City Plan Part Two and details will be secured via a legal agreement.

Density:

8.30. City Plan Part One Policy CP14 (Housing Density) expects a minimum density level of 100 dwellings/ha within the identified Development Areas. The proposed development will have a residential density of 540 dwellings per hectare (1,240 habitable rooms per hectare). This is based on the provision of 216 dwellings on a site area of 0.4 hectares. As observed by the Planning Policy Officer 'the level of housing proposed in this application exceeds the Strategic Allocation minimum target of 200 dwellings, although the development site itself accounts for only c12% of total area within the Conway St allocation. However, the Policy DA6 targets are stated as minima and a larger quantum of residential development would contribute towards the City Plan housing target of 13,200 new homes over the period 2010-2030'. Although the density proposed is higher than recommended it can be considered acceptable in this instance due to other considerations in the planning balance which will be considered later in this report.

8.31. Furthermore, '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) and the 5-year housing land shortfall, subject to the scheme being judged acceptable in terms of other development plan policies and priorities'. As such is considered that the amount of housing and density of the scheme is appropriate for the site and would contribute greatly towards the shortfall of housing supply in the City.

Housing Mix:

8.32. Policy CP19 of the City Plan Part One requires all new residential development to have regard to the characteristics of existing neighbourhoods and

communities to ensure that development makes a positive contribution to the achievement of mixed and sustainable communities.

- 8.33. Although not yet adopted and thus carrying little weight, emerging Policy DM6 (Build to Rent Housing) of City Plan Part Two directly references and supports adopted Policy CP19 (Housing Mix) to inform the provision of a mixed and sustainable communities.
- 8.34. Build to Rent Housing should also comply with the requirements of Policy DM1 (Housing Quality, Choice and Mix) of the emerging City Plan Part Two which requires residential development to incorporate a range of dwelling types, tenures and sizes which respond to the City's identified housing need; and to make provision for a range and mix of housing formats subject to the character, location and context.
- 8.35. These policies require the provision of an appropriate mix of housing (in terms of type, size and tenure), including affordable housing, that will contribute towards meeting the city's identified housing needs and will deliver balanced communities.
- 8.36. The proposed unit mix comprises the following:
- Studio flat x 31 & 1 bedroom (2 person) x 101 (61%)
 - 2 bedroom (3 person) x 48 (22%)
 - 2 bedroom (4 person)x 25 (12%)
 - 3 bedroom (6 person) x 11 (5%)
- 8.37. As stated by the Planning Policy Officer, the demographic analysis of demand /need in the city within the explanatory text of Policy CP19 (Housing Mix) of the City Plan Part Two 'indicates that 65% of overall need/demand (for both market and affordable homes) will be for 2 and 3 bedroom properties (34% and 31% respectively), compared to 24% for 1 bedroom properties and 11% for four-plus bedroom properties. Compared to this overall demand/need, the mix proposed in this application is heavily skewed towards smaller dwellings with studios and 1 bedroom apartments comprising over 60% of the total, and only 5% units being 3 bedrooms'. In this regard, the Planning Policy Officer considers that the proposal would better comply if a higher proportion of 3 bedroom units and 2 bedroom units were increased. Notwithstanding the above, it is also acknowledged by Planning Policy Officer that the size mix does reflect the type of tenure, urban character and accessible location of the scheme.
- 8.38. The approved unit mix in the extant scheme is as follows:
- 98 x one beds (52%);
 - 73 x two beds (39%)
 - 17 x three beds (9%)

- 8.39. The current scheme is less compliant than the extant scheme. It is noted that there is a higher percentage of three bedroom units in the extant scheme (9% compared with 5%) and circa 9% more smaller units, although it is observed that no studio apartments were provided in the extant scheme.
- 8.40. The unit mix has not altered during the course of the application, and the applicant has stated that the proposed unit mix aligns with market rental data which highlights a strong demand for 1 and 2-bedroom units for rent, with less demand for 3-Bedroom units.
- 8.41. Although a greater number of larger units would be preferred, the mix of dwellings would nevertheless cater for a range of occupiers and would be suitable to the particular locality and tenure. It is also acknowledged that the Conway Street site allocation does not set a required housing mix.
- 8.42. Although the unit mix provides more smaller units, given the proximity of the site to the station, town centre (which may likely appeal to a particular demographic) the unit mix would be acceptable and would contribute to the provision of housing in the City where there is an evident need and the balance is tilted in favour of the provision of housing
- 8.43. The housing mix weighs against the scheme, however, given the need for accommodation, the lack of 5 year housing land supply and the reasons specified above, the scheme is considered acceptable.
- Affordable Housing and Viability:
- 8.44. City Plan Policy CP20 (Affordable Housing) requires housing development of over 15 units to provide 40% affordable housing. The 40% target may be applied more flexibly subject to a number of considerations including the financial viability, the extent to which the provision would prejudice the realisation of other planning objectives and the need to achieve a successful housing development.
- 8.45. The national Planning Policy Guidance for Build to Rent sets out a typical expectation of 20% affordable housing provision to be provided, as part of Build to Rent schemes where viable, normally in the form of Affordable Private Rent (APR), where viable and introduced a specific new tenure of affordable private rent (often also referred to as Discount Market Rent or DMR) for Build to rent schemes only. As confirmed by the Housing Strategy Team, Build to Rent schemes do not require the owner/manager to accept direct nominations from the council for the homes provided. Tenants for these homes will be found via set criteria agreed between the owner and the council.

- 8.46. As stated by the Planning Policy Team ‘...BTR schemes in the city are capable of supporting up to 20% affordable units provided at discounted rents at least 20% below equivalent local market rents. However, greater levels of discount would be required to deliver units that are genuinely affordable to most of those eligible to join the Council’s housing register’.
- 8.47. The applicant has submitted a Financial Viability Assessment which concludes that the proposed development cannot provide any affordable housing. The Financial Viability Assessment has been independently assessed by the District Valuer who confirmed that “*the appraisal for the proposed scheme with no affordable Housing, does not exceed the benchmark Land Value and is therefore not considered viable*”.
- 8.48. The Community Infrastructure Levy (CIL) - a charge levied by local authorities on new development to assist in delivering the infrastructure required to support development; is due to be implemented on the 5th October 2020. Section 106 obligations are currently being utilised to mitigate the impact of developments and apply, however they will be scaled back when CIL is introduced. As such, the DVS considered the viability of the scheme *with* and *without* CIL, both of which were unviable.
- 8.49. Although unviable, the applicant subsequently offered 10% Affordable Housing on site, subject to there not being a review mechanism. This would comprise of 10% of habitable rooms available - to be provided as affordable private rent, let at an average discounted rate of 25% below the local market rent as discount (or 75% of market rent).
- 8.50. The offer of 10% affordable housing is supported by the Housing Strategy Team in the context of national planning guidance, the outcome of the viability assessment and the council’s Build to Rent policy. The unit mix and the criteria to be used to allocate the affordable private rent homes are to be agreed.
- 8.51. In accordance with draft Policy DM6 of CPP2 and its supporting text, the following matters will be secured by a legal agreement as agreed by the applicant:
- size mix for the affordable units
 - eligibility criteria (to be agreed with the Council)
 - a marketing and lettings plan
 - annual statements setting out the tenancy details and rental levels charged
 - Set service charge
 - Affordable housing units to be secured in perpetuity and inclusion of a mechanism to ‘clawback’ the value of the affordable housing provision based on values of the specific units at that particular time if circumstances arise where the all or part of a build to rent scheme is sold or converted to another tenure.

