

<u>No:</u>	BH2020/01968	<u>Ward:</u>	South Portslade Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Land And Buildings On Wellington Road And Camden Street And Former Flexer Sacks Factory On North Street Portslade		
<u>Proposal:</u>	Hybrid Planning Application for demolition of existing buildings to facilitate the erection of a mixed use redevelopment comprising: Full Planning Application (Phase 1) for a building providing part ground & part mezzanine office floorspace (B1) with residential units (C3) above, including associated parking, amenity space & green corridor; & Outline Planning Application (Phase 2 & 3) for a development within new buildings to include residential units (C3), office floorspace (B1) & leisure use (D2), & associated plant, basement car parking & amenity space. (Access only for approval, all other matters reserved). (For information: Full Planning Application to provide 65no residential units & 423sqm office floorspace in part 10, part 11 storey building. Outline application to provide up to 71no residential units, up to 4646sqm office floorspace & up to 995sqm flexible office/leisure floorspace in buildings ranging in height from 3 to 10 storeys).		
<u>Officer:</u>	Wayne Nee, tel: 292132	<u>Valid Date:</u>	03.08.2020
<u>Con Area:</u>		<u>Expiry Date:</u>	02.11.2020
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Planning Resolution Ltd Leatherhead KT22 8JB	Thorncroft Manor	Thorncroft Drive
<u>Applicant:</u>	Luna Group East Sussex Ltd C/O Planning Resolution Ltd Thorncroft Manor Thorncroft Drive Leatherhead KT22 8JB		

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be **MINDED TO GRANT** planning permission subject to a s106 agreement and the following Conditions and Informatives:

S106 Heads of Terms (Phase 1)

Affordable Housing:

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

Artistic Component

- Provision to the value of £62,000 to be provided as a phased provision, with demonstration to how the overall artistic uplift is to be delivered as part of the development across the whole site

Employment and Training

- Employment and Training Strategies for the provision of local employment opportunities with 20% of any new roles created from the demolition and construction phases of development, at least one month before the intended date of formal commencement of the development.
- £19,700 (for residential development) developer contribution toward the Council's Local Employment Scheme

Highway Works

- Works to Camden Street to promote pedestrian activity; marked out loading / servicing bay as well as disabled parking bays.
- Works to Wellington Road to provide pedestrian crossings over proposed vehicle accesses, interim Sustainable Transport Corridor scheme, and to northern footway.
- Works to North Street to provide pedestrian crossing, new loading bay, and to southern footway.
- Other reasonable works including pavement reinstatements, road markings street furniture, Traffic Regulation Orders, and other statutory orders.
- Travel Plan
- Residential Travel Plan - to promote safe, active, and sustainable travel choices by its future occupiers and visitors.
- Employment Travel Plan - to promote safe, active, and sustainable travel choices by its future occupiers and visitors. The Travel Plans to include the following:
 - Travel Pack for new residents
 - Incentives to purchase tickets/memberships for local transport
 - Promotional information and facilities for cyclists
 - Information on sustainable transport options
 - Transport notice board

(Phase 2 & 3)

Affordable Housing:

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

Employment and Training

- Employment and Training Strategies for the provision of local employment opportunities with 20% of any new roles created from the demolition and construction phases of development, at least one month before the intended date of formal commencement of the development.
- £23,700 (for residential development) developer contribution toward the Council's Local Employment Scheme
- £12,170 (for employment development) developer contribution toward the Council's Local Employment Scheme

Highway Works

- Removal of on-street disabled parking bay markings on Camden Street once the Phase 2 basement car park is constructed.

Travel Plan

- Residential Travel Plan - to promote safe, active, and sustainable travel choices by its future occupiers and visitors.

- Employment Travel Plan - to promote safe, active, and sustainable travel choices by its future occupiers and visitors.
- The Travel Plans to include the following:
 - Travel Pack for new residents
 - Incentives to purchase tickets/memberships for local transport
 - Promotional information and facilities for cyclists
 - Information on sustainable transport options
 - Transport notice board

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
Proposed Drawing	(GA)100	A	25 January 2021
Proposed Drawing	(GA)101	A	25 January 2021
Proposed Drawing	(GA)102	A	25 January 2021
Proposed Drawing	(GA)103	A	25 January 2021
Proposed Drawing	(GA)104	A	25 January 2021
Proposed Drawing	(GA)105	A	25 January 2021
Proposed Drawing	(GA)106	A	25 January 2021
Proposed Drawing	(GA)107	A	25 January 2021
Proposed Drawing	(GA)108	A	25 January 2021
Proposed Drawing	(GA)109	A	25 January 2021
Proposed Drawing	(GA)110	A	25 January 2021
Proposed Drawing	(GA)111	A	25 January 2021
Proposed Drawing	(GA)301	A	25 January 2021
Proposed Drawing	(GA)302	A	25 January 2021
Proposed Drawing	(GA)303	A	25 January 2021
Proposed Drawing	(GA)402	A	25 January 2021
Proposed Drawing	(GA)403	A	25 January 2021
Proposed Drawing	(GA)404	A	25 January 2021
Proposed Drawing	(P2)102	A	25 January 2021
Proposed Drawing	(P2)107	A	25 January 2021
Proposed Drawing	(P2)111	A	25 January 2021
Proposed Drawing	(P2)300	A	25 January 2021
Proposed Drawing	(P2)301	A	25 January 2021
Proposed Drawing	(P2)302	A	25 January 2021
Proposed Drawing	(P2)303	A	25 January 2021
Proposed Drawing	(P2)304	A	25 January 2021
Proposed Drawing	(P2)401	A	25 January 2021
Proposed Drawing	(P2)402	A	25 January 2021
Proposed Drawing	(P2)403	A	25 January 2021
Proposed Drawing	(P2)404	A	25 January 2021
Proposed Drawing	(P2)99	A	25 January 2021
Proposed Drawing	(P3)100	A	25 January 2021
Proposed Drawing	(P3)102	A	25 January 2021
Proposed Drawing	(P3)104	A	25 January 2021
Proposed Drawing	(P3)107	A	25 January 2021

Proposed Drawing	(P3)111	A	25 January 2021
Proposed Drawing	(P3)300	A	25 January 2021
Proposed Drawing	(P3)303	A	25 January 2021
Proposed Drawing	(P3)401	A	25 January 2021
Proposed Drawing	(P3)402	A	25 January 2021
Proposed Drawing	(P3)404	A	25 January 2021
Proposed Drawing	(P3)99	A	25 January 2021
Proposed Drawing	(P2)104	A	25 January 2021
Proposed Drawing	(P3)304	A	25 January 2021
Proposed Drawing	(P3)403	A	25 January 2021
Block Plan	(SITE) 002		20 July 2020
Location Plan	(SITE)001		20 July 2020
Proposed Drawing	(GA)401	A	25 January 2021
Proposed Drawing	((P2)100	A	25 January 2021

2. The Phase 1 development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

3. No development, including demolition and excavation, shall commence on each of the following parcels of land:
 - a) Phase 1
 - b) Phase 2
 - c) Phase 3

until for each phase of the development a Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development of that phase 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.

4. No development (other than demolition works) shall commence on each of the following parcels of land:
 - a) Phase 1
 - b) Phase 2
 - c) Phase 3

until for each phase of the development, evidence has been submitted at the design stage that a BREEAM Building Research Establishment Design Stage Assessment certificate confirming that the employment development has achieved a minimum New Construction rating of “excellent” has been submitted do, 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.

5. Within 6 months of first occupation of each of the following parcels of land:
 - a) Phase 1
 - b) Phase 2

c) Phase 3

a Post Construction Review Certificate issued by a BREEAM Building Research Establishment assessor shall be submitted to and approved in writing by the Local Planning Authority confirming that the employment development built has achieved a minimum BREEAM New Construction rating of “Excellent”.

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.

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

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

7. No development shall commence on each of the following parcels of land:

- a) Phase 1
- b) Phase 2
- c) Phase 3

until, for each phase of the development, a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

- 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, and potentially unacceptable risks arising from contamination at the site;
- A site investigation scheme, based on the preliminary risk assessment to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site;
- The results of the site investigation and the detailed risk assessment referred to in the site investigation scheme 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;
- 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 are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented in full 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. The following parcels of land:

- a) Phase 1
- b) Phase 2
- c) Phase 3

shall not be occupied until, for each phase of the development, 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 ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete.

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

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

10. No development, including demolition and excavation, shall commence on each of the following parcels of land:

- a) Phase 1
- b) Phase 2
- c) Phase 3

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

Reason: To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in line with paragraph 170 of the National Planning Policy Framework and Position Statement of 'The Environment Agency's approach to groundwater protection'.

- 11.

- i) No development, including demolition and excavation, shall commence on each of the following parcels of land:

- a) Phase 1
- b) Phase 2
- c) Phase 3

until a programme of archaeological works in accordance with a written scheme of investigation for each phase of the development has been submitted to and approved by the Local Planning Authority.

- ii) None of the above phases 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 (i).

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. No development above ground floor slab level on each of the following parcels of land:

- a) Phase 1
- b) Phase 2
- c) Phase 3

shall take place until a drainage strategy for each phase of the development, detailing the proposed means of foul water disposal and an implementation timetable, has been submitted to and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved scheme and timetable.

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

- 13. No development (other than demolition works) shall commence on each of the following parcels of land:

- a) Phase 1
- b) Phase 2
- c) Phase 3

until a surface water drainage scheme for each phase of the development, using sustainable drainage methods as per the recommendations of the Flood Risk Assessment and Drainage Strategy RAB: 2385L June 2020, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: As this matter is fundamental to the acceptable delivery of the permission to prevent the increased risk of flooding 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.

- 14. No development, including demolition and excavation, shall commence on each of the following parcels of land:

- a) Phase 1
- b) Phase 2

c) Phase 3

until a Construction Environmental Management Plan (CEMP) for each phase of the development has been submitted to and approved in writing by the Local Planning Authority and the Highway Authority. The CEMP shall at least include:

- a scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any Considerate Constructor or similar scheme)
- a scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management, vibration, site traffic and deliveries to and from the site
- details of hours of construction including all associated vehicular movements
- a plan showing construction traffic routes
- details of any site entrances and their management, construction compound and offices
- details of any oversailing of the highway construction, falsework, formwork, and scaffolding
- details of the use of any cranes, lifts, escalators and lifting vehicles
- details of any Department for Transport Abnormal Load Notification and/or Order

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

Reason: In the interests of amenity and road safety and to comply with policies TR7, SU3, SU5, SU9, SU10, QD27 and HE6 of the Brighton & Hove Local Plan and CP1, CP2, CP3, CP7, CP9, CP11, CP12, CP13 and CP15 of the City Plan Part One.

15. None of the residential units hereby approved in each phase of the development shall be occupied until each residential unit built in that phase has achieved an energy efficiency standard of a minimum of 19% CO₂ improvement over Building Regulations requirements Part L 2013 (TER Baseline) or its successor.
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.
16. None of the residential units hereby approved in each phase of the development shall be occupied until each residential unit built within that phase 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.
17. Notwithstanding the plans hereby permitted, no development (other than demolition works) on Phase 1 shall commence on each of the following parcels of land:
 - a) Phase 1
 - b) Phase 2
 - c) Phase 3until a scheme for each phase of the development detailing the design of external areas has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include full details of the following:

- Geometry and layout, including dimensions and visibility splays
- Pavement constructions and surfacing, kerbs, and edge restraints
- Levels and gradients, including to both sides of any interfaces with the adopted highway
- Lighting
- Drainage
- Street furniture
- Trees, other planting, growing media and planting aids
- 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.

18. 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 a detailed scheme including an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants.

19. Notwithstanding plans hereby permitted, prior to occupation of each of the following parcels of land:

- a) Phase 1
- b) Phase 2
- c) Phase 3

full details of disabled parking facilities for each phase 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 relevant phase, 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.

