

<b><u>No:</u></b>	<b>BH2021/02014</b>	<b><u>Ward:</u></b>	<b>Goldsmid Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Palmer And Harvey House 106-112 Davigdor Road Hove BN3 1RE</b>		
<b><u>Proposal:</u></b>	<b>Erection of eight storey building on land to rear of P&amp;H House comprising residential flats (C3) and commercial/office floorspace (Class E) at ground floor, with associated landscaping works. For information: proposal is for 39no flats.</b>		
<b><u>Officer:</u></b>	Wayne Nee, tel: 292132	<b><u>Valid Date:</u></b>	01.07.2021
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	30.09.2021
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>EOT:</u></b>	10.08.2022
<b><u>Agent:</u></b>	William Clutton Da Vinci House 44 Saffron Hill London EC1N 8FH		
<b><u>Applicant:</u></b>	Stonegate Homes (Hove) Limited C/O Stonegate Homes Oakgreen House 250-256 High Street Dorking RH4 1QT		

This application was deferred from Planning Committee in September as the meeting could not go ahead.

## 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 as set out hereunder, SAVE THAT should the s106 Planning Obligation not be completed on or before the 30 November 2022 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in Section 14 of this report.

### **S106 Heads of Terms**

#### Affordable Housing

- On-site provision of 7 Affordable Rent Units and 3 Shared Ownership Units or as a commuted sum in lieu of onsite provision.
- A Review Mechanism to reassess the viability of the scheme close to completion in order to, where possible, secure up to policy compliant level of affordable housing via an off-site financial contribution

#### Travel Plan

A Travel Plan covering a minimum 5 year period. To promote safe, active and sustainable travel choices by its future occupiers and visitors.

#### Employment and Training

- Submission of developer contributions of £11,700 to be submitted prior to site commencement.
- 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.

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
Location and block plan	(PL) 001	A14	8 July 2022
Proposed Drawing	(PL) 002	A8	30 May 2022
Proposed Drawing	(PL) 003	A7	30 May 2022
Proposed Drawing	(PL) 004	A7	30 May 2022
Proposed Drawing	(PL) 005	A7	30 May 2022
Proposed Drawing	(PL) 006	A7	30 May 2022
Proposed Drawing	(PL) 007	A6	30 May 2022
Proposed Drawing	(PL) 008	A5	30 May 2022
Proposed Drawing	(PL) 009	A5	30 May 2022
Proposed Drawing	(PL) 011	A6	30 May 2022
Proposed Drawing	(PL) 012	A4	30 May 2022
Proposed Drawing	(PL) 013	A4	9 February 2022
Proposed Drawing	(PL) 014	A3	9 February 2022
Proposed Drawing	(PL) 010	A5	30 May 2022
Proposed Drawing	TPHS/308/DR/001		30 May 2022

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

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

3. No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. CEMP shall at least include:

- a) The phases of the Proposed Development including the forecasted completion date(s)
- b) A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to Commence Development until such consent has been obtained
- c) 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)
- d) A scheme of how the contractors will minimise disturbance to neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site
- e) Details of hours of construction including all associated vehicular movements
- f) Details of the construction compound
- g) A plan showing construction traffic routes

The construction shall be carried out in accordance with the approved CEMP  
**Reason:** As this matter is fundamental to the protection of amenity, highway safety and managing waste throughout development works and to comply with policies QD27, SU9, SU10 and TR7 of the Brighton & Hove Local Plan, policy CP8 of the Brighton & Hove City Plan Part One, policy DM20 of City Plan Part Two, and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03 Construction and Demolition Waste.

4. The development hereby permitted shall not be commenced and no other operations shall commence on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until the following Method Statements have been submitted to and approved in writing by the Local Planning Authority:
- i) An Arboricultural Method Statement, to include a detailed Tree Protection Plan and Tree works Specification and means for their implementation, supervision and monitoring during works. This will include details to protect all adjacent roadside trees in the vicinity of the development site.
  - ii) A Construction Method Statement to include details on how, amongst others, excavations, materials storage, drainage, servicing and hard surfaces will be managed and implemented to provide for the long-term retention of the trees; No development or other operations shall take place except in complete accordance with the approved Arboricultural and Construction Method Statements.