- In any circumstances where it is not possible to retain the affordable housing on-site, provision will be made for equivalent provision on a different site or for a financial contribution equivalent to the value of the affordable housing lost.
- 8.52. During the course of the application, the applicant has made a 10% affordable housing offer on the basis that it would not be subject to any early or late review mechanisms. However, the Planning Policy Officer and Housing Strategy Team have requested a future viability review, given that the affordable housing provision falls short of policy requirements (for viability reasons) as per the established council practice set out in the Affordable Housing Brief.
- 8.53. The applicant has not agreed to this requirement on the basis that the imposition of a review mechanism will severely affect the funding of the scheme- which would render the scheme undeliverable. In addition, the applicant has argued that the review mechanism is not a planning policy requirement or emerging policy requirement and the scheme is a single-phase development.
- 8.54. Policy CP20 sets out the expected affordable housing unit size mix, the preferred mix to be achieved across the city of 30% one bed units; 45% two bedroom units and 25% three bedrooms plus units. However, on individual sites this will be determined through negotiation, relevant housing needs assessments and neighbourhood characteristics. The number and size of the units are to be agreed with Housing Strategy Team and will form part of the legal agreement.
- 8.55. Council policy requires 5% of all homes across the whole development and 10% within the affordable housing element to be provided as fully wheelchair accessible homes in accordance with Building Regulation requirement Part M4(3). The applicant has agreed to this. This will form part of the legal agreement and conditions.
- 8.56. The offer of affordable housing is strongly welcomed, although it is regrettable that the review mechanism has not been agreed by the applicant. Discussions are still taking place, and this will be updated in the Additional Representations List. Overall, whilst it is recognised that the proposed scheme is delivering below a policy compliant level of 40% affordable housing as set in CP20 (and below the suggested levels of 20% for BTR in the national guidance) given that the Viability Assessment has demonstrated that affordable housing cannot be viably provided, the offer of 10% affordable housing is welcomed and weighs strongly in favour of the scheme.

Management

- 8.57. The applicant has submitted a Tenant Management plan and the residential accommodation will be held in unified ownership and will be managed by Fresh Property Management (a sister company of the applicant). This will ensure that the quality of accommodation, building standards and servicing will be maintained. This would comply with the requirements of emerging Policy DM6 of the Draft City Plan Part Two.

Design, Scale and Appearance and impact on wider townscape:

- 8.58. National and local policies seek to secure good quality design which respects general townscape and the setting of heritage assets. Taller and higher density development than that is typically found in an area can be considered appropriate in the right location. Policies DA6, CP12 of CPP1 and Supplementary Planning Guidance on Tall Buildings (SPGBH15) identify the application site as within an area with the potential for development of higher density and tall buildings (18m in height or approximately 6 storeys above existing ground level).
- 8.59. Policy CP12 on Urban Design sets that development should meet certain criteria. The key 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;
- 8.60. SPGBH15 requires all new tall buildings to be of a high quality of design, such that they can make a positive contribution to the city's urban form and skyline, support the city's continued regeneration, and are generally well received. The council will expect very tall developments in particular to be, at least in part, accessible to the public. All tall buildings must be integrated into the public realm, be responsive to environmental conditions and embrace principles of sustainability. A full visual assessment is required to enable a full appreciation of the likely resultant townscape. A Tall Building Statement accompanied the application submission.
- 8.61. The overall design approach of the current scheme has been progressed through a Design Review Panel process, a significant number of pre-application meetings and further revisions during the lifetime of the scheme.

- 8.62. The final proposal is for a building that is between 2 and 18 storeys in height creating a total of 216 build to rent residential dwellings (mix of studio, 1, 2 and 3 beds), mixed use commercial/community uses at ground floor level with basement parking. It has been predominantly massed to the north of the site as the character to the north is more industrial in character, which reduces the impact on neighbouring residential properties. The buildings to the east of the site are 4 storeys in height with 9 storey Council owned tower blocks to the south.
- 8.63. The design sits predominantly to the north edge of the site and comprises a central 18 storey tower element and a 9 storey tower on the eastern edge of the site, which are connected by 7 storey connecting elements. With the exception of the central tower the design overall reflects the character of the surrounding area and in particular the existing tower blocks to the south.
- 8.64. The general proposed layout is significantly different and improved over that of the extant scheme (BH2016/02663). Whereas this previous approval adopted a courtyard approach with development around the edges of the site, this design offers significantly better design and layout in terms of impact on the surrounding streetscene and the amenity of residents. By massing the development solely to the north of the site, allowing for open amenity areas to the south, the provided outdoor amenity space is significantly improved over the extant scheme with much greater sunlight.
- 8.65. There have been significant changes to the scale, massing, design and materiality during the lifetime of the scheme in response to comments from formal pre-application advice, Design Review Panel comments and the Council's Urban Design officer. These include:
- Improvements to the quality of the Conway Street public realm;
 - Provision of Green roofs providing biodiversity gains;
 - Provision of additional private external amenity by the addition of more balconies to the north elevation. Although these are projecting balconies, which is not ideal as inset balconies are preferred, they have been designed well and work as a projection of the main floor plate;
 - Functionality of south facing access decks and balconies, and;
 - Improved materiality and contextual appropriateness by breaking up the contours of the elevations, providing a clearer separation of the tower elements;
 - A reduction in the width of the tower element;
- 8.66. Following these changes Urban Design comments provide general support for the scheme subject to the securing of high quality materials via condition:
- A general site layout which optimises southerly aspect and generates improvement to the public realm to the south and east;