20. Prior to occupation of each of the following parcels of land:

- a) Phase 1
- b) Phase 2
- c) Phase 3

a Delivery & Service Management Plan for the employment use shall be submitted and approved in writing by the Local Planning Authority for each phase of the development. The submitted plan shall include an estimate of, for the relevant phase, the number of delivery and servicing vehicles anticipated each day; the location and layout of loading/unloading/parking and drop-off

spaces/areas for those vehicles; and any other facilities to manage delivery/service arrangements including a concierge facility, gates/intercom systems, and vehicle access restrictions.

The approved Delivery and Service Management Plan shall thereafter be implemented in full, throughout the operation of the approved Phase.

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 DA8, CP4, CP5, CP9, CP12, CP13 and CP15 of the City Plan Part One.

21. Other than where specified as flexible use, the employment uses hereby approved shall be used as offices only and for no other purpose (including any other purpose in Class E of Schedule 2 to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To safeguard the amenity of occupiers of nearby properties and to comply with policy QD27 of the Brighton and Hove Local Plan.

22. Prior to first occupation of each of the following parcels of land:

- a) Phase 1
- b) Phase 2
- c) Phase 3

full details for each phase of the development of secure, accessible, and inclusive cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of each phase 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.

Phase 1

23. The development hereby permitted in Phase 1 shall not commence (other than demolition works) until full details of existing and proposed ground levels (referenced as Ordnance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.

Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policy QD27 of the Brighton and Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

24. The wheelchair accessible dwellings hereby permitted in Phase 1 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.

25. No development above ground floor slab level of any part of the development hereby permitted on Phase 1 shall take place until details of/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):

- details/samples of all brick, render and tiling (including details of the colour of render/paintwork to be used)
- details/samples of all cladding to be used, including details of their treatment to protect against weathering
- details/samples of all hard-surfacing materials
- details/samples of the proposed window, door, and balcony treatments
- details/samples of all other materials to be used externally

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

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD14 & HE6 of the Brighton & Hove Local Plan, and CP12 & CP15 of the Brighton & Hove City Plan Part One.

26. No development above ground floor slab shall take place on Phase 1 until full details of commercial frontage shopfronts, windows and their reveals, cills and balconies including 1:20 scale elevational drawings and sections have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.

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

27. No development above ground floor slab level of any part of the development on Phase 1 hereby permitted shall take place until full details of the rainwater goods, soil and other waste pipes including 1:20 scale sample elevations have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

Reason: As insufficient information has been submitted, to ensure the satisfactory preservation of this listed building and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

28. No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any external façade of the Phase 1 development.
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.
29. No development above ground floor slab level of any part of the development on Phase 1 hereby permitted shall take place until full details of the mitigation methods, as required set out in the submitted Environmental Noise Survey and Acoustic Design Statement Report by Hann Tucker Associates, ref. 27351/ADS1, dated 16 January 2020, for protecting the proposed residential units from the existing and representative ambient noise in the surrounding area, have been submitted to and approved by the local planning authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.
Reason: To safeguard the amenities of the existing properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
30. Noise associated with plant and machinery incorporated within the Phase 1 development shall be controlled such that the Rating Level measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises shall not exceed a level equal to the existing representative L90 background noise level. The Rating Level and existing background noise levels are to be determined as per the guidance provided in BS 4142:2014.
Reason: To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
31. All ecological measures and/or works in Phase 1 shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal Report (Urban Edge Environmental Consulting, September 2019), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.
Reason: To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified and to avoid any offences under wildlife legislation and as required by paragraphs 170 and 175 of the National Planning Policy Framework, Section 40 of the Natural Environment and Rural Communities Act 2006, and Policy CP10 of the Brighton & Hove City Plan Part One.
32. No development shall take place until an ecological design strategy (EDS) addressing enhancement of the Phase 1 site for biodiversity has been submitted to and approved in writing by the local planning authority. The EDS shall incorporate the recommendations made in the Preliminary Ecological Appraisal Report (Urban Edge Environmental Consulting, September 2019) and 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 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, Policy CP10 of the Brighton & Hove City Council City Plan Part One and Policy SH7 of the Shoreham Harbour Joint Area Action Plan.

33. Notwithstanding Design drawing 'Phase 1 Ground Floor Plan General Arrangement' dated 22 January 2021 hereby approved, prior to commencement of development of Phase 1, full details of the new vehicular access from Wellington Road, including design and safety, shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented.

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, TR18, SU10, and QD27 of the Brighton & Hove Local Plan and DA8, CP1, CP3, CP9, CP11, CP12, and CP13 of the City Plan Part One.

34. Notwithstanding plans hereby approved, prior to commencement of development of each phase of development a Stage 1 & 2 Road Safety Audit shall have been submitted to and approved in writing by the Local Planning Authority for those highway works associated with that phase of development.

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, TR9, TR15, TR18 and QD27 of the Brighton & Hove Local Plan and DA8, CP4, CP5, CP9, CP12, CP13 and CP15 of the City Plan Part One.

35. Phase 1 of the development hereby permitted shall not be occupied until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out and provided in full in accordance with the approved details prior to first occupation of phase 1 of the development 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.

36. Prior to occupation of phase 1 of the development hereby permitted, a scheme for landscaping of phase 1 shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:
- a. details of all hard and soft surfacing to include type, position, design, dimensions and materials and any sustainable drainage system used;
 - b. a schedule detailing sizes and numbers/densities of all proposed trees/plants including details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
 - c. details of all boundary treatments to include type, position, design, dimensions and materials;

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

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

37. Phase 1 of the development hereby permitted shall not be first occupied until
- i) details of external lighting of phase 1, which shall include details of; levels of luminance, hours of use, predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors, hours of operation and details of maintenance have been submitted to and approved in writing by the Local Planning Authority.
 - ii) the predicted illuminance levels have been tested by a competent person to ensure that the illuminance levels agreed in part 9i) are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed in part i).

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

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

38. Prior to first occupation of phase 1 of the development hereby approved, details of the photovoltaic array for that phase shall be submitted to and approved in writing by the Local Planning Authority. The photovoltaic array shall then be installed in accordance with the approved details.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and has an acceptable appearance and to comply with policies CP8 and CP12 of the Brighton & Hove City Plan Part One.

39. Phase 1 of the development hereby permitted shall not be occupied until a plan detailing the positions, height, design, materials and type of all existing and proposed boundary treatments for that phase has been submitted to and approved in writing by the Local Planning Authority. The boundary treatments

shall be provided in accordance with the approved details prior to occupation of the development and shall thereafter be retained at all times.

Reason: To enhance the appearance of the development in the interest of the visual and residential amenities of the area and to comply with policies QD15, HE6 and QD27 of the Brighton & Hove Local Plan, and CP12, CP15 & CP13 of the Brighton & Hove City Plan Part One.

40. Phase 1 of the development hereby permitted shall not be occupied until full details of signage to the building and outdoor spaces, including 1:20 elevations and 1:5 sections (where appropriate), materials, colour and finishes, have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.

Reason: To ensure a satisfactory appearance to the development that addresses the requirements for an artistic component and to comply with policies CP5, CP7, CP12 and CP13 of the Brighton & Hove City Plan Part One.

41. All ecological measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal Report (Urban Edge Environmental Consulting, September 2019).

Reason: To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified and to avoid any offences under wildlife legislation and as required by paragraphs 170 and 175 of the National Planning Policy Framework, Section 40 of the Natural Environment and Rural Communities Act 2006, and Policy CP10 of the Brighton & Hove City Plan Part One.

42. Prior to first occupation of the Phase 1 development hereby permitted, dropped kerbs with paving and tactile paving shall have been installed at the junction of Camden Street and North Street and across Camden Street at the junction of Wellington Road and Camden Street.

Reason: To ensure that suitable footway provision is provided to and from the development (amend as necessary) and to comply with policies TR7 and TR8 of the Brighton & Hove Local Plan and SA6, CP7, CP9, CP12, CP13 and CP15 of the City Plan Part One.

43. The Phase 1 development shall be carried out in accordance with the submitted daylight and sunlight report (Anstey Horne REF: SH/GI/ROL00247 dated 24/02/2021) and retained as such thereafter.

Reason: To provide adequate levels of daylight and sunlight for the future occupiers of the buildings and to inform the landscaping scheme and to comply with policies QD27 of the Brighton & Hove Local Plan and policies CP8, CP10, CP13 and CP14 of the Brighton & Hove City Plan Part One.

Phases 2 & 3

44. The development of Phase 2 & 3 must be begun not later than the expiration of three years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

45.

- a) Details of the reserved matters set out below ("the reserved matters") shall be submitted to the Local Planning Authority for approval within two years from the date of this permission:
 - (i) Appearance;
 - (ii) Scale;
 - (iii) Internal and external layout, and
 - (iv) landscaping.
- b) The reserved matters shall be carried out as approved.
- c) Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 (as amended) of the Town and Country Planning Act 1990.

46. Prior to first occupation of the Phases 2 & 3 development hereby permitted, full details of electric vehicle charging points within the proposed Phase 2&3 car park shall be 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.

47. Notwithstanding the plans hereby permitted, no Phase 2 or Phase 3 development shall commence on site until a Scheme of Management of the vehicle and any other forms of parking in the car park area has been submitted to and approved in writing by the Local Planning Authority. The scheme must at least include the following measures:

- Details of how the proposal complies with SPD14 Parking Standards;
- Details of how each car parking space will be allocated and managed;
- Details of measures to ensure that each car parking space is for the sole use of its allocated owner and/or those they permit to use said space.

The above works must be implemented prior to the occupation of the building and thereafter be maintained as such.

Reason: To ensure the development maintains a sustainable transport strategy and to comply with policies TR7, TR12, TR14 and TR18 of the Brighton & Hove Local Plan and SPD14 Parking Standards and CP9 of the City Plan Part One.

48. Notwithstanding the shared residential amenity spaces for Phase 1 hereby approved, the landscaping plans for Phase 2/3 as part of the Reserved Matters application shall incorporate dedicated children's play space within the public realm that can be used by future occupiers of the Phase 1 development.

Reason: To safeguard the amenities of the occupiers of nearby properties and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. 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
3. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
4. The water efficiency standard 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 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.
6. The applicant is advised to contact the East Sussex County Archaeologist to establish the scope for the Written Scheme of Archaeological Investigation as required by the archaeology condition(s).
7. The Highway Authority should be contacted in relation to the CEMP (s278@brighton-hove.gov.uk assigned officer phone number will be provided in e-mail response) at the earliest convenience to avoid any delay and prior to any works commencing on-site and on the adopted (public) highway.
8. 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.

9. 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.
10. The planning permission granted includes vehicle crossovers which require alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The crossover is required to be constructed under licence from the Highway Authority. The applicant must contact the Council's Streetworks Team (permit.admin@brighton-hove.gov.uk Tel: 01273 290729) for further information at their earliest convenience to avoid any delay and prior to any works commencing on the adopted (public) highway.
11. The applicant is advised that this planning permission does not override the need to go through the Highway Authority's Approval in Principle (AIP) process for all necessary works adjacent to and within the highway and gain any appropriate licences, prior to the commencement of any construction works. The applicant is further advised that they must contact the Council's Civil Engineering team (transport.projects@brighton-hove.gov.uk Tel: 01273 294570) and Streetworks team (permit.admin@brighton-hove.gov.uk 01273 290729) for further information at their earliest convenience to avoid delay.
12. The applicant is advised that they must apply for a license for the proposed scaffolding on the public highway under Section 169/171 of the Highways Act 1980. The applicant is further advised to contact the Council's Highway Enforcement Team (street.licensing@brighton-hove.gov.uk Tel: 01273 292090) for further information at their earliest convenience to avoid delay.
13. The applicant is advised that once the permission has been commenced the applicant should contact the Council's Parking Infrastructure team to have the existing unrestricted section of highway converted to appropriate on-street parking spaces and loading bay. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. The applicant should contact the Council's Parking Infrastructure team for further information (parking.infrastructure@brighton-hove.gov.uk).
14. Development commenced under general consent is liable to pay CIL. 'General consent' includes permitted development rights granted under the The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). If you intend to commence development under general consent you

must submit a Notice of Chargeable Development (Form 5 - Notice of chargeable development) to the local planning authority before you commence this development. The only exception to this requirement to submit a Notice of Chargeable Development is if the development in question is less than 100 square metres of net additional 'gross internal area'. If the development meets this requirement a Notice of Chargeable Development does not have to be submitted before the commencement of development.