**Reason:** As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies QD16 of the Brighton & Hove Local Plan, policy DM22 of City Plan Part Two, and CP12 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.

5. No works under this permission shall commence until there has been submitted to and approved in writing by the local planning authority:
- (1)
    - (a) A desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS 10175:2011+A1:2013 - Investigation of Potentially Contaminated Sites - Code of Practice;  
And if notified in writing by the local planning authority that the desk top study identifies potentially contaminant linkages that require further investigation then,
    - (b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS 10175:2011+A1:2013;  
And if notified in writing by the local planning authority that the results of the site investigation are such that site remediation is required then,
    - (c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and

proposals for future maintenance and monitoring. Such a scheme shall include nomination of a competent person to oversee the implementation of the works.

- (2) The development hereby permitted shall not be occupied or brought into use until there has been submitted to, and approved in writing by, the local planning authority a written verification report by a competent person approved under the provisions of condition (1)c that any remediation scheme required and approved under the provisions of condition (1)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority the verification report shall comprise:
  - a) built drawings of the implemented scheme;
  - b) photographs of the remediation works in progress;
  - c) certificates demonstrating that imported and/or material left in situ is free from contamination.

**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 and policy DM41 of City Plan Part Two.

6. No development shall take place until an ecological design strategy (EDS) addressing enhancement of the site for biodiversity has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:
  - a) purpose and conservation objectives for the proposed works;
  - b) review of site potential and constraints;
  - c) detailed design(s) and/or working method(s) to achieve stated objectives;
  - d) extent and location /area of proposed works on appropriate scale maps and plans;
  - e) type and source of materials to be used where appropriate, e.g. native species of local provenance;
  - f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
  - g) persons responsible for implementing the works;
  - h) details of initial aftercare and long-term maintenance;
  - i) details for monitoring and remedial measures;
  - j) details for disposal of any wastes arising from works.

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

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

7. Other than demolition works and works to trees the development hereby permitted shall not be commenced until a surface water drainage scheme for the

site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include detailed design and associated management and maintenance plan for surface water drainage using sustainable drainage methods as per the recommendations of the Surface Water Drainage Strategy by RPS dated 3 June 2021. 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 and policy DM43 of City Plan Part Two.

8. The development hereby permitted shall not commence 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, policy DM20 of City Plan Part Two, and CP12 of the Brighton and Hove City Plan Part One.

9. Notwithstanding the approved plans, other than demolition no development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority providing full details of two units which are in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings). These units 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 and Hove Local Plan, and policy DM1 of City Plan Part Two.

10. No development (other than demolition works) shall commence until 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 "Very Good" has been submitted to, and approved in writing, by the Local Planning Authority.

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

11. No development above ground floor slab level of any part of the development hereby permitted shall take place until a Scheme of Management and Layout of the vehicle parking areas has been submitted to and approved in writing by the Local Planning Authority. The scheme must include the following measures: - Details of the layout of the bays and access within the car park, and any other motor vehicle parking areas. Including resident, visitor and motorcycle bays
- Details of how each car parking space will be allocated and managed.
  - Details of measures to ensure that each car parking space is for the sole use of its allocated owner and/or those they permit to use said space.
  - Details of disabled parking bays
  - Details of servicing bays
  - Details of keep clear areas

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

**Reason:** To ensure the development maintains a sustainable transport strategy and to comply with policies TR7, TR12, TR14 and TR18 of the Brighton & Hove Local Plan, policy DM33 of City Plan Part Two, and CP9 of the City Plan Part One

12. No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
- a) samples of all brick, render and tiling (including details of the colour of render/paintwork to be used)
  - b) samples of all cladding to be used, including details of their treatment to protect against weathering
  - c) samples of all hard surfacing materials
  - d) samples of the proposed window, door and balcony treatments including any glazing
  - e) 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 policy QD14 of the Brighton & Hove Local Plan, policy DM18 of City Plan Part Two, and policy CP12 of the Brighton & Hove City Plan Part One.