- A consideration of the future development of the wider contextual area which enshrines the ambition to integrate proposals and to regenerate the Conway Street area;
 - Communal amenity areas which are of a high quality and present excellent opportunity for social interaction and urban greening;
 - Improvements to public realm of Ellen Street and Ethel Street which include street tree planting and street furniture, and which are considered to be of high quality and a positive contribution to the regeneration of the area;
 - An internal layout which adheres to national space standards, and;
 - A well-proportioned elevational composition.
- 8.67. Despite the improvements discussed above, there remain some concerns about the design:
- The commercial appearance / character of parts of the proposals generating a non-residential character. This is not specific to Ellen Street, but is a general comment related to the previous reasons for objection: “A lack of residential character or identity” and “Flatness to the appearance of proposals”;
 - A bulky and inelegant profile to the tower element;
 - The detrimental impact of the scale and massing of proposals on the character and quality of Conway Street, and;
 - The character of Ellen Street at Ground level during times when commercial frontage is inactive.
- 8.68. It is considered that the above concern regarding commercial street frontages can be mitigated against through a condition requiring details of shopfronts be submitted to the LPA prior to occupation of the units.
- 8.69. When considering the overall planning balance, significant weight must be given to the 5 year housing supply requirement. Although the design and scale of the proposal still has some concerns with regard to the height and form of the central tower and the character of the commercial frontages, it does represent a significant improvement on the extant scheme due to its improved cohesiveness as a design and considerably better communal amenity provision for occupiers. Whilst there are outstanding concerns regarding aspects of the design, the overall design is supported.
- 8.70. Policy DA6 seeks to ensure that proposals relating to individual buildings and/or sites within this area will not prejudice the objectives of the Conway Street allocation. The applicant has considered this as demonstrated with the submitted Design and Access Statement with diagrams to consider how the adjacent site to the west (the bus depot) may come forward in the future. The proposed scheme has been designed to ensure that the quantum of development within the adjacent site would not be significantly limited or restricted due to the siting of the proposed development. Furthermore, amenity

impacts between the proposal and any future development could be managed acceptably.

Heritage

- 8.71. This site lies immediately to the west of the Hove Station conservation area, which adjoins the Denmark Villas conservation area to the east..
- 8.72. When considering whether to grant planning permission for development in a conservation area the council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 8.73. Furthermore, when considering whether to grant planning permission which affects a listed building or its setting the Council has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 8.74. Case law has held that the desirability of preserving the character or appearance of a conservation area and/or the desirability of preserving a listed building or its setting must be given "considerable importance and weight.
- 8.75. It must also be noted that Paragraph 196 of the NPPF sets out that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 8.76. Furthermore, it is pertinent to set out that paragraph 197 of the Framework sets out that there is a lower level of protection for non-designated heritage assets stating, *The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*
- 8.77. The special character of the Hove Station conservation area derives from the relationship between the station itself and the surrounding late Victorian buildings which connect the station with the main part of the town along Goldstone Villas.
- 8.78. This is a busy, tree-lined road with terraced properties to the north and more domestic, lower scale property to the south. This road contains a wide variety of late Victorian buildings with very few modern buildings apart from a small house (No. 37) and Cliftonville Court, a 1960's office block which unfortunately

sits opposite and intrudes on the setting of the listed station and the adjacent Ralli Memorial Hall. The most significant features of Goldstone Villas are two long terraces close to the railway station and the public house at the north end.

- 8.79. The Character Statement for the area notes that *“when looking up from Holy Trinity Church, there is a long row of buildings culminating at the top of the wide street with the low pitched slated roof of the railway station”* Around the corner in Station Approach the space is defined to the north and west by the station and to the south by the Ralli Memorial Hall, which acts as an important focal point despite the unsympathetic modern development adjacent and the petrol station opposite.
- 8.80. The most important building is Hove Station, listed grade II, dating from several building periods. The first building was constructed in 1865-6 in the Tuscan villa style; this is the white painted block which sits most prominently on the site facing down Goldstone Villas. It is two storeys high, rendered, with a shallow pitched slate roof with end bays which break forward at first floor level. The windows have segmental-heads, moulded surrounds, and sash windows without glazing bars. On either side are single storey rusticated wings with similar fenestration. The main building slightly to the west which now forms the passenger station was built in 1879, possibly to the designs of F. D. Bannister. It is constructed in red brick with a grey brick plinth, stone dressing and quoins, a hipped bitumen-covered slate roof and a canopy over the forecourt area supported by cast iron columns.
- 8.81. The key impacts of the development on heritage assets are identified by the Heritage Team as being on the setting of Hove Station Conservation Area and on the setting of the grade II listed Hove Station together with the locally listed public house adjacent. These assets along with the adjacent Goldstone Villas have a very clear historic relationship and the Station has historically been the dominant architectural element in the area, as benefits its use and status. It remains a key focal point, both visually and functionally in the approaches, especially along Station Approach.
- 8.82. Verified views of the development were provided to show the impact of the scheme from just to the east of Hove Station concourse. These demonstrate the considerable degree to which the development will be visible from the conservation area above the locally listed public house. Due to the increased height of the tower elements and massing to the east of the site, this will have a greater impact than the extant scheme, being far more visible above the properties lying on Goldstone Villas. Although more detrimental than the extant scheme, The Heritage Team consider the impact of both the extant scheme and the current scheme to be considerable but less than substantial in the terms set out in the NPPF.

- 8.83. The Conservation Advisory Group (CAG) have also unanimously objected to the scheme for similar reasons of scale and massing. The Hove Station Neighbourhood Forum on the other hand have supported the scheme.
- 8.84. In this case, whilst the Heritage comments are noted and the heritage impact weighs against the scheme, the public benefits of the redevelopment of a Strategic Allocation within a Development Area identified in the City Plan, the need to provide housing in light of Brighton and Hove's difficulty to meet its 5 year housing supply and the improvements to the public realm are considered to outweigh the harm to heritage assets.
- 8.85. It should also be noted that the impact on Heritage assets was not a reason for refusal of the previous, extant scheme although it is acknowledged that the Heritage Team has outlined that the current proposal does have a more detrimental impact in heritage terms.

Archaeology

- 8.86. Policy HE12 (Scheduled ancient monuments and other important archaeological sites) seeks to ensure development proposals preserve and enhance sites of known and potential archaeological interest and their settings. An Archaeological Desk Based Assessment has been submitted by the applicant which assesses the potential for the proposed development to impact on below ground heritage assets. The County Archaeologist has reviewed this document and considers that although there is moderate potential for archaeological remains, this is acceptable that the risk of damage to archaeology is mitigated by the imposition of planning conditions for further investigation.

Impact on Neighbouring Amenity:

- 8.87. 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.