15. The new crossover for the Wellington Rod access as approved will require a separate planning application.

2. SITE LOCATION

- 2.1. The application relates to the eastern portion of the former Flexer Sacks site, which comprises a group of low-rise industrial buildings and open land situated on the northern side of Wellington Road (the A259) at the corner of Camden Street.
- 2.2. The former Flexer Sacks factory occupies a prominent site within the South Portslade Industrial Estate. It was vacant from 2000 but has more recently been converted into a mixed-use development. The area forming Phase 1 of the application is on the eastern part of the site fronting Camden Street, comprises a hand car wash use, with open land on the corner fronting Wellington Road that formerly housed a now-demolished public house. The Phase 1 site also includes a strip of land fronting Wellington Road. The areas forming Phases 2 & 3 of the application contain a health and well-being centre (Circle Studio), treatment rooms, events space, and a first-floor roof-top car park with a gym underneath (Underground Gym).
- 2.3. The site is located within the South Portslade Industrial Area, surrounded by predominantly B1 and B2 (commercial/industrial) uses. The wider area is mixed in character and use, with dense Victorian terraced housing, industrial uses, and the district shopping centre of Boundary Road/Station Road. The area is also mixed in scale with much redevelopment and an eroded urban realm, but with a distinctive character.
- 2.4. The south of the site overlooks Basin Road North, the Shoreham Harbour Basin port, and the River Adur. On the opposite side of Camden Street to the east is the industrial building of Wellington House fronting onto Wellington Road which is currently occupied by the Small Batch Coffee Roasters and a printing company. The site faces North Street to the north. The western part of the site and beyond to Middle Street contains the western portion of the former Flexer Sacks building, occupied as a vehicle repair centre, dance studio, and warehouse & storage units.
- 2.5. To the east of the site is the Belgrave Training Centre at Clarendon Place which has recently been the subject of planning permission granted for a residential redevelopment of 104 residential units within a new 4 - 6 storey building, and a 5 - 7 storey building. To the east of Belgrave Training Centre is the lower part

of Boundary Road, which, although not prime retail frontage, remains part of an identified District Centre in City Plan Part One.

- 2.6. There are no conservation areas or listed buildings in close proximity to the site. To the south-east are houses and warehousing at 4-16 (even), 18 and 20 Wellington Road which are Local Heritage Assets.
- 2.7. The site is within the South Portslade Industrial Area and the Shoreham Harbour Regeneration Area which is addressed in the Joint Area Action Plan (JAAP) for the Shoreham Harbour Development Area. The entirety of the site is indicated as a Key Employment Site in City Plan Part One (CPP1). This particular site (SP5) is identified in the emerging City Plan Part Two (CPP2) for employment and residential mixed-use development.
- 2.8. The site is not within an area at increased risk of flooding, but it is within an Air Quality Management Area (AQMA).

3. RELEVANT HISTORY

- 3.1. **BH2018/03629 (Belgrave Training Centre Clarendon Place)** - Demolition of existing building (D1) and erection of one part 4, 5 and 6 storey building and one part 5 and 7 storey building, with solar arrays and lift overruns, comprising 104 apartments incorporating, 11no studios, 50no one-bedroom, 39no two-bedroom, and 4no three-bedroom apartments (C3) with vehicle and cycle parking - Under Consideration (Minded to Grant subject to securing s106 agreement)
- 3.2. **BH2016/05634 (Former Flexer Sacks Site Wellington Road)** Re-build of first floor and change of use to incorporate C2/ D1 overnight treatment rooms - Approved 25/05/2017
- 3.3. **BH2015/02413 (Portslade Hand Car Wash, Camden Street)** Application for continued use of premises as hand car wash and valet service for a period of 5 years - Approved 28/10/2015
- 3.4. **BH2010/03540 (Vulcan Works, North Street - Former Flexer Sacks Site)** - Change of use of all floors to mixed use development comprising ground floor-leisure (D2) first floor - part leisure (D2) part offices (B1) part parking area. Second floor offices (B1) and second floor extension to south section comprising vertical circulation core ground to second floors with lift motor room at roof level. Also, external refurbishment and alterations to all elevations - Approved 09/06/2011
- 3.5. **BH2008/02479 (Former Flexer Sacks Building Wellington Road)** Change of use of all floors to mixed use development comprising ground floor - leisure (D2) and music and rehearsal studios (B1) first and existing second floor - offices (B1). Additional second floor to south section comprising offices (B1) and vertical circulation core (B1) to serve ground to second floors with lift motor room at roof level. Also, external refurbishment and alterations to all elevations - Approved 14/04/2009

- 3.6. **BH2006/03339 (Former Flexer Sacks North Street)** Change of use from general industrial (B2) to motorcycle workshops and showrooms (Sui Generis) with changes to front elevation (Wellington Road) & roof line - Refused 30/11/2006
- 3.7. **BH2003/01207/FP (Former Flexer Sacks Factory North Street)** Change of use of part of building (557m²) from B2 (general industrial) to B8 (Storage) and distribution (Application pursuant to refusal BH2002/3196/FP) - 30/05/2003

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for demolition of existing buildings to facilitate the erection of a mixed-use redevelopment. This is a hybrid application (full application for Phase 1 and outline application for Phases 2 & 3).

Phase 1 Proposals (Full):

- 4.2. Full planning permission at Phase 1 is sought for a building providing part ground and part mezzanine office floorspace (B1) with residential units (C3) above, along with associated parking, amenity space and a green corridor.
- 4.3. The details of the application are as follows:
- Demolition of hand car wash building;
 - Erection of part ten-, part eleven-storey building fronting Wellington Road and Camden Street;
 - Provision of 423sqm of office floorspace, part ground floor and part mezzanine level;
 - Provision of 65 residential units (Use Class C3);
 - Roof top amenity areas for residents;
 - Green corridor on Wellington Road;
 - Proposed palette of materials brick and corrugated steel;
 - Outside amenity space for future residents in the form of balconies and shared rooftop garden.

Phases 2 & 3 Proposals (Outline):

- 4.4. Outline planning permission is sought at Phase 2 & 3 for a development within two new buildings to include residential units (C3), office floorspace (B1) & leisure use (D2), & associated plant, basement car parking & amenity space.
- 4.5. The proposal is for up to 71no. residential units, up to 4646sqm office floorspace and up to 995sqm of flexible office/leisure floorspace in buildings ranging in height from 3 to 10 storeys.
- 4.6. Details for Phase 2 are as follows:
- Up to 55 residential units;
 - Provision of 3,239sqm of office employment use;
 - New vehicle and pedestrian access routes;
 - Basement car parking;

- Landscaped amenity space.
- 4.7. Details for Phase 3 are as follows:
- Up to 16 residential units;
 - Provision of 2,402sqm of office employment space;
 - Provision of 995sqm flexible office/leisure space;
 - Landscaped amenity space.
- 4.8. Only 'Access' is for approval, all other matters are reserved.

Application Amendments

- 4.9. Following receipt of consultation comments, the applicant submitted amendments to the scheme as follows:
- Public Realm alterations and increased width of east-west connection, leading to reduction in overall B1 floorspace in the scheme by 137sqm;
 - Standard of accommodation alterations, leading to increase in the number of 1 bed flats at the expense of the 2 bed 3p flats;
 - Additional 12 balconies so that all units in the scheme have access to private amenity space;
 - Creation of more space for the Green Corridor facing Wellington Road with more planting, trees, wind breaks and benches;
 - Improved development vision for community and place;
 - Minor alterations to materials.
- 4.10. The following additional information was provided during the application:
- Affordable Housing Statement
 - Updated Sunlight/Daylight report
 - Further contextual analysis
 - Historic Environment desk-based assessment
 - Addendum Transport Report and drawings
 - Updated Wind Assessment

Pre-application

- 4.11. The development has been influenced by pre-application feedback from officers, and the application has been presented to the Design Review Panel in November 2019 and February 2020. It was outlined that the retention of the Underground Gym building restricted a comprehensive re-development that would maximise the opportunities on the site. The Underground Gym site was later included to provide a holistic approach to the development site.

5. REPRESENTATIONS

- 5.1. **Cllr Leslie Hamilton** objects to the application, a copy is attached to the report.
- 5.2. Two (2) letters of representation have been received objecting to the proposed development for the following reasons:

Additional Traffic

- Not the infrastructure in place to accommodate so many flats

- Not enough bus services to serve the area

Overdevelopment

- This is a commercial area not residential area
- This is not a brownfield site

Poor design

- Building on what is in effect Sandbanks which naturally shifts which will cause cracks and movement to the development and to neighbouring buildings

Residential Amenity

- Too close to the boundary

Parking

- Many flats in Phase 1 but only 6 disabled parking spaces;
- Even if flat owners do not have cars, they will have visitors who will;
- Shops and businesses in North Street already suffer from lack of parking for their employees and customers, and this will make the parking issues worse;
- Perhaps use the space and make a car park
- Already a planning application nearby with very limited parking spaces

Noise

- Additional noise created by development

5.3. One (1) letter of representation has been received and has commented on the applications as follows:

- Worried about the ability of neighbouring building to remain unaffected while large-scale building work goes on;
- Concerned about ability to continue operating if damage happens as a result of the works and indeed the health and safety of staff and members during the process;
- Request a thorough Construction Environmental Management Plan be put in place to minimise impact throughout the process and ensure that existing tenants are not adversely affected.

6. CONSULTATIONS

External

6.1. **County Archaeologist:** Comment

In the light of the potential for impacts to heritage assets with archaeological interest resulting from the proposed development, the area affected by the proposals should be the subject of a programme of archaeological works. This will enable any archaeological deposits and features that would be disturbed by the proposed works, to be either preserved in situ or, where this cannot be achieved, adequately recorded in advance of their loss. These recommendations are in line with the requirements given in the NPPF (the Government's planning policies for England):

6.2. **County Ecologist:** Comment

The site is not covered by a nature conservation designation. Given the nature, scale and location of the proposed development, there are unlikely to be any impacts on any sites designated for their nature conservation interest. The site

is currently dominated by buildings and hard standing within an urban environment and is of limited ecological interest. Precautions should be taken to protect nearby aquatic environments. The measures set out in the PEA [Preliminary Ecological Assessment] Report are appropriate and should be implemented.

- 6.3. To avoid disturbance to nesting birds, any demolition of buildings that could provide nesting habitat should be carried out outside the breeding season (generally March to August). If this is not reasonably practicable within the timescales, a nesting bird check should be carried out prior to any demolition/clearance works by an appropriately trained, qualified, and experienced ecologist, and if any nesting birds are found, advice should be sought on appropriate mitigation. The mitigation measures set out in the PEA Report are appropriate and should be implemented.
- 6.4. The precautionary measures set out in the PEA for the protection of small mammals and other fauna that may be using the site are appropriate and should be implemented.
- 6.5. The recommendations made in the PEA report are appropriate and should be incorporated into an Ecological Design Strategy. In addition to the use of native species and/or species of recognised wildlife value within the landscaping scheme, it is recommended that green walls and green (biodiverse) roofs are provided. Given the location, the green roof should either be chalk grassland or coastal vegetated shingle and not sedum.
- 6.6. **Environment Agency:** Comment
No objection to the proposed development as submitted, subject to the inclusion of conditions regarding contamination and risk to controlled waters, in any permission granted. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and Environment Agency would object to the application.
- 6.7. **Scottish Gas Networks:** Comment
In the event that gas pipes are present within the site, there may be restrictions on the work being undertaken to ensure the safety of the site and the protection of the gas pipes.
- 6.8. **Southern Water:** Comment
Note that a sewer may cross site; foul sewage disposal can be provided through a separate process; developer will need to ensure unadoptable SuDS facilities are maintained to avoid flooding; hardstanding subject to fuel spillages must be drained via interceptors.
- 6.9. **SSE Telecoms:** Comment
If the applicant determines works may impact on SSE existing apparatus, then applicant should contact SSE Telecoms.
- 6.10. **Sussex Police:** Comment
Following amendments:

- Recommend that all balconies are provided with balustrades sufficiently high to deter and prevent persons from falling or climbing over the top of them.
- With regards to the green spaces within the development - careful selection of plant species is critical in order not to impede natural surveillance and avoid unnecessary high maintenance.