Loss of Sunlight/Daylight

- 8.88. The proposed development would result in some loss of sunlight and daylight to neighbouring residential buildings.
- 8.89. The BRE report has identified the following:
- 32 north facing windows in Livingstone House would have losses of daylight outside the guidelines. The largest relative losses of light would be to windows in the centre bays of the building, which may light kitchens. Large overhangs above the windows on the second and sixth floors restrict

the amount of light currently reaching these windows. Without the overhangs, the loss of light would still be outside the BRE guidelines for 20 kitchens on floors 1-5, but closer to the recommendations. The impact would be classified as moderate adverse. Windows towards either end of Livingstone House would be less affected, and any impact would be minor adverse.

- Loss of daylight to eight windows in 2-12 Ellen Street, and two in each of 88 and 96 Goldstone Villas, would be outside the BRE guidelines, but not by much. These would count as minor adverse impacts.
- Loss of daylight to other dwellings analysed would be within the BRE guidelines and classed as negligible. The only other residential properties that could be affected and have not been analysed are at Goldstone House. There may be a loss of daylight outside the guidelines to worst case windows on the ground floor, but this is likely to be no more than a minor adverse impact.
- Loss of sunlight would not be an issue for any of the surrounding dwellings, as the affected windows do not face within 90 degrees of due south.

- 8.90. While it is regrettable that there is some loss of light to nearby residences that are outside the recommended guidelines, this has to be considered in the planning balance against the benefits of the scheme. The most significant impact is on rooms that are likely kitchens within Livingstone House to the south. This is identified as moderate harm and is not considered of a sufficient impact to outweigh the benefits of the scheme discussed elsewhere in this report.

Overlooking

- 8.91. There would be a degree of overlooking from the proposed residential units on the east elevation to the rear of properties on Goldstone Villas to the east and Livingstone House to the south. There would though be sufficient separation from the development and these properties and it is not considered that the proposal would result in any significant loss of privacy to the neighbouring occupiers. Similarly, whilst there would be views afforded from the higher storeys to sites to the north, the separation distances involved, which also includes the railway line is such that again, any loss of privacy to neighbouring occupiers would not be considered significant and the application is acceptable in this regard.
- 8.92. The separation distances between the development and neighbouring residential properties in conjunction with the spacing between the taller blocks is such that the proposal is not considered to result in a detrimental enclosing or overbearing impact or result in a loss of outlook to neighbouring occupiers.

Noise and Disturbance

- 8.93. Whilst the proposal would result in the intensification of the use of the site, it is not considered that any increased noise and disturbance would be of a

magnitude that would justify the refusal of the planning application. Carefully worded conditions could be used to control the hours of operation and deliveries to the commercial elements.

- 8.94. Overall, it is not considered that the proposal would result in any significant harm to the amenity of the neighbouring properties in accordance with policy QD27 of the Brighton and Hove Local Plan.

Standard of accommodation:

- 8.95. Whilst the Local Planning Authority does not have adopted space standards, for comparative purposes the Government's Technical Housing Standards has been used. All of the proposed dwellings are self-contained have been designed to meet or exceed the Nationally Described Space Standards (NDSS), in terms of the unit sizes, individual room sizes and specifications in accordance with emerging policy DM1. The layout of the floorplans for each typology are generally wide and shallow, with open plan living /kitchen/dining areas. Storage is provided within each unit.
- 8.96. The separation distances afforded between facing habitable room windows and balcony areas are considered adequate. Further details of buffer planting and screening to balcony areas are to be conditioned.
- 8.97. Of the proposed dwellings, 123 units will be dual aspect (57%). The remaining 93 units will be single aspect (43%). Although dual aspect units are preferred, there are no specific Policy requirements in this regard. The number of single aspect north facing units are limited accounting for circa 7% of the overall provision, and many of the larger units benefit from being dual aspect. It is also noted that a relatively high proportion of the units now benefit from private amenity space; and all of the units benefit from extensive amenities within the proposed indoor and outdoor communal amenity areas.

Daylight and Sunlight within proposed units

- 8.98. The applicant submitted a daylight/sunlight assessment with the original proposals which was reviewed by the Building Research Establishment (BRE) on behalf of the local planning authority.
- 8.99. The Building Research Establishment (BRE) guidelines "Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice" provides guidance on avoiding unacceptable impacts and sets out non-mandatory targets for levels of daylight and sunlight within existing and proposed development. The scheme has accordingly been assessed by the BRE standards.
- 8.100. Daylight and sunlight have been assessed using the recommended minimum values for the Average Daylight Factor (ADF)- the a measure of the amount of

daylight within a room; and Annual/Winter Probable Sunlight Hours (APSH/WPSH), to measure the sunlight into a room.

- 8.101. The standard recommends the minimum values for ADF: bedrooms 1.0%, living rooms 1.5% and Kitchens 2.0%, although it is acknowledged that local authorities often accept the recommended minimum for living rooms of 1.5% where a kitchen and living room are located in the same room, as a small kitchen would not be considered a habitable room.

Initial scheme

- 8.102. The initial scheme provided low levels of daylight to habitable rooms and a review undertaken by BRE concluded that 'daylight provision in living rooms in the new development would be unusually poor'. Sunlight provision was also observed to be very poor.

Amended scheme

- 8.103. Following BRE recommendations, the scheme was amended (as per the current scheme) resulting in an overall pass rate increases from 74% to 84%. This represents an improvement from the original scheme by approximately 10%.
- 8.104. The Living/Kitchen/Dinning area pass rate minimum standard (1.5%) increased from 59% to 88%. The Living/Kitchen/Dining pass rate with combined living area standard (2%) increased from 37% to 62%. The studio rooms improved from 73% to 85%. The lowest individual living room examples are 0.90% and 0.98%, located on the first floor.
- 8.105. The increases have been provided through the following:
- Testing all rooms
 - Window sizes increased, alignment and frames
 - Additional windows and glazing introduced
 - Private balconies reduced in depth
 - Inclusion of all habitable rooms within analysis
- 8.106. It is acknowledged that 2 kitchens per floor have been internalised. The applicant has confirmed that these kitchen areas will not be enclosed and would be served by the main living windows, however the they will be set further back into the multifunctional room and have not been included for the purposes of the BRE calculations.
- 8.107. In relation to sunlight provision to south facing windows, the amended scheme has an APSH overall pass rate of 56% which is a decrease from 65% and the WPSH overall pass rate decreases from 82% to 66%. Although not ideal, the BRE guidance recognises that sunlight is less important than daylight in the amenity of a room and is heavily influenced by orientation.

- 8.108. The amended scheme has resulted in compromised sunlight levels, caused by the decrease in the percentage of windows meeting BRE criteria for sunlight, due to additional windows where daylight is more limited, however sunlight exposure overall will increase from the original proposed development.
- 8.109. BRE reviewed the amended plans and concluded that that Daylight provision was 'poor but significantly better than the previous design'. Of note, BRE considered that further improvements would probably require 'more drastic design changes such as the removal of balconies, realigning access decks and a reduction in massing'.
- 8.110. Whilst the standard of accommodation in respect of BRE guidance weighs against the scheme, this is one element of the consideration when reviewing the standard of accommodation. Moreover, it is acknowledged that the BRE guidance, is guidance rather than prescriptive policy.
- 8.111. Although the daylight levels in some of the units is compromised, the applicant has made changes during the course of the application to further improve daylight levels. In this instance, it is considered that a flexible approach should be taken in applying guidance with regards to daylight and sunlight, on the basis that overall the development would provide an acceptable living standard and would contribute to making an efficient use of the site and the provision of much needed housing in the City.

Amenity Space:

Private

- 8.112. Local Plan Policy HO5 (Amenity Space) seeks the provision of private useable amenity space in new residential development where appropriate to the scale and character of the development.
- 8.113. Policy DM1 (Housing Quality, Choice and Mix) of the emerging City Plan Part two requires all new residential development to provide useable private outdoor amenity space appropriate to the scale and character of the development. Whilst this policy currently does not hold full statutory weight, it indicates the direction of travel with regard to the planning policy framework and should be given due consideration.
- 8.114. As originally submitted, private balconies were only provided for 52% of the proposed units. The amended scheme has provided additional balconies, resulting in 75% of units having access to private amenity space. It is noted that the applicant has stated that balconies cannot be added to the Ethel Street elevation due to it being the primary route for traffic and buses. Whilst the lack of balconies on all of the units does weigh against the proposal it is

acknowledged that there is a significant amount of communal amenity space within the scheme as a whole.

- 8.115. The building design provides for external access deck features from which some of the private amenity space would be accessed, which serves as both a design feature and would promote interaction and neighbourliness.

Communal

- 8.116. In addition, the development would provide a total of 1,582 sq.m of external communal amenity space comprising podium and roof terraces, plus 244 sq.m of internal communal amenity space. This provision is substantially more communal amenity space than the extant scheme which provided 1000m² of communal amenity space; and is of a superior quality. The proposed roof top amenity areas would be well lit, meeting BRE standards as specified in the BRE review of the scheme.

- 8.117. A breakdown of the proposed communal amenity space is provided below:

- Podium terraces x 2 on the 1st floor (1055 m²)
- Roof terrace x 2 on the 7th and 12th floor (527 m²)
- Flexible internal communal space on the 1st floor (244 m²)

- 8.118. The amenity areas provide a variety of different functions and activities. The outdoor amenity spaces provide seating, decking, children play area and games areas (large chess board and table tennis). The first floor internal communal spaces provide flexible work space/study areas, a pool room, lounge area and a large community cooking area.

- 8.119. In addition, the main entrance to the residential accommodation on the corner of Conway Street and Ethel Street would provide a double height space with a seating area, a concierge desk, post collection area and a meeting room.

- 8.120. It is considered that the private and communal on-site amenity provision for the future occupiers would be of a high standard and compliant with Policy HO5 of the Local Plan.

- 8.121. 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 £97,340 which the applicant has agreed to.

Wind Microclimate:

- 8.122. The applicant has submitted a wind microclimate report undertaken by Architectural Aerodynamics Ltd.

- 8.123. The findings of the report demonstrate that all areas within the site and immediate surrounds generally meet the safety criteria with respect to wind, for all users of the site and the following points were made:
- In terms of comfort and safety, the impact on the surrounding area provides suitable conditions.
 - Upon introduction of the proposed development the wind microclimate is predominantly suitable for designated pedestrian and occupant activities.
 - The proposed development is likely to have no material or adverse effect at the Hove Business centre to the north of the site or the Sackville Road industrial development.
 - The introduction of the considered future schemes within the development area do not impact the character of the wind microclimate local to the proposed Hove Gardens development
 - It is noted that the balcony areas on the southern façade was omitted prior to submission due to the adverse wind conditions.
- 8.124. A Wind Microclimate Peer Review was undertaken by RWDI who have confirmed that *“the results of the assessment are broadly in line with their own expectations of such a development in Hove. which gives us confidence that the assessment is indeed robust”*. RWDI observed that there is an area on the eastern podium where ‘conditions are suitable only for strolling during the summer, bordering on walking’. The applicant team acknowledge this; however, the applicant has demonstrated that this will only occur on 10% of the eastern podium area, and excess wind speed would only occur 6-12% of the time within this area during summer. In any case, soft landscaping within the terrace which would be more substantial during the summer to alleviate the impact. The landscaping with the podium has been accordingly conditioned to ensure this area is sufficiently mitigated.

Sustainable Transport:

- 8.125. City Plan policy CP9 seeks to promote sustainable modes of transport and cycling and walking in particular to reduce reliance on the private car. Local plan policy TR4 promotes the use of Travel Plans. Policy TR7 seeks to ensure highway safety. Development is expected to meet vehicular and cycle parking standards set out in SPD14.
- 8.126. The site is in a sustainable location close to services and is well located to take advantage of existing public transport links, including Hove Station.
- 8.127. A Transport Assessment (TA) was submitted with the original application with further transport information submitted by the applicant as the application progressed.
- 8.128. There has been significant input from the LHA Transport Team on this application who provided comments on the initial proposals and further comments during the life of the application as the scheme was revised and

more information was provided by the applicant. This included two meetings with the developer and their Highways consultant

8.129. Early responses from the LHA Transport Team raised a number of issues and asked for further information in some key areas. The main concerns raised in respect of the originally submitted application are set out below:

- Audits of key walking and cycling routes between the site and local destinations including public transport interchanges, have not been provided;
- Confirmation is requested that dropped kerb crossings on Clarendon Road, Livingstone Road, Shirley Street and Goldstone Road as included with the permitted scheme (BH2016/02663) will be delivered;
- Confirmation of the car park ramp design and gradient is required (and associated suitability for pedestrian, cycle and disabled access, as appropriate);
- Details of the servicing facilities, including the omission of the previously proposed servicing bay on Ethel Street is required;
- Further details of the available visibility splay to the right of the site access is required and was requested at our pre-app meeting. Additionally, details of options to avoid the issue of visibility being constrained by servicing vehicles using the bay should be provided. Of note, the proposed contraflow cycle lane has now been removed from the proposals on Conway Street - this may allow the access / loading bay arrangement to be slightly re-configured and should be clarified;
- Additionally, it is considered that the current application contains particularly limited details of the proposed off-site works, any optioneering work that has fed into their development, and the associated remit of the submitted RSA. We have raised a number of concerns regarding the off-site works within this response and consider that alternative options are available to significantly enhance the proposals and address these concerns and therefore request that further work is undertaken and submitted;
- Confirmation of an in-principle agreement between the applicant and Enterprise car club is required to provide two further car club vehicles in the immediate vicinity of the site, noting that several additional vehicles are also to be provided nearby, in relation to the recently approved development at Sackville Trading Estate. This is required to determine whether the loss of parking can be mitigated;
- Further clarification on proposed trip generation is needed. B1 office trip rates need to include a sensitivity test to look at trip rates using an employee parameter;
- A revised parking assessment will need to be undertaken as a result of revised B1 trip generation;
- Further information on delivery and servicing forecasts, and an associated capacity analysis, is required to demonstrate that proposed loading facilities will be able to safely accommodate demand; and
- Revision of the mode share analysis applied to the residential trip generation and subsequent re-calculation of the net trip generation, by

mode, for AM and PM peak hours, plus 24-hour daily trip generation is requested.