6.11. Initial comments:

- It will be imperative that access control is implemented into the design and layout to ensure control of entry is for authorised persons only.
- Controlled lift access - each resident is assigned access to the floor on which their room 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.
- The communal bicycle storage must be lit at night using vandal resistant, light fittings and energy efficient LED lights.
- Regards the proposed basement car park Sussex Police recommend that the applicant seek advice from Sussex Police Counter Terrorist Security advisers with regards to this element of the application as soon as it is practicable.

6.12. **UK Power Networks:** Comment

Should the excavation affect relevant Extra High Voltage equipment, the applicant should contact UK Power Networks to obtain a copy of the primary route drawings and associated cross sections.

Internal

6.13. **City Regeneration:** Comment

City Regeneration supports this application.

6.14. Should the Full Application (Phase 1) be successful, due to the size of the development and in accordance with the council's Technical Guidance for Developer Contributions, a sum of £19,700 is requested, in respect of the residential aspect of the development, as a condition of any S106 agreement and paid prior to formal site commencement.

6.15. Should the Outline application (Phase 2 & 3) be successful, a developer contribution of £23,700 in respect of the residential aspect of the development to be paid prior to formal site commencement. There is also a contribution of £12,700 in respect of the Nett Gross gain sqm in non-residential / employment space,

6.16. Also, 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 (in respect of the demolition and construction phases of the development) to the Council in writing for approval, at least one month before the intended date of formal commencement of the development.

6.17. **Environmental Health:** Comment

- 6.18. The submitted noise assessment has made detailed reference to applicable standards and guidelines. The methodology used and calculations made in the noise assessment are recognised techniques in predicting noise levels and the impact of them. To ensure that the developer complies with the information provided in the report, the above should be secured by attaching an appropriately worded condition with regards to any permission to develop.
- 6.19. With regards to contaminated land, the Environment Agency recommended conditions are suitable and sufficient.
- 6.20. **Heritage:** Comment
Revised comment following Amendments
The image of the proposed brick for the upper levels appears as quite a strident orange colour, and the heritage team has some concerns in this regard. It is considered important that this should not result in the introduction of a fourth, equally bold, brick colour however it is considered that the general solution proposed has the potential to help integrate the proposal into the surrounding townscape. The use of an unglazed brick for the upper levels is welcomed, and it is considered that the effect of the gradual grading of these with the glazed finish will produce a pleasing effect.
- 6.21. Subject to acceptable details of the specific bricks proposed being acceptable, it is considered that the amendment of the facade treatment as proposed is a positive step to better integrating the proposal and that the resulting harm should be balanced against public benefits in accordance with paragraph 196 of the NPPF.
- 6.22. **Housing Strategy:** Comment
Supported by Housing as providing 40% affordable housing in line with council policy.
- 6.23. **Planning Policy:** Comment
The level of residential dwellings is welcomed in principle as an extra contribution towards the city's housing target as set out in City Plan Policy CP1. The levels of housing and employment floorspace proposed are considered to be broadly comply with the aims of JAAP policies CA3 and SP5. The level of affordable housing proposed, and tenure is welcomed and considered to be policy compliant. Comments on this proposal are subject to detailed confirmation by the council's Urban Design, Sustainability and Housing officers.
- 6.24. **Policy (Artistic Component):** Comment
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.
- 6.25. **Private Sector Housing:** Comment
Some of the flats in Phase 1 are laid out so that they have inner bedroom(s). These should be avoided wherever possible to ensure satisfactory means of escape from the dwelling in case of fire. Phase 2 & 3 drawings do not show the

detailed layout of the flats on the upper floors, but inner bedrooms should be avoided.

6.26. **Sustainability:** Comment

This is a highly sustainable development that amply exceeds the sustainability requirements of policy CP8 with a number of innovative features.

6.27. Recommended for approval with a condition to provide BREEAM certificates in due course.

6.28. **Sustainable Drainage:** Comment

Recommended approval as the Lead Local Flood Authority (LLFA) has no objections to this application subject to the inclusion of condition.

6.29. **Transport:** Comment

Comments following Further Information Submitted

No objection on highways grounds, subject to conditions and a satisfactory s106 agreement.

6.30. **Urban Design Officer:** Comment

Pre-application proposals received four sets of Urban Design Comments and two Design Review Panel Reports through a Planning Performance Agreement leading to this planning application.

6.31. Post submission, the applicant has shown willing to engage positively with the LPA in response to previous Urban Design Comments and has submitted revised proposals addressing a number of recommendations.

6.32. Proposals present some positive design attributes including a cohesive and contextually appropriate general masterplan arrangement of primary north-south public spaces and secondary east-west permeability resulting in well oriented external spaces and buildings.

6.33. Whilst significantly greater than prevailing context, the proposed scale and massing which to progress logically from existing and speculative adjacent development. The provision of ground level external amenity and recreation space in Phase 1 is lacking and is reliant on the completion of Phase 2. Phase 1 proposals include a high number of single-aspect units at approximately 63%. Whilst revised proposals present a more successful appearance with graded materiality to soften the visual impact of proposals, submitted visualisations appear very bold and greater assurance of material and detail composition and quality should be sought by condition. Considering proposals holistically, and that some of these concerns may be mitigated by means of planning conditions, the above concerns do not amount to an objection.

7. MATERIAL CONSIDERATIONS

7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals

in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report

- 7.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
 - Brighton & Hove Local Plan 2005 (retained policies March 2016);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
 - Shoreham Harbour Joint Area Action Plan (adopted October 2019).
- 7.3. Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

8. **POLICIES**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
SA6	Sustainable Neighbourhoods
DA8	Shoreham Harbour
CP1	Housing delivery
CP2	Sustainable economic development
CP3	Employment Land
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP13	Public Streets and Spaces
CP14	Housing density
CP15	Heritage
CP16	Open space
CP17	Sports Provision
CP18	Healthy City
CP19	Housing mix
CP20	Affordable housing

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

TR4	Travel plans
TR7	Safe Development
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
SU3	Surface Water Drainage
SU5	Surface water and foul sewage disposal infrastructure
SU9	Pollution and nuisance control

SU10	Noise Nuisance
SU11	Polluted land and buildings
QD5	Design - street frontages
QD15	Landscape design
QD16	Trees and Hedgerows
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
HO20	Retention of community facilities
HO21	Provision of community facilities in residential and mixed-use schemes
HE6	Development within or affecting the setting of conservation areas
HE10	Buildings of local interest

Shoreham Harbour Joint Area Action Plan (JAAP):

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

Brighton & Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications. The weight given to the relevant CPP2 policies considered in determining this application is set out in the Considerations and Assessment section below where applicable.

DM1	Housing Quality, Choice & Mix
DM9	Community Facilities
DM11	New Business Floorspace
DM18	High Quality Design & Places
DM20	Protection of Amenity
DM29	The Setting of Heritage Assets
H1	Housing Sites and Mixed-Use Sites

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD11	Nature Conservation & Development
SPD14	Parking Standards
SPGBH9	Provision of Outdoor Recreation Space
SPGBH15	Tall Buildings

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of the development, affordable housing provision, housing mix, sustainable drainage, and the proposed access arrangements and related traffic implications.
- 9.2. The Full Planning (Phase 1) development will also be considered in terms of the impacts of the proposed development on the visual amenities of the site and surrounding area, public realm and landscaping impact, impacts upon amenity of neighbouring properties, standard of accommodation, ecology impact, and sustainability impacts must also be assessed.

Planning Policy:

- 9.3. The site is within the South Portslade Industrial Area and the Shoreham Harbour Regeneration Area which is addressed in the Joint Area Action Plan (JAAP) for the Shoreham Harbour Development Area.
- 9.4. The entirety of the site is indicated as a Key Employment Site in City Plan Part One (CPP1) and the presence of existing employment generating businesses surround the site. This particular site (SP5) is identified in the emerging draft City Plan Part Two (CPP2) and the Shoreham Harbour Joint Area Action Plan for residential development of 45 dwellings and falling within Character Area 3 (North Quayside and South Portslade) which is noted as having an overall minimum allocation of 3,000m² employment generating floor-space and 210 new homes.
- 9.5. The site forms part of the Shoreham Harbour Development Area in CPP1 (Policy DA8). The policy sets out an overall requirement of 300 residential units across the Development Area and includes some more specific area priorities for the South Portslade area which need to be considered as part of a future application. However, more detailed policies for the area addressing a range of issues are covered by the JAAP.

Loss of Existing Uses

- 9.6. The Full Planning Phase 1 site consists of an existing hand car wash building facing Camden Street, permitted under BH2015/02413 until June 2020. The existing car wash building would be demolished. The existing car wash use was approved for a temporary period and to then revert back to a B2 (general industrial) use. It is considered that the long-term use of this unit as a car wash would have implications for the future redevelopment of this area as there would be conflict between new residential uses and the car wash due to noise issues. The loss of the existing car wash use is therefore considered acceptable. The rest of the Phase 1 site is open land on the corner fronting Wellington Road, previously a now demolished public house.
- 9.7. The Outline Phase 2 land comprises part of the former Flexer Sacks factory building which is currently occupied by the Circle Studio and event space, North Street entrance and car parking, with vacant commercial space on the upper

floors and part of the upper floor car park. The Outline Phase 3 contains the Underground Gym unit with the rest of the decked car parking above.

- 9.8. Overall, although in current active use, Phases 2 and 3 are considered to represent an underuse of a brownfield site allocated for residential-led development. It forms part of a larger area proposed for allocation in CPP1, the emerging CPP2 and the JAAP. The principle of redevelopment for mixed-use housing and office space would accord with the Council's aspirations for this site.

Principle of Proposed Uses

- 9.9. The site falls within the DA8 Shoreham Harbour Development Areas as set out in the City Plan Part One. As part of the overall development capacity for DA8 the policy identifies a capacity of 300 new residential units within Brighton & Hove and 7,500 sq.m net additional employment floorspace. Policy DA8 sets out four priority areas for the policy, of which the Wellington Road development site falls within iii) North Quayside / South Portslade area.
- 9.10. Of relevance to this site are the following area priorities:
- b) To designate the South Portslade Industrial Area as a Strategic Employment/Mixed-use Area, including some appropriately located residential development.
 - c) To secure improvements to legibility, permeability and connectivity through high quality building design, townscape, and public realm, whilst respecting and enhancing the character and environment of surrounding areas.
 - d) To improve connections and townscape around key linkages including the Boundary Road/Station Road (B2194) district retailing centre, Church Road (A293) and along the A259.
 - e) To ensure that all development takes into account the findings and recommendations of the current Flood Risk Assessment.
 - f) To ensure that new development proposals take into account impact on local air quality and noise and that improvements and/or mitigation are sought wherever possible.
- 9.11. In order to maximise the opportunities offered by this diverse waterfront location, a Joint Area Action Plan (JAAP) for the wider Shoreham Port area has been adopted by Brighton & Hove City Council, Adur District Council and West Sussex County Council which sets out a comprehensive, deliverable plan for the future revitalisation of the area. The development site lies within Policy CA3: South Portslade and North Quayside. Part 4 of the policy allocates the site as follows: *“SP5 - Former Flexer Sacks: Allocated for mixed use redevelopment (use class B1 on lower storeys and use class C3 on upper storeys. Associated leisure and assembly (use class D) uses may be permitted provided they are demonstrated to be compatible with residential and employment uses in the vicinity.”*
- 9.12. The Former Flexer Sacks site is also allocated in the emerging City Plan Part Two (CPP2) under policy H1 for mixed use redevelopment including an indicative 45 residential units (Use class B1 on lower storeys and use class C3 on upper storeys. Associated leisure and assembly (use class D) uses may be permitted provided they are demonstrated to be compatible with residential and employment uses in the vicinity. At this stage this policy now carries significant

weight, and reflects the capacity of the site as set out in policy SP5 in the adopted JAAP 2019.