- Cycle parking design related issues. Access to the stores is constrained due to narrow corridors and having to negotiate several sets of doors. Shower and changing facilities for the commercial element of the proposals should also be confirmed. As it stands the proposed cycle parking is not policy compliant as required by SPD14, Brighton & Hove Local Plan policy TR14 and NPPF para 110(b).

8.130. Further information during the life of the application was provided which have satisfactorily addressed a significant number of the concerns including elements which can be secured via condition. These include:

- The access ramp will be steep and will require an edge treatment to help manage the interface between vehicles using the ramp and pedestrians on Conway Street. Additionally, signing will be required within the site to advise cyclists that they should use the lift when accessing the basement cycle parking.
- Disabled parking provision. 22 disabled spaces have been proposed. SPD14 requires 24 spaces and therefore 2 visitor spaces need to be converted to disabled spaces. A snapshot of a plan showing disabled spaces has been submitted in the TAA. This has not been addressed in TAA2. We require a full scaled plan to be submitted so this can be secured. This should detail the full 24 disabled parking spaces.
- Electric charging provision. A snapshot of a plan showing disabled spaces has been submitted in the TAA. This has not been addressed in TAA2. We require a full scaled plan to be submitted so this can be secured.

8.131. The key issues outstanding relate to the proposed one-way system for Conway Street, the design and access to cycle parking and details relating to construction site use and delivery as required by a CEMP/DEMP.

8.132. It is agreed that the design of Conway Street (subject to the outcome of statutory TRO consultations on proposed changes to access and parking/loading), with particular reference to pedestrian and cyclist safety given the lack of a contraflow lane and the shared nature of the proposed space, can be detailed post-determination of the application and is not a reason for refusal.

8.133. As demonstrated in the parking survey provided, the majority of roads within 200m are over capacity and could therefore result in substantial overspill created by this development. To mitigate any potential impacts on surrounding road capacity, conditions will be applied to restrict future occupiers access to both resident permits and to reduce their allocation of visitor permits.

8.134. Concerns remain about the design, layout and access to basement cycle parking/storage although the total amount provided does comply with policy requirements as set out in SPD14. These are:

- Width of access corridors are 1.7m rather than the 2m recommended.
 - Size of lifts and lift lobbies cannot accommodate 2 people plus their bicycles.
 - Access from Ethel Street
 - Number of wheelchair accessible bike spaces
 - Mix of Sheffield type and two-tier stands.
- 8.135. It is noted that these can be secured via condition requiring details of cycle parking and access to be agreed with the LPA prior to occupation of the building.
- 8.136. It is also noted by the Transport team that:
Paragraph 109 of the NPPF states that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe' and as such there are no grounds to formally object to the scheme with the concerns raised above to be considered as part of the overall planning balance.
- 8.137. 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. Although Transport have asked that the CEMP and DEMP should be secured by inclusion in the legal agreement, the LPA consider that this can be secured via condition instead which is simpler to enforce if subsequently required.
- 8.138. Overall, notwithstanding the remaining concerns relating to cycle parking and the design of Conway Street and subject to the proposed conditions and the s106 agreement obligations the scheme is broadly in accordance with the development plan in respect of transport impacts. It is considered that the design of the Conway Street public realm and acceptable cycle parking and disabled parking can be achieved by revisions to the scheme post determination that can be secured by carefully worded conditions.

Sustainability:

- 8.139. City Plan policy CP8 (Sustainable Buildings) 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. 'Major' non-residential developments are expected to achieve BREEAM 'Excellent'. Policy DA6 (Hove Station Area) of the City Plan Part One encourages consideration of low and zero carbon decentralised energy.
- 8.140. The following measures are proposed to meet the targets:

- LED lighting
- Photovoltaics panels
- Air Source Heat Pump
- Green roofs
- Building fabric with passive measures

8.141. The targeted BREEAM level is 'excellent' for the commercial components of the development and would provide a score of 80% which is extremely high as considered by the Sustainability Officer.

8.142. The residential elements meet the energy efficiency standards of 19% reduction in CO2 emissions over Part L Building Regulations, by exceeding this requirement and providing a 50% reduction in CO2 emissions over part L of the Building regulations, and water efficiency standards of 110 litres/person/day.

8.143. The proposed development is future proofed and the provision of connections to a new district heating network loop will be available, for any future requirements. This has been suitably conditioned.

8.144. The Sustainability Officer has states that the development is expected to amply meet the requirements set out in CP8 of the City Plan Part Two; and meets the aims and aspirations of Policy DA6.

Ecology:

8.145. The site is not designated for its nature conservation importance, and there are no designated wildlife sites that would be impacted by the proposed development.

8.146. At present, the site mainly comprises buildings and hard standing, with two scattered trees and some vegetation and thus is considered by the County Ecologist to be of relatively low biodiversity value. Nevertheless, given that two of the units are vacant, a bat survey was requested and undertaken. The survey demonstrated that there was no evidence of roosting bats. Nor were bats using the site or area in any capacity.

8.147. The County Ecologist has confirmed that the site is unlikely to support any protected species. The applicant has submitted a Preliminary Ecological Appraisal which has recommended a number of measures to create a net increase in biodiversity on the site through the provision of the following:

- Six integrated bat boxes
- Sensitive lighting
- Wildlife friendly landscaping
- Bee bricks
- Bird boxes

8.148. This will be secured by way of condition for requiring an Ecological Design Strategy to be submitted and approved.

8.149. The County Ecologist is satisfied that with the proposed mitigation measures discussed above, the site offers opportunities for enhancement that will help the Council address its duties and responsibilities to provide a net gain for biodiversity. Accordingly, the proposed development complies with CP10 of the City Plan Part One.

Arboriculture:

8.150. Local Plan Policy QD16 (Trees and Hedgerows) requires applications for new development to accurately identify existing trees, shrubs and hedgerows and seek to retain existing trees and hedgerows. wherever feasible include new tree and hedge planting should be incorporated in to proposals.