- 9.13. The site is well located for high density development, with good access to local facilities and services, and well served by public transport. Given the city's housing requirement and the current supply position, the principle of mixed-use residential and office development on the site is considered acceptable, subject to all other material considerations set out below.

Proposed Employment Uses

- 9.14. Policy CA3 of the JAAP sets out in part 3b) that a minimum of 3,000sq.m employment floorspace (use classes B1, B2 and B8) should be delivered in the area. Policy SP5 in the adopted JAPP sets out that the site is allocated for mixed use redevelopment with class B1 on the lower storeys and use class C3 on the upper storeys.
- 9.15. Phase 1 of the proposed scheme would provide 423sqm (gross internal area) office space, with 3,239sqm of office space to be provided in Phase 2 and 2,402sqm within Phase 3. Therefore, the majority of the employment floorspace would be provided in the Outline scheme. Given that the proposed Phase 1 ground floor is required to provide services and storage to support the 65no. residential uses on the upper floors, the amount of office space provided at part ground and part mezzanine floor is considered appropriate, and that overall, the scheme would provide the employment floorspace required to accord with the policy.
- 9.16. Emerging policy DM11 New Business Floorspace in the Draft City Plan Part Two seeks to ensure that development proposals involving the provision of new business floorspace, either in stand-alone commercial or mixed-use schemes, provide for well-designed buildings and layouts suitable for incorporating a range of unit sizes and types that are flexible, with good natural light, suitable for subdivision and configuration for new uses and activities.
- 9.17. Policy CP2 (Planning for Sustainable Economic Development) provides guidance on the city's growth sectors and requirements for new office floorspace in the city, to ensure developments bring forward a mix of employment floorspace including the provision of small and medium sized, flexible floorspace and start up business space to support the city's key employment sectors. The new build office accommodation is considered to be well-designed and flexible, allowing for subdivision in the future, and appropriate to meet the likely needs of a range of potential end users to accord with Policies CP2 and DM11.
- 9.18. The provision of office space would enable an active street frontage on Camden Street, in accordance with allocated Site SP5 within Policy CA3 of the JAAP. Overall, the application scheme would provide a total of 6,064sqm of office floorspace across the 3 phases, which is a significant uplift from the existing 1,175 on site. A condition would be required to ensure that the employment floorspace would be allocated as office space, and not another use as part of the broader Use Class E.

- 9.19. To secure local benefits from the development coming forward, an Employment and Training Strategy would be secured by legal agreement for each phase to ensure at least 20% local labour is used in the construction of the development, and requiring a contribution towards the Council's Local Employment Scheme.

Proposed Residential Uses

- 9.20. Policy SS1 of CPP1 sets out the presumption in favour of sustainable development indicating that planning applications that accord with the policies of the Local Plan will be approved without delay, unless material considerations indicate otherwise, taking account of any adverse impacts being significantly and demonstrably outweighed by the benefits when assessed against the NPPF taken as a whole. This position is supported by Policy CP1 of CPP1 (Housing Delivery) which promotes higher densities in appropriate locations and where all new housing developments contribute to the creation and/or maintenance of mixed and sustainable communities.
- 9.21. Policy CP1 sets out the housing targets for the plan period with a provision target of 13,200 new homes for the city up to 2030. It is against this minimum housing requirement that the City's five-year housing land supply position is assessed annually.
- 9.22. The council's most recent housing land supply position published in the SHLAA Update 2020 shows a five-year housing supply shortfall of 342 (equivalent to 4.7 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).
- 9.23. Policy CP14 of CPP1 (Housing Density) requires development to make full, efficient, and sustainable use of the land available. Development will be permitted at higher densities than those typically found in the locality should there be a high standard of design, and that it respects the character of the neighbourhood.
- 9.24. The subject site is located within the city's built up development boundary where the principle of the redevelopment of previously developed sites for residential use is supported. As set out above, Policy H1 of CPP2 allocates the site for 45 dwellings, which is considered to be a minimum figure which can be exceeded if justified.
- 9.25. The site is well located for residential development, having good access to local services and facilities in the neighbouring District Shopping Centre and being well served by public transport, including being a walkable distance to Portslade Railway Station. The site is close to other services on the South Portslade Industrial Estate, Vale Park to the north, nearby health and recreation services, and two primary schools. Given the city's housing requirement and the current supply position, the additional housing proposed would be welcome, subject to complying with other planning policies and material considerations set out in this report. The location is considered generally suitable for high density residential

development. The number of residential units that the proposed development can accommodate is dependant in particular on fully justifying the massing/height of the development and ensuring a good standard of accommodation for future residents. These issues are considered further below.

- 9.26. Subject to the consideration of other Development Plan Policies and the NPPF taken as a whole, it is considered that the uplift would represent an efficient use of the site. The NPPF at paragraph 123 indicates that "where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of site." At the same time the NPPF advises that local planning authorities should refuse applications that fail to make efficient use of land and support a flexible approach in the application of policies or guidance where they would otherwise inhibit making efficient use of a site.
- 9.27. The uplift would make a significant contribution to much needed housing in the city and would make an efficient use of an existing brownfield site. As a result, the provision of 136 residential units across all 3 phases on this site is considered acceptable in principle and compliant with CPP1 policies SS1 and CP1; policies CA3 (Site SP5) of the SHJAAP and policy H1 of the emerging CPP2.

Proposed Mix

- 9.28. City Plan policy CP19 seeks to improve housing choice and ensure that an appropriate mix of housing is achieved across the city. Policy CP19 notes that it will be important to maximise opportunities to secure additional family sized housing on suitable sites. Where appropriate (in terms of site suitability and with reference to the characteristics of existing communities/neighbourhoods), the intention will be to secure, through new development, a wider variety of housing types and sizes to meet the accommodation requirements of particular groups within the city. Significant weight is given to Policy DM1 of CPP2 which seeks 'the delivery of a wide choice of high-quality homes which will contribute to the creation of mixed, balanced, inclusive and sustainable communities'.
- 9.29. Policy CP19 of the City Plan Part One requires development to demonstrate regard to housing mix considerations and be informed by local assessments of housing demand and need. The policy indicates a requirement of 24% for 1-bedroom units, 34% for 2-bedroom units, and 31% for 3-bedroom units. In terms of the demand for market housing, the greatest demand is likely to be for 2- and 3-bedroom properties which reflects continuing demand for housing from younger persons and young families.
- 9.30. The proposal for Phase 1 is for 31x 1-bed, 17x 2-bed (3Person), 16x 2-bed (4Person) and 1x 3-bed units, which is considered to be a broad mix. The proposed 71no. units in Phases 2 and 3 would provide 3x studios, 24x 1-bed units, 29x 2-bed units, 11x 3-bed units and 4x 4-bed units.

- 9.31. Although it is unfortunate the mix is skewed away from the provision of 3-bed units, the character of the site and location are suitable for smaller residential units. It is considered that the proposed residential units would contribute positively to the achievement of mixed and sustainable communities in line with Policies SA6, DM1 and CP19.
- 9.32. The submitted floor plans and details of mix of units for the Outline Phases 2 & 3 are indicative only and subject to revision at Reserved Matters stage. Should any subsequent Reserved Matters application alter the indicative number or mix of units from the submitted accommodation schedule, items such as housing mix, trip generation and s106 contributions would need to be reviewed

Affordable Housing

- 9.33. City Plan Part One Policy CP20 requires the provision of 40% on-site affordable housing for sites of 15 or more net dwellings. For this proposal, 65no. dwellings in Phase 1 would equate to 26 affordable units, and the 71no. dwellings in Phases 2&3 would be required to provide 28 affordable units. This is a total of 54 homes across all phases.
- 9.34. The applicant has submitted an Affordable Housing Statement which states that the viability of the scheme has been tested to ensure that it can satisfactorily meet the required policy compliant level of 40% affordable housing.
- 9.35. The scheme is therefore considered to be compliant in terms of the level of affordable housing to be provided in Phase 1, and proposed in outline at Phase 2 and 3. The submitted Affordable Housing Statement outlines that the viability of the scheme has been tested to ensure that the development is able to meet the proposed policy compliant level of 40% affordable housing
- 9.36. The proposed Phase 1 affordable unit mix would be 14x one-bed, 4x two-bed(3Person) and 8x two-bed(4Person). It is further noted that the proposed mix lacks any 3-bed units and does not strictly accord with Policy CP20 which sets a preferred affordable housing mix across the city of 30% 1- bed, 45% 2-bed and 25% 3-bed units. However, as above, it is considered that the character of the site and location are suitable for smaller residential units there is no objection to the mix in this instance.
- 9.37. Policy CP20 states that "Affordable housing provision should incorporate a mix of tenures. The exact tenure split on each site will be a matter for negotiation and should be informed by up to date assessments of local housing need and individual site and/or neighbourhood characteristics." The Council's Affordable Housing Brief (2014) sets out a citywide objective to achieve a tenure mix of affordable housing of 55% Affordable Housing for Rent and 45% Intermediate housing, which is proposed and is welcomed. It is stated that discussions are currently taking place with council approved RPs.
- 9.38. Final details of the numbers, type, tenure, and location on the site of the affordable housing and its management would be secured within the s106.

Site Strategy and Site Layout:

- 9.39. Transport issues relating to the site are considered in more detail below, but in general terms, pedestrian access to Phase 1 would be from both Camden Street and Wellington Road, with servicing and vehicle access to on-site parking spaces from Camden Street. The large section of Council-owned open frontage facing Wellington Road would become part of an active travel 'green corridor' providing green space and pedestrian spaces and designed to accommodate a future designated cycle lane along the A259.
- 9.40. The Masterplan for the site as part of the Outline proposals in Phases 2 and 3 proposes a new vehicle access from Wellington Road into a basement level car park. The on-site disabled parking delivered for Phase 1 would be relocated to this car park at the delivery stage of Phase 2. The car park would also be extended under Phase 3.
- 9.41. In terms of site layout, the general concept is to provide north-south outdoor spaces of 14 – 18m separating three buildings, which also enables east-west permeability through the site via a linkage at the ground floor of the centre building. The design allows for the office space, residential units, and cycle store entrance of Phase 1 (to the east) to be accessed directly from the outdoor spaces within Phase 2.
- 9.42. At pre-application stage, there was concern over the quality of ground floor public realm spaces, and that there is a slight under-provision of external communal amenity space. It is considered that the proposal now successfully has improved the public realm as part of the overall site layout in all phases. During the application, amendments were made to expand the width of the east-west connection which is considered to improve its useability and would benefit from greater natural light. In further mitigation, the proposed Green Corridor space forms part of the Phase 1 development, and the scheme is improved overall with the assurances of public space improvements within the Outline scheme.
- 9.43. It is considered that the development would provide an acceptable standard in terms of its site layout design, appearance, and treatment in and around of the development including the main central spaces. The proposal is therefore considered to be in accordance with the movement, built form and public spaces policy objectives with policies DA8 and CP13.

Standard of Accommodation:

Internal Layout:

- 9.44. Draft Policy DM1 in the Proposed Submission CPP2 requires that all residential units should as a minimum meet the Nationally Described Space Standards (NDSS) and the accessibility and adaptability standards in Building Regulation M4(2).
- 9.45. The principle features of Building Regulations M4(2) guidance comprise, level access throughout, including thresholds to balconies, outdoor space, and private entrances. Generous circulation space within each home, wide corridors and flexibility are all key attributes incorporated into the design proposals in order to

meet the changing needs of households and to ensure adaptability for occupants growing older or those experiencing changes in circumstance.