8.151. The applicant seeks to remove two trees on the site (1 x c-grade Ash and 1 x c-grade Sycamore). These trees are not protected and the Tree Officer raises no objections to their removal. It should be observed that a number of trees are proposed as part of public realm improvements around the site which would enhance the site, wider area and contribute to a net increase in biodiversity. It is considered that the removal of the two trees and provision of a number of trees in the wider vicinity are considered acceptable and accord with the relevant policies.

Landscaping:

8.152. The area is severely lacking in green infrastructure. Policy DA6 (Hove Station Area) supports the creative use of development to integrate new green infrastructure including green space, accessible green roofs, green walls and other features that support Biosphere objectives.

8.153. The applicant appointed a landscaping consultant to design and deliver the landscaping for the scheme to build on the extant scheme, policy requirements, build to rent operational requirements and Design Review Panel comments. The landscape masterplan provides landscaping within the site and the public realm strategy expands this outside of the site.

8.154. The landscape strategy is focused on the following key areas:

1. Public Realm - ground floor
2. Podium terraces – 1st floor
3. Roof terraces – 7th and 12th floor

8.155. The soft landscaping would compromise native planting with seasonal variation. Ornamental planting is also proposed to soften building frontages and demarcate boundaries and provide defensible space where necessary.

Opportunities for food growing has also been proposed in the form of allotments and residents herb gardens, which will be conditioned. These on-site provisions are welcomed.

- 8.156. On the 7th floor the applicant has proposed green roofs, which contribute to the green infrastructure, ecology and drainage of the site. Details of which will be conditioned.

Public realm:

- 8.157. In accordance with Policy DA6 (Hove Station Area), the strategy for the development area is to secure the long-term regeneration opportunities around the Hove Station area and enable its development as an attractive and sustainable mixed-use area focussed on employment. Specifically, Policy DA6 (Hove Station Area) seeks to ensure that development takes account of and improves the public realm and townscape particularly in the Conway Street area. The public realm proposals and improvements are similar to that within the extant scheme.
- 8.158. The proposed scheme includes significant enhancements to the public realm along Ellen Street, Ethel Street and Conway Street within the applicant's site and highways land. The detailed design is proposed to be worked up post permission to be secured via legal agreements albeit concept plans and strategies have been provided including the following:
- active frontages
 - pavement widening
 - new surfacing
 - new pedestrian crossings
 - new street trees
 - new seating
 - raised planters
- 8.159. The proposed landscaping strategy and public realm enhancements will provide a net increase in biodiversity and a high quality environment, which in turn would act as a catalyst to kick-start regeneration within the Conway Street Industrial Area allocation, and the wider Hove Station development area, in accordance with objectives of Policy DA6 of the City Plan Part Two.

Sustainable Urban Drainage / Flood Risk:

- 8.160. Policy CP11 (Flood Risk) 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). Policies SU3, SU5 and SU11 in the Local Plan relate to water resources and their quality, surface water and foul sewage disposal infrastructure and polluted land and buildings. Policy DA6 (Hove Station Area) seeks to ensure development connects to the water

distribution and sewerage system off-site at the nearest point of adequate capacity. Development must address surface water flooding risks and incorporate appropriate surface water drainage measures .

- 8.161. The site lies within Environment Agency Flood Zone 1 where there is low probability of fluvial or tidal flooding and a Flood Risk Assessment has been carried out to demonstrate as such.
- 8.162. The proposed surface water strategy includes:
- Rainwater pipes
 - Permeable perimeter paving
 - Attenuation units under the building
- 8.163. The Local Lead Flood Authority raise no objection to the scheme on the basis that detailed design, management and sustainable drainage methods are conditioned. As such, the proposed drainage features accord with the relevant planning policies.

Contaminated Land:

- 8.164. A local priority for the DA6 (Hove Station Area) is to protect groundwater sources from pollution to the satisfaction of the Environment Agency.
- 8.165. The site is located within source protection zone 2 for Southern Water's public water supply abstraction located 1km to the north at Goldstone. Therefore, controlled waters need to be protected from contamination. The Environment Agency do not object to this development, however they have requested suitable conditions to prevent from contamination. The Environmental Pollution Team agree with the wording and imposition of these conditions which have been applied.

Waste:

- 8.166. Policy WMP3d of the Waste and Minerals Plan requires development proposals to minimise and manage waste produced during construction demolition and excavation. As recommended by the Policy Officer , a fully completed Site Waste Management Plan (SWMP) will be required by condition.

Air Quality:

- 8.167. Policy SU9 of the Local Plan relates to pollution and nuisance control. Since 2013 an Air Quality Management Area (AQMA) has been designated in Brighton Hove.
- 8.168. The Air Quality Officer has reviewed the submitted Air Quality Assessment and Transport Assessment and considered that the air quality surrounding the future residential development is clean. Traffic production is low, and the

scheme is not predicted to contribute to significant levels of pollution to the Air Quality management Area, therefore they raise no objection. It should also be noted that a considerable amount of landscaping is proposed which would also have a positive impact on air quality. As such the scheme complies with Policy SU9 of the City Plan Part One.

Security:

- 8.169. Policy CP12 (Urban Design) of the City Plan Part One seeks all development to incorporate design features which deter crime or disorder and the fear of crime fence. The conditioned Tenant Management Plan will ensure that there is sufficient management of the site.
- 8.170. Sussex Police have commented on the proposed application and have no objection to the scheme but have recommended a number of measures to the applicant.

Additional Considerations:

Local Skills & Employment

- 8.171. 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.
- 8.172. 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 Coordinator 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).
- 8.173. 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 **£ 60,800** to be submitted prior to commencement and will be included in the S106 agreement.

Open Space / indoor sports provision

- 8.174. Policy CP16 (Open Space) sets out a number of key criteria in respect of open space. Accordingly, an open space and sports contribution to provide further facilities off-site has been agreed.

- 8.175. The ready reckoner calculation as per the Developers Technical Guidance has been used to ascertain the contributions the proposed development would generate for open space and sports provision. This is an accepted policy position. The amounts are as follows:
- Open Space and sports £418,278.
 - Indoor Sport £79,086.

Artistic Component

- 8.176. City Plan Part One 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.

Education

- 8.177. In accordance with the Developers Technical Guidance, a financial contribution of £125,991 for secondary school and sixth form education (Blatchington Mill and Hove Park Schools) has been sought and agreed. A contribution in respect of primary education places will not be sought on the basis that there are sufficient primary places in this part of the city and the city overall.