- 9.46. The requirement to meet Lifetime Homes (under saved Local Plan Policy HO13) has been superseded by the accessibility and wheelchair housing standards within the national Optional Technical Standards. Step-free access to the building is achievable therefore in the event permission is granted a condition is required to ensure the development complies with Requirement M4(3) of the optional requirements in Part M of the Building Regulations for the wheelchair accessible units, and Requirement M4(2) for all other units.
- 9.47. Single aspect units (i.e. units with windows facing only in one direction) can present an inhibited connection with the outdoors, poorer natural daylight levels and a reduction in natural ventilation. For Phase 1, the scheme would include 63% of units having single-aspect which the applicant has clarified is because of operational and viability constraints that require a single stair core. Although it is unfortunate that an increase in stair cores could not be provided to improve the internal layout, the constraints of the site are acknowledged, and at any rate, it is considered that these concerns do not outweigh the benefits the scheme provides. It should be noted that there are no north-facing single aspect units proposed.
- 9.48. All of the proposed units meet the national minimum space standards. The size and layout of each unit is generally considered acceptable, with all rooms having acceptable access to outlook and ventilation.
- 9.49. There will be some inevitable level of mutual overlooking between the windows and balconies of the buildings in each phase. The degree of overlooking in this scheme is inevitable in a development of this density and overall, the scheme is considered to be acceptable in this regard. The saw-tooth building design allows views towards the sea, as well as providing privacy and minimising overlooking.
- 9.50. Although details of Phases 2 and 3 are indicative, the application submission confirms the units would meet the Nationally Described Space Standards minimum. Details of internal layouts for Phases 2 and 3 would be provided and the standard of accommodation assessed at the Reserved Matters stage.

Outdoor Amenity Space:

- 9.51. Brighton and Hove Local Plan policy HO5 requires the provision of private and useable external amenity space within new residential development. The policy notes that schemes should aim to provide private amenity space through balconies and/or garden space, highlighting that a sense of ownership of external space is important to any home but especially important to high density residential schemes such as the present proposal.
- 9.52. Emerging CPP2 Policy DM1: Housing Quality, Choice and Mix states that all new residential development will be required to provide useable private outdoor amenity space appropriate to the scale and character of the development.

- 9.53. Following amendments to Phase 1 of the scheme, all of the proposed flats would benefit from private amenity space in the form of a balcony. All units would also have shared amenity space in the form of a rooftop garden. Given the location of the site close to public amenity spaces, and given the character of the immediate area where some flats do not have access to private amenity space, the proposed level of private amenity space is considered acceptable in this instance.
- 9.54. The amenity space provision for Phases 2 and 3 is indicated as each unit having private balconies and access to shared communal spaces, however more detailed plans would be assessed at the Reserved Matters stage.

Daylight/Sunlight:

- 9.55. Planning policy supports the provision of balconies for private amenity space is supported where possible, but it also notes the need to minimise the loss of daylight and sunlight protruding balconies may cause.
- 9.56. The applicant has submitted a Daylight & Sunlight Assessment to assess the levels of daylighting and sun lighting to all habitable windows in the buildings. This has been independently evaluated by the BRE by reviewing the scope and methodology, text, and conclusions of the report.
- 9.57. The report sets out that all bedrooms within Phase 1 would comfortably meet the 1.0% recommended daylight levels, with 12 living/dining/kitchen areas would be below the 1.5% recommended for a living room. These rooms are west facing (towards the other proposed blocks) and have single aspect to balcony areas. Sunlight results were that 35 of the living areas would be able to meet both the annual and winter probable sunlight hours targets, with 22 living areas below both recommendations. The rooms meeting both targets have windows facing east or south, with most of the living areas below both targets facing west. Rooms facing just north of due west would naturally have limited levels, however balcony areas restrict the sunlight here further.
- 9.58. It should be noted that the proposed balconies provide important private amenity space in themselves. Overall, although the sunlight/daylight provision would be restricted by single-aspect units with balconies and often facing west towards the Phase 2 building, on balance it is considered that the scheme would generally provide adequate amenity levels for future occupiers.
- 9.59. With regard to Phases 2 and 3, as the floor plans are indicative, there are no details of window and balcony positions to fully assess daylight/sunlight. Details of the layout are to be submitted through a Reserved Matters application. The BRE have initially reviewed the sunlight provision and concluded that Phase 2 has the potential to be adequately lit, and that Phase 3 sunlight provision will have more restrictions due to proximity to Phase 1, and so will require careful consideration of living room locations within the building layout. The daylight/sunlight impacts of, and on Phases 2 and 3 would be further assessed at the Reserved Matters stage.

Noise:

- 9.60. Saved policy SU10 seeks to ensure that all new developments minimise the impact of noise on the occupiers of proposed buildings, neighbouring properties, and the surrounding environment.
- 9.61. The proposed buildings would be set back from Wellington Road with the green corridor in between. A Noise Impact Assessment has been submitted to address potential disturbance from traffic movements along a road serving a port with high levels of traffic. The Assessment concludes that noise can be mitigated with the use of suitable glazing and acoustically attenuated ventilation. These measures can be secured by condition and would ensure a satisfactory standard of accommodation for future occupiers.
- 9.62. Overall, subject to relevant conditions the proposal would provide adequate living conditions for future occupiers in accordance with policy QD27 of the Brighton & Hove Local Plan.

Design and Appearance:

- 9.63. The National Planning Policy Framework attaches great importance to the design of the built environment and identifies good design as a key aspect of sustainable development. This is reflected in policy CP12 of the City Plan which seeks to raise the standard of architecture and design in the city.
- 9.64. The Council's Design objectives are covered in the City Plan and expect development to raise the standard of architecture and design in the city and establish a strong sense of place by respecting the diverse character and urban grain of the city's identified neighbourhoods. Development should achieve excellence in sustainable building design and construction. It should conserve or enhance the city's heritage assets and their settings. Development should protect or enhance strategic views into, out of and within the city. The design of the external spaces should be an integral element of the overall design approach, in a manner which provides a legible distinction between public and private realm.
- 9.65. Saved Policy QD15; City Plan Part One Policies CP12, CP14, and CP16 and emerging City Plan Part Two Policy DM18 and DM22 seek to deliver quality developments, raise the standard of architecture and design in the City and establishing a strong sense of place by respecting the diverse character and urban grain where landscape is an integral part of the design.
- 9.66. Policy CA3 of the JAAP sets out the detailed design aspirations for the development of this character area, with site SP5 (Former Flexer Sacks) to form part of the comprehensive redevelopment area to enhance the existing townscape with development along Wellington Road being setback beyond the proposed green corridor.
- 9.67. The design and appearance of the proposed development has evolved to take account of comments provided during the evolution of the scheme. The arrangement of the site and buildings, and their appearance has evolved in response to a number of key urban design principles which include:

- Green corridor
- Materials in response to Heritage concerns
- Public realm

- 9.68. The proposed design of the scheme has been considered by the Design Review Panel. Initially, the Design Panel raised concerns over how the proposed building would work within its wider context setting. In particular, justification of the height on the immediate environment was required, and an outline of how to further improve the public benefit of landscaping and connectivity. A number of the issues initially raised related back to the delivery of the whole site. The argument for a landmark building in the context of wider redevelopment was generally supported. A coherent and detailed masterplan incorporating phases 1, 2 and 3 was recommended.
- 9.69. The applicant has sought to address these concerns by including the Underground Gym site within the Outline application (Phase 3), and extensive detail has been provided to set out how the phased development across the site would be cohesive once all phases are completed. This is a welcome improvement to the scheme to ensure appropriate access arrangements with the Outline application, and to enable a holistic consideration of public realm as well as movement within and through the site.
- 9.70. The proposed buildings in Phases 2 and 3 are indicative as scale, layout and appearance are matters reserved. However, the reserved matters would need to conform to the parameters set by the outline proposals.

Public Realm/Landscaping:

- 9.71. City Plan Policy CP16 (part 2) states that "new development will be required to contribute to the provision of and improve the quality, quantity, variety and accessibility of public open space to meet the needs it generates". Policy CP17 (part 5) sets a similar requirement for sport provision, stating that there is a requirement for new development to contribute to the provision and improvement of the quality, quantity and accessibility of sports services, facilities and spaces to meet the needs it generates.
- 9.72. Saved Policy QD15 and CPP1, Policy CP12 seek to ensure that the space in and around developments is designed to a high standard and integrated into to the scheme from the outside. Policies SH7 and CA3 of the JAAP seek to ensure that the site delivers landscape, ecology, and biodiversity enhancements to the site and the A259.
- 9.73. The public realm and landscaping proposal includes the provision of:
- A Green Corridor that would stretch across the frontage of the site to provide a soft landscape buffer between the residential frontage and Wellington Road (A259). The Green Corridor would have shingle beach planting, boulders and coastal features, evergreen tree planting and public art.
 - The Outline scheme would provide an inner public green space for future residents and the public, with tree planting
 - Split -level shared gardens with soft landscaping are provided at roof level of the development for residential use.

- 9.74. The detailed design of the split-level roof gardens shows a varied and high-quality amenity space. The Outline primary north-south public spaces with east-west permeability enable significantly beneficial public realm. This should help encourage the use of the centre by residents who wish to use local services in the centre.
- 9.75. Part 6 of Policy CA3 of the JAAP states that for sites SP1, SP2, SP3, SP4, SP5, and the southern portion of site SP6, new buildings should be set back from Wellington Road to allow the enhancement and extension of the proposed green corridor. The grassed frontages on the north side of Wellington Road form part of the proposed green corridor, and as set out in the JAAP have the potential to provide multifunctional amenity space for adjacent development sites whilst providing for an more attractive southern edge to Wellington Road.
- 9.76. Para 3.5.15 of the JAAP sets out that the A259 does not currently have good infrastructure for cyclists and is heavily used by motor vehicles including HGVs. With this in mind it is understood that the relevant JAAP authorities are exploring the potential for dedicated cycle facilities along this route. Policy SH5 Sustainable Travel in the JAAP seeks to ensure that new developments in the regeneration area address the need for measures such as cycling infrastructure through several requirements. This is further considered under Sustainable Transport section of the report below.
- 9.77. Overall, due to the footprint of the building, there is little room for soft landscaping. However the inclusion of the Green Corridor as part of Phase 1, and the public garden areas within the Outline scheme, as well as the roof gardens for residents, would improve the general quality of space.
- 9.78. The provision of the internal green space and connection to the proposed green corridor would comply with JAAP Policies SH8 and SH9, as well as the above-mentioned policies. A full landscape scheme required by condition to ensure implementation and maintenance thereafter.
- Form/Scale/Massing:
- 9.79. The proposed development would fall within the City Plan definition of 'tall buildings' (defined as 18 metres or more in height/approximately 6 storeys) in Policy CP12. Policy CP12 refers to a tall buildings node at Shoreham Harbour focussed in the eastern-most area of the Harbour within the City boundary.
- 9.80. Policy CA3 of the JAAP Part 6 states that "building heights up to six storeys are generally considered acceptable", while CA3 clause 7 states there is potential for greater building height when taking urban design into account. Higher buildings would therefore need careful consideration in design terms.
- 9.81. The Council's Tall Buildings SPG 15 (2004) identifies Shoreham Harbour as a corridor where tall buildings would be acceptable in principle. The SPG defines tall buildings as 6 storeys or more (18m) and very tall buildings from 15 storeys.

- 9.82. It is therefore considered that this site has potential for a substantially increased scale of development. However, the general scale and form of surrounding areas make introducing tall buildings challenging. The applicant has submitted a Design & Access Statement, and a Planning Statement that refer to how pre-application advice and public consultation shaped the scheme, as well as supporting information relating to the proposed height and massing. The applicant has also submitted a Tall Building Statement which provides and assessment of the impact of the scale and mass of the proposed development.
- 9.83. The proposed positioning of the buildings set back from the open area fronting Wellington Road, would align with the building frontages on the site in the immediate context. However, the scale and appearance of the building would result in the building being a prominent element in the street scene.
- 9.84. The site immediately to the east is an underdeveloped allocated site, and the 4-7 storey Belgrave Training Centre on Clarendon Place (BH2018/03629) is sited further to the east. The applicant has provided a contextual east-west townscape section which sets out the height of the proposal amongst existing, consented, and speculative development along Wellington Road. This establishes the proposed Phase 1 ten-eleven storeys as the tallest point, with the height to the east and west dropping off. This is considered to be appropriate given the prominent corner plot of the Phase 1 site with identified development sites in proximity along this road. The indicative Outline proposals show Phase 2 Building 2A as seven-eight storeys, Building 2B with ten storeys, and Phase 3 buildings varying two-six storeys, and so there would be a prevailing reduction in scale from Phase 1. Contextual north-south sections have also been provided to indicate a logical progression of heights from the residential development to the north at St Andrew's Road.
- 9.85. Given the presence of the consented and potential future taller buildings set amongst low scale industrial buildings, it is considered that a significantly taller building would make a better and more effective use of the site. It is expected that surrounding sites will also be redeveloped with substantial height increases given the acceptability in principle of higher density and taller development along this tall building corridor.
- 9.86. The character and nature of the site and area is such that the proposed blocks would sit appropriately in this context. Although taller than its neighbours, this is offset by the setback behind the green corridor, the variation in heights in the Outline scheme, and the articulation of the facades with the saw tooth form providing depth and interest to the industrial style design.

Whilst there would be a significant change in the built form from the existing

- 9.87. Situation, especially in views from the east and west along Wellington Road, the proposed development (including the principle details of the Outline proposal) would be experienced in the context of existing and future higher density surrounding development and is not considered to be significantly harmful to the character of the area.

Impact on nearby Locally Listed Assets:

- 9.88. City Plan Part 2 Policy DM29 states that 'Development within the setting of a heritage asset will be permitted where its impact would not harm the contribution that setting makes to the asset's significance, by virtue of the development's siting, footprint, density, scale, massing, design, materials, landscaping or use.'
- 9.89. To the south-east of the site on the south side of Wellington Road and further east are houses and office/studio/warehousing at 4-16 (even), 18 and 20 Wellington Road, which are locally listed. Set outside of a conservation area, these properties are significant for their well-designed wharf-complex, with an unusual arrangement of domestic and industrial uses, which responds to the local topography. The properties are considered to make a positive contribution to their industrial setting.
- 9.90. Due to their distance from the site, it is not considered that they would be directly affected by the proposed development, however the scale of the development would impact on views of these historic buildings along Wellington Road from the east. The submitted Tall Buildings Study indicates viewpoints of the scale of the development in context with nos. 4-18 & 20 Wellington Road.
- 9.91. Following concerns raised by the Heritage Team that the proposed Phase 1 building would have a negative impact on the backdrop of these locally listed buildings, it was considered that the use of materials could reduce this less than substantial impact. The facing materials have been amended to introduce a more traditional brick to the upper level. The boldly coloured glazed bricks are retained at lower levels but would now gradually be blended between the two shades at mid-level. This solution is considered to improve the integration of the proposed development into the surrounding townscape. Subject to full details of the proposed bricks by conditions, it is considered that the resulting harm would not be so significant as to warrant refusal of the application on this basis.

Appearance, Detailing and Materials:

- 9.92. The general appearance of the Phase 1 building has been influenced by the prevailing visual character of this industrial area of Portslade, including industrial warehouses close to the site. Key features of this includes large metal framed windows and round arches. The proposed Phase 1 saw-tooth building form is also considered to subtly reference industrial context. Generally, the building appearance has also been used to contribute to innovate sustainable design aspects such as low-emission structural concrete and solar wall cladding, which is welcomed. Balconies would reduce solar gain, with deployable solar screens on the south-facing balconies. The commercial units are set back from the south elevations to offer sun protection.
- 9.93. The proposed materials of brick and corrugated steel are considered to be sympathetic to the existing context, and the exterior appearance has been shaped by the use of sustainable materials. Revisions to the materials provided a graded materiality to the southern tower element, with lighter tones towards the upper levels with greater elevational articulation. This provides a more layered, textural, and lightweight appearance.

- 9.94. Justification has been provided with further contextual analysis of the surrounding character, with the softening of the materiality by introducing a blended buff brick to the orange areas. The screening to the roof level gardens also provides a lightweight appearance.
- 9.95. The detailed information on materiality is important to ensure a successful appearance. In particular, the blend of lighter tones into the orange brick towards the top of the Phase 1 building. Details of the materials, including samples to fully assess appearance and texture, are required for each phase of the development by condition. Further details of the design, articulation and materials of the Outline development are required at reserved matters stage.

Sustainability:

- 9.96. City Plan policy CP8 requires that all developments incorporate sustainable design features to avoid expansion of the City's ecological footprint, radical reductions in greenhouse gas emissions and mitigate against and adapt to climate change. The policy specifies the residential energy and water efficiency standards required to be met, namely energy efficiency standards of 19% reduction in carbon emissions over Part L Building Regulations requirements 2013 and water efficiency standards of 110 litres per day and conditions are proposed to secure these standards. A further condition is proposed to secure a BREEAM rating of excellent for the B1 office element of the scheme.
- 9.97. The applicant has submitted a Sustainability and Energy Statement. The Phase 1 building is calculated to reduce carbon emissions by 19% below Building Regs Part L on average (including residential and non-residential elements). Innovative design aspects such as low-emission structural concrete and solar wall cladding contribute towards a low-carbon building both in terms of operational carbon and embodied carbon. The Sustainability Officer has noted that the building fabric would incorporate excellent U-values, indicating high quality insulation, significantly reducing the need for heating/cooling. As such, the proposals would exceed requirements under Policy CP8.
- 9.98. In terms of heating, there would be mechanical ventilation with heat recovery, and openable windows, heating and hot water is by air source heat pump to underfloor heating, with thermostats. The Phase 1 building targets a 49% reduction in carbon emissions over Part L Building Regulations.
- 9.99. Provision is made for connection to a future district heating network via a service trench from the plant room in Phase 1 to a suitable connection point to be agreed. Such a system could heat all 3 phases of the development
- 9.100. PV panels are proposed on the roof of the Phase 1 building on the sawtooth roof profile area. The electricity generated would be used for communal and commercial spaces. Details of design and amount would be required to be conditioned.
- 9.101. Commercial and leisure space will be designed to achieve "Excellent" BREEAM rating. Commercial spaces will target energy performance 40% lower than typical development. BREEAM certificates will be required by condition.

Impact on Amenity:

- 9.102. 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.
- 9.103. Whilst the proposal would generate a certain amount of noise from private amenity areas within the development and the usual comings and goings including vehicular movements that you would expect from a residential development of this scale, it is not considered that any potential noise disturbance would be significant, especially having regard to the existing uses on site.
- 9.104. The site is set back from Wellington Road and is not in close proximity to existing residential properties, with the Travis Perkins trade warehouse and yard and Shoreham Port on the south side of the road at a lower land level. To the south-east are the office/studios with residential accommodation at no. 20 Wellington Road. To the north and west of the site are protected employment uses. There are residential properties further to the west on Middle Street, however they are of significant distance away. To the North East of the Site is the City Coast Church/Centre. Given the street context and the nature of the windows of non-residential here, it is considered that the impact of loss of light and overlooking/privacy would not be significant to refuse the planning application on this basis.
- 9.105. The neighbouring sites to the east are currently commercial uses but are allocated for future residential or mixed-uses. Due to the height of the proposed development, there may be a degree of overlooking, both perceived and real from windows and balconies towards neighbouring properties of future residential development, but the properties would be separated by Camden Street, and at this distance, any mutual overlooking would be of a level expected in a residential area
- 9.106. The impact of the scheme on the residential development approved at Belgrave Training Centre on Clarendon Place has been assessed as part of the submitted Sunlight and Daylight assessment, which was subject to an independent review by the Building Research Establishment (BRE). The daylight/sunlight report presents average daylight factor results for rooms of the development facing the application site. All bedrooms were considered to meet the average daylight target, and overall, it was concluded that adequate daylight would be retained at this approved neighbouring development. Loss of sunlight impact would not be an issue given these windows face north of due west.
- 9.107. On this basis no significant harm to the amenities of existing/future residents in the vicinity of the site or occupiers of adjacent buildings would arise and the development would comply with policy QD27 of the Brighton & Hove Local Plan.

Sustainable Transport:

- 9.108. National and local planning policies seek to promote sustainable modes of transport and to ensure highway safety. In accordance with paragraph 109 of the National Planning Policy Framework, development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The NPPF states that the use of sustainable modes of transport should be pursued (paragraph 102). Policy CP9 c) of the Brighton and Hove City Plan Part One is relevant as are Local Plan policies TR4 (Travel Plans), TR7 (Safe Development), TR14 (Cycle 75 Access and Parking) and TR18 (Parking for people with a mobility related disability).
- 9.109. There has been significant input from the Highways Authority on this application including at pre-application stage and during the course of the application. Subject to the proposed conditions and developer contributions / obligations the scheme is considered to be in accordance with development plan policies in respect of the transport impacts. The details are set out below.

Access:

- 9.110. The site has many amenities within walkable distance of the site, including retail services, bus services, and railway stations. The site would be accessed by pedestrians from both Wellington Road and Camden Street. The development of the Outline phases would also enable pedestrian access from within the site. Additional drawings submitted provide indicative crossing locations in the immediate street areas with tactile paving and dropped kerbs. This and the other proposed highway works are set out within the s106 Heads of Terms.
- 9.111. The proposed drawings of the Green Corridor indicate how a new section of west-east cycle path could be accommodated on the section of Wellington Road frontage of the application site. It is considered that this goes some way to address the strategic objective of a cycle path on the route.
- 9.112. Servicing access would be from Camden Street in an on-street marked out bay, which is considered acceptable given the constraints, and that onsite provision would impact on the ground floor provisions of the development. Swept path analysis has been provided. The servicing arrangements are subject to safety assessment as part of a Road safety Audit.
- 9.113. Vehicle access to the three car parking bays would be from Camden Street. The Highway Authority have no objection to the vehicle movements and swept-path analysis of this proposal. The Outline proposals at Phase 2 indicate that the Phase 1 on-site parking spaces will be relocated to the Phase 2 basement car park.

Cycle Parking:

- 9.114. Employment and residential cycling parking are proposed at the ground and mezzanine levels (accessed via a lift). A total of 71 long-stay and 24 short-stay spaces are proposed. The residential development would have access to 66 of these spaces. Five spaces are allocated for the office use at ground floor level. The provisions are considered acceptable. Further details of how cycle parking is accessed and ease for users is required by condition.

Trip Generation:

- 9.115. The existing site comprises an informal car park and a hand car wash/valet service which the applicant provided entry and exit analysis of trips. The applicant has also provided trip generation analysis to determine the expected trip generation for the proposed development. The Highway Authority have concluded that it is unlikely that the proposed development would have a detrimental impact on the capacity of the local highway network, providing parking overspill can be controlled.

Parking:

- 9.116. Saved' Policies TR4, TR7 and TR18 and CPP1 Policy CP9 seeks to ensure that developments provide sufficient on-site parking. There are, however, situations where requirements for on-site provision of parking, for example, can be reduced particularly if the site is in a sustainable location and within walking distance of public transport.
- 9.117. Three on-site disabled parking bays are proposed. This is less than the minimum six required for this development. Up to three temporary additional on-street blue badge spaces are proposed at Camden Street. This is considered acceptable as a temporary arrangement until the Outline phases are brought forward and will only be brought forward if Phase 1 creates the demand. The road marking costs, and relocation of the spaces from Phase 1 to Phase 2 can be secured by s106.
- 9.118. The impact of the proposal in terms of increased traffic, highway safety and parking pressure is cited as one of the main objections by local residents. Residents have raised concern that the overall level of parking provision is insufficient to meet the needs of the development and would result in increased pressure on street parking in the area.
- 9.119. Based on the information provided by the applicant, the Highway Authority have concluded that there is limited parking space capacity (85% occupancy) on the adjoining roads to accommodate any on-street overspill parking from the development.
- 9.120. The site is within a commercial area where street parking is not restricted. It should be noted that the Council proposes a CPZ which has gone through consultation. Previously the streets adjoining the site were to be included in the future CPZ, however following consultation, the site location roads are not included, with the nearest included street at St Andrews Road to the north.
- 9.121. It should be highlighted that the site is also in a sustainable location along bus routes and within walkable distance of train stations. The site is located within walking and cycling distance of many amenities with residents being able to able to access shopping, health and community facilities and some educational facilities within 2km of the site. As such occupiers would not be solely reliant on car travel to meet their day-to-day needs.
- 9.122. The Highway Authority have recommended that the applicant agree to a Unilateral Undertaking to control the use and ownership of cars by future

residents. However, it is considered that this is unreasonable and beyond the scope of the planning process. If there is a future need to control on-street parking, a CPZ could be imposed, and if necessary, parking permits for residents of this development could be restricted through processes separate to planning.