Conclusion and planning balance

- 8.178. 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.
- 8.179. As noted previously the Council is currently unable to demonstrate a 5-year housing supply and as such the relevant planning policies relating to housing delivery are considered to be out-of-date and the tilted balance of paragraph 11 much be applied. When assessing the scheme before us, in applying the planning balance, there are a number of factors which weigh both for and against the scheme.
- 8.180. The site is allocated for a high density mix of residential and employment uses under Policy DA6 of City Plan Part One and the proposal would provide a contribution of 216 residential (including 10% affordable housing) towards the

City's housing target of 13,200 new homes over the plan period within a development area. Build To Rent Housing which would contribute to the overall housing supply, which is acknowledged as an accepted tenure of housing within Government Guidance and the emerging City Plan Part Two. The proposed development would make a significant contribution towards the housing shortfall and this weighs strongly in favour of the scheme.

- 8.181. Whilst it is acknowledged that the proposed housing mix has a high proportion of studio and one-bedroom units, a flatted scheme at this location would likely attract a demographic requiring smaller units. Whilst this is regrettable and weighs against the scheme, this would not warrant the refusal of the application. The proposed accommodation generally provides good quality managed accommodation with high-quality amenities and landscaping. Although only 75% of units have their own private amenity space, this is mitigated by the provision of high quality shared amenity spaces on the first floor decks which is significantly better than the extant scheme. The daylight levels in the proposed units have been improved during the course of the application and a higher proportion of the units now have a good standard of daylight, although the amendments have not addressed fully the concerns raised by the BRE and does still weigh against the scheme. The proposed sunlight levels remain lower than the expected standard, however there is a higher level of sunlight exposure in to the proposed scheme, compared with the initial original proposal. The daylight and sunlight levels weigh against the scheme; however, the positive aspects of the scheme outweigh the harm.
- 8.182. It is acknowledged that the scheme will result in some harm to the amenity of neighbouring residents, although this harm would not be undue and is considered acceptable within an urban environment. Moreover, on this allocated site, the impact on the neighbouring occupiers would not be dissimilar to the extant scheme. It should also be noted that a certain quantum of development is required to enable the deliverability of the scheme.
- 8.183. While the identified impacts to Heritage assets is regrettable, the harm is considered less than substantial in the terms of the NPPF and must be weighed against the public benefits of the scheme which include regeneration of an allocated development area and significant amounts of housing. It is also acknowledged that whilst the extant permission had an objection from the Heritage Team that members did not refuse the application on heritage grounds. Furthermore, the Planning Inspector set out that the heritage impact did not warrant the refusal of the scheme when considering the application at appeal. Although this scheme has some taller elements and is more visible in views taken in heritage assets from the adjoining Hove Station Conservation Area, this is offset by its overall design improvements in terms of improved

cohesiveness, simplified built form and a greater quality of materials and detailing.

- 8.184. While the design, scale, massing and materiality of the development are challenging in some aspects and result in a detrimental impact on the adjoining heritage assets they have undergone significant improvements and revisions on the advice of Design Review Panel and Urban Design comments and must be balanced against the potential for encouraging regeneration of a site within a Development Area Strategic Allocation, the provision of improved public realm and a significant number of much needed new homes for the city (including 10% affordable).
- 8.185. The site is located within a highly sustainable location which is well served by public transport and thus the proposed car-free development is ideally situated. The proposed highway works and travel plans will further enhance sustainable modes of transport.
- 8.186. Affordable Housing on the site is not considered to be viable as verified by the DVS, however the applicant has offered 10% Affordable Housing which would match that proposed in the extant scheme. This weighs strongly in favour of the development.
- 8.187. The provision of employment floor space, with a net increase in employment density is welcomed within this allocated site. In addition, the employment floor space provides for modern and flexible office floorspace.
- 8.188. The provision of a flexible space with community provision would aid in providing a cohesive community for the benefit of the residents in the wider area.
- 8.189. The proposed development meets high standards of sustainability and would be future proofed to provide a lesser amount of Co2 emissions in the future. A high specification of landscaping is proposed in turn providing a net increase in bio-diversity within the site and wider area.
- 8.190. The extensive public realm improvements including highway works, landscaping and active frontages along Ellen Street, Ethel Street and Conway Street is clearly a positive benefit of the scheme with details to be agreed subsequent to the applications determination.
- 8.191. A number of financial contributions have been secured to mitigate the impact of development with regards to education, open space, indoor sport, public art and sustainable transport. A contribution will be sought towards local skills and employment, and the creation of full time equivalent and indirect jobs during the construction phase of the proposed development.

- 8.192. As noted by the Inspector within the extant scheme, the proposed development would also be a catalyst to regeneration and development within the wider development area. It is considered therefore that, on balance, the benefits of the regeneration of this allocated site would outweigh those elements which are considered to be harmful to greater or lesser degrees and thus the proposal is recommended for approval.
- 8.193. The scheme 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. Wheelchair accessible housing (5%) and disabled car parking is to be incorporated throughout.

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 viability of the scheme and subsequent level of affordable housing has been based on the scheme being Build To Rent and in the absence of any Section 106 Agreement mechanisms which covenant the housing as Build to Rent only, and which secure an element of affordable housing, the development fails to satisfactorily meet the identified housing needs in the city or provide satisfactorily mixed balanced housing scheme, contrary to policies CP7, CP19 and CP20 of the Brighton and Hove City Plan Part One.
 2. The proposed development fails to provide a financial contribution towards the improvement and expansion of capacity of local schools required 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
 3. The proposed development fails to provide appropriate mitigation of the transport impacts of the development or promote sustainable transport modes contrary to policies TR7 of the Brighton & Hove Local Plan and DA4, CP7 and CP9 of the Brighton and Hove City Plan Part One.
 4. The proposed development fails to provide a financial contribution towards the provision of an artistic element required contrary to Policies

CP5, CP7 and CP13 of the Brighton and Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.

5. The proposed development fails to provide a contribution towards Open Space and Recreation contrary to policy CP16 and CP7 of the Brighton and Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
6. The proposed development fails to deliver a skills and employment strategy and in accordance with Policy CP2 of the Brighton and Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
7. The proposed development fails to deliver a contribution skills and employment contribution in accordance with Policy CP2 of the Brighton and Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
8. The proposed development fails to provide a Sustainable Transport contribution and promote sustainable modes of transport contrary to Policies CP7, CP9 and CP13 of the Brighton and Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
9. The proposed development fails to provide highway works and public realm improvements contrary to the requirements of Policies DA6, CP7 and CP9 of the Brighton and Hove City Plan Part One.
10. The proposed development fails to provide adequate travel plan measures to encourage use of sustainable transport modes and therefore fails to address the requirements of Policies CP7 and CP9 of the Brighton and Hove City Plan Part One.