- 9.123. Further, measures in the Travel Plan to be secured by condition would also further increase travel by sustainable modes. There would be 38 parking spaces provided as part of the Outline proposed development for future residents and employees.
- 9.124. The impact of parking overspill should be considered in balance with the merits of the scheme. The mixed-use development would provide much needed housing, including policy compliant level of affordable units, on an allocated site which is currently underdeveloped. It would also provide significant public amenity with a very sustainable building design. It is therefore considered that in this instance, any potential harm would be outweighed by the public benefits that would be generated through the delivery of this development.

Access Considerations for Outline Scheme

Pedestrian Access:

- 9.125. The Phase 2 and 3 proposals indicate access to the site from the south, east and north. The vehicular access to the basement car park would be from Wellington Road. Pedestrian access would be through the two landscaped north-south routes through and within the site.

Cycle Access:

- 9.126. Cyclists entering Phase 2 would access cycle parking at basement level adjacent to the basement level car park via a ramp from Wellington Road. The Highway Authority has queried the gradients of the ramps, which in any case would be required to meet building regulation standards. As the ramp could be steep for some users, the lift can be used.
- 9.127. The proposed Phase 1 Green Corridor incorporates design for a cycle path, as the Council are currently assessing the possibility of a dedicated cycleway along Wellington Road. This would encourage more seafront cycle access to and from the site and would be an important facility for future residents and employees. The Highway Authority have indicated that if this is implemented in the future, then changes to Wellington Road would be required which could impact on the Wellington Road access. Therefore, the design should be considered as 'interim' until a cycleway is implemented. The future layout change would be secured by s106.

Vehicle Access:

- 9.128. Vehicle access to Phases 2 and 3 will be via a ramp from Wellington Road down to the basement car park. Following extensive pre-application considerations on the vehicle access location, the Highway Authority has no objection to the access proposal in principle. The basement car park would have a gated access set back to enable a vehicle to wait at the gate without blocking the highway. Details of emergency access would be required in the Reserved Matters application. A separate planning application is required for a new crossover to

access the new vehicle access. The new vehicle access is subject to safety assessment as part of a Road Safety Audit. Details of the car park, electric vehicle charging spaces, and the allocation of the proposed 20 general car parking spaces would be required in a Reserved Matters application and/or condition.

Deliveries:

- 9.129. Phase 2 servicing would be provided with a lay-by off Wellington Road. Phase 3 servicing would be provided to the north with a lay-by on the south side of North Street. The principle was considered acceptable at pre-application stage and swept-path analysis has been submitted which is deemed satisfactory by the Highway Authority. The servicing arrangements are subject to safety assessment as part of a Road Safety Audit.

Access Conclusion:

- 9.130. Further design details of the access arrangements of Phase 2 and 3 are required as part of any subsequent Reserved Matters application. A requirement for an approved Stage 1 & 2 RSA for the final proposals as well as an approved TRO covering the changes to the highway are to be secured via condition, which the applicant has agreed to as part of the submitted Transport Assessment Addendum Report. The proposed amendments to the highway also require a s278 agreement. The proposed highway works are set out within the s106 Heads of Terms. In addition to the above, it is recommended that a Construction Environmental Management Plan (CEMP), and Travel Plan are also secured via condition/s106.

Other Considerations:

- 9.131. Whilst it is acknowledged that the proposed development would increase pressure on local services, the scale of the development is not such that the LPA could reasonably expect the provision of such services on site as part of the proposal, particularly given the need for housing. Further, this would be mitigated through the S106 agreement and CIL provision.

Air Quality:

- 9.132. 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, which this site sits within. The applicant has submitted an Air Quality Assessment.
- 9.133. The proposal positively provides progressive use of electric heat pumps to provide heating and hot water instead of gas combustion and chimney on site. Therefore, there are no emissions associated with on-site combustion plant.
- 9.134. Although the proposal would result in some increased trip generation, if the existing uses all maximised their use, this could also impact on local air quality. The proposed development would promote sustainable travel modes to new residents, and the mitigation and green environment will be the driving factors the use of cycling, walking and public transport.

- 9.135. The application sets out that the existing air quality in the vicinity of the proposed development is not expected to be significantly impacted upon, and future users of the proposed new residential units would not be exposed to poor air quality.
- 9.136. As such it is considered that the proposed development accords with the provisions of Policy SU9 of the Local Plan.

Wind Microclimate:

- 9.137. The applicant has submitted a Wind Microclimate Study to assess the wind microclimate for the proposed development, with consideration of the pedestrian level wind environment. Mitigation of wind impact is provided within the design of the soft landscaping.
- 9.138. The submitted study has been independently reviewed and is considered to represent a plausible appraisal of the wind microclimate upon the introduction of the proposed development. The assessment and associated predictions are considered reasonable.

Flood risk:

- 9.139. Policy CP11 in the City Plan Part One sets out that the council will seek to manage and reduce flood risk and any potential adverse effects on people or property in Brighton & Hove, in accordance with the findings of the Strategic Flood Risk Assessment (SFRA). 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.
- 9.140. The site is within Flood Zone 1 which has the lowest risk fluvial risk of flooding. The applicant has submitted a Flood Risk Assessment. The application sets out that the site is at low risk from surface water flooding and concludes that the proposed development is appropriate for the flood risk, provided that the recommendations in the report are followed. Recommended conditions can adequately deal with any future flood risks in accordance with development plan policies.

Ecology:

- 9.141. The site does not have a nature conservation designation, and given its nature and location, there are unlikely to be any impacts on any sites designated for their nature conservation interest. The site is currently predominantly buildings and hardstanding and is of relatively low biodiversity value. No priority habitats or protected species of flora have been identified.
- 9.142. The applicant has submitted a Preliminary Ecological Appraisal Report. The proposals would incorporate ecological enhancements for the site in the form of green roofs, bat and bird boxes, and tree/shrub planting. The recommendations are to be implemented by condition. Overall, the proposal is considered to be in accordance with development plan policies.

Archaeology:

- 9.143. The site is of archaeological interest due to its location in an area with evidence for activity from the prehistoric period onwards. The applicant has submitted a

Historic Environment Desk Based Assessment which sets out that there is some potential for early prehistoric material to have survived on site. Given the potential for impacts to heritage assets with archaeological interest resulting from the proposed development, following consultation with the County Archaeologist, a programme of archaeological works with a written scheme of investigation is required and secured by condition.

Land Contamination:

- 9.144. It has been identified that the site has a history of uses that is likely to have resulted in potentially contaminated land. A desk-top Contaminated Land Report has been submitted. Given the proposed residential uses, further investigation works are required. The Environment Agency have recommended conditions which are considered appropriate to secure in this instance.

Waste Management:

- 9.145. Policy WMP3d of the Waste and Minerals Plan requires development proposals to minimise and manage waste produced during construction demolition and excavation. A Site Waste Management Plan (SWMP) is required by condition to demonstrate compliance with Policy WMP3d.
- 9.146. The location and provision of facilities intended to allow for the efficient management of bin stores and recycling facilities has been outlined, and full details are required by condition.

Conclusion:

- 9.147. 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.
- 9.148. As noted previously the Council is currently unable to demonstrate a 5-year housing supply. Consideration is given to the acceptability of the principle of development with a substantial uplift in the indicated units numbers as set out in Policy DA8, SHJAAP Policy CA3 and emerging Policy H1 of CPP2.
- 9.149. In the current climate, this scheme would make a significant contribution to the housing shortfall and the provision of policy compliant affordable housing for the city. It is considered that there is considerable public benefit to be gained from the proposed 40% affordable housing provision. The development would provide suitable mix of office space and housing. This position would therefore demonstrably act to outweigh or counterbalance any the harm that was identified.
- 9.150. The proposed housing mix, which is skewed towards smaller units is justified on the basis on the site location and character as a flatted development. The significant uplift in the housing provision and the fact that is to be built as a 40% affordable scheme, is considered to more than compensate for the fact that there is a greater number of one and two bedroom flats and less 3 bed flats.

- 9.151. Although there are some deficiencies in terms of the ratio of single aspect units in Phase 1, it is considered that overall, the proposed development would provide an acceptable quality of accommodation and overall a positive residential environment. All Phase 1 units would have a balcony, and also direct access to the shared amenity spaces.
- 9.152. The proposal presents an opportunity to integrate the development into the existing urban environment providing connectivity and permeability along new north-south routes through the central space. The Outline primary north-south public spaces with east-west permeability enable significantly beneficial public realm. The Phase 1 building would provide a positive interface with Wellington Road and Camden Street and the design is considered appropriate in its context.
- 9.153. The proposed development would provide sustainable transport improvements including an acceptable provision of cycle parking and a Travel Plan which will offer a number of measures to reduce reliance on the private car. In addition, the applicants are agreeable to future proof the development for the provision of a segregated cycle path. The lack of car parking on site is considered acceptable as accessibility to public transport is excellent given the close proximity to the bus stop on the A259 and the train station being a short walk away. It is considered that the proposals would go some way towards mitigating against highway and traffic concerns. Overall, it is considered that the public benefits of the scheme as a whole which includes the provision of a significant amount of housing and employment floorspace are such that they outweigh the perceived harm of parking overspill.
- 9.154. The proposed development provides the opportunity to maximise this important brownfield site of an appropriate scale and density, achieve a viable and deliverable scheme and the impacts must also be weighed against the positive benefits of the scheme and wider public benefits as well as acting as a catalyst for the visual improvement of the immediate area.
- 9.155. Other factors including impacts relating to ecology, sustainability, landscaping, flood risk, land contamination, wind and air quality have been assessed and have been considered acceptable.
- 9.156. The development generates the need for s106 contributions to offset and mitigate against pressures and needs of the development. The proposed development will make a significant contribution towards sustainable development in the City and thus complies with the NPPF and contributes towards meeting the objectives of City Plan Part One Policy CP1.
- 9.157. Overall, it is considered that the public benefits of the scheme as a whole which includes the provision of a significant amount of housing are such that they outweigh the planning policy conflicts and the limited harm to the amenity of neighbouring occupiers. Approval of planning permission is therefore recommended subject to the completion of a s106 planning legal agreement and to the conditions within the report.

10. COMMUNITY INFRASTRUCTURE LEVY & DEVELOPER CONTRIBUTIONS

- 10.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. It is estimated that the amount of CIL liability for this application (Phase 1) is £426,703.11. The exact amount will be confirmed in the CIL liability notice which will be issued as soon as it practicable after the issuing of planning permission. Phases 2 and 3 will be CIL chargeable at Reserved Matters stage.

11. EQUALITIES

- 11.1. Conditions are proposed which would ensure all new build dwellings are in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings). In addition, 5% of the new dwellings are to meet Wheelchair Accessible Standards.

12. S106 AGREEMENT:

- 12.1. In the event that the draft S106 agreement has not been signed by all parties by the date set out above, the application shall be refused for the following reasons:
1. The proposed development fails to provide affordable housing contrary to policy CP20 of the Brighton and Hove City Plan Part 1.
 2. The proposed development fails provide a financial contribution towards the City Council's Local Employment Scheme to support local people to employment within the construction industry contrary to policy CP7 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
 3. The proposed development fails to provide an Employment and Training Strategy specifying how the developer or their main contractors will provide opportunities for local people to gain employment or training on the construction phase of the proposed development contrary to policy CP7 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
 4. The proposed development fails to provide a financial contribution towards sustainable transport measures contrary to policies CP7 and CP9 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
 5. The proposed development fails to provide a financial contribution towards an onsite artistic component provision contrary to policies CP5, CP17 and CP3 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.

6. The proposed development fails to provide a Travel Plan which is fundamental to ensure the promotion of safe, active and sustainable forms of travel and comply with policies TR4 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.
7. The proposed development fails to provide required highway works on Lyon Close and Davigdor Road to comply with policies TR7 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.