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

**Reason:** To ensure adequate foul sewage drainage/treatment is available prior to development commencing and to comply with policy SU5 of the Brighton & Hove Local Plan and policy DM43 of City Plan Part Two.

14. No development above ground floor slab level of any part of the development hereby permitted shall take place until the following has been submitted to and approved in writing by the Local Planning Authority:
- Details of low-carbon provision of heating and hot water.
  - Details of the rooftop solar array layout
  - Details of the green roofs planting and substrate, along with a Biodiversity Net Gain calculation and an ongoing management strategy.
  - Overheating assessment of single-aspect dwellings
  - A water calculator showing how the targeted 95 litres / person / day will be achieved.

Development shall be carried out in strict 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.

15. The development hereby permitted shall not be first occupied until
- i) details of external lighting, which shall include details of; levels of luminance, hours of use, predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors, hours of operation and details of maintenance have been submitted to and approved in writing by the Local Planning Authority.
  - ii) the predicted illuminance levels have been tested by a competent person to ensure that the illuminance levels agreed in part 1 are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed in part i): 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, and policies DM20 and DM40 of City Plan Part Two.

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

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

**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD15 of the Brighton & Hove Local Plan policy DM22 of City Plan Part Two, and CP12 and CP13 of the Brighton & Hove City Plan Part One.

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

**Reason:** To safeguard these protected species from the impact of the development and ensure appropriate integration of new nature conservation and enhancement features in accordance with policies QD18 of the Brighton & Hove Local Plan, policy DM37 of City Plan Part Two, and CP10 of the Brighton & Hove City Plan Part One and SPD11: Nature Conservation and Development.

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

**Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan, and policy DM33 of City Plan Part Two.

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

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

20. Notwithstanding plans hereby permitted, details of disabled parking facilities shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

**Reason:** To ensure the development provides for the needs of disabled residents and visitors to the site and to comply with policy TR18 of the Brighton & Hove Local Plan, policy DM33 of City Plan Part Two, and SPD14 guidance.

21. The development hereby permitted shall not be occupied until a Delivery & Service Management Plan, which includes details of the types of vehicles, how deliveries will be scheduled, take place and otherwise be managed, and the



frequency of deliveries, shall be submitted to and approved in writing by the Local Planning Authority. All deliveries shall thereafter be carried out in accordance with the approved plan.

**Reason:** In order to ensure the safe operation of the development and to protect the amenities of nearby residents and to comply with policies TR7, SU10, QD27 and SR4 of the Brighton & Hove Local Plan, policies DM20 and DM33 of City Plan Part Two, and SA2, CP4, CP5, CP9, CP12, CP13 and CP15 of the City Plan Part One.

22. 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 DM20 of City Plan Part Two, 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.

23. Within 6 months of first occupation of the development hereby approved, 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 "Very Good".

**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.

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

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

25. No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.

**Reason:** To safeguard the appearance of the building and the visual amenities of the locality and to comply with policy CP12 of the Brighton and Hove City Plan Part One.

26. The development shall be carried out in accordance with the noise mitigation measures set out within the Acoustic Design Statement JAE11133\_Report01\_Rev1 received 13 May 2020. The separating ground floor and first floor partition shall be designed to ensure that the vertical airborne

sound insulation performance achieves 5dB(A) better than Building Regulations Approved Document E.

**Reason:** To safeguard the amenities of the future occupiers of the development and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan, and policies DM20 and DM40 of City Plan Part Two.

27. Noise associated with plant and machinery incorporated within the 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 5dB below the existing LA90 background noise level. The Rating Level and existing background noise levels are to be determined as per the guidance provided in BS 4142:2014. In addition, there should be no significant low frequency tones present.

**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, and policies DM20 and DM40 of City Plan Part Two.

28. The employment use hereby approved shall be used as offices E(g) 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:** The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the supply of office floorspace in the city given the identified shortage and also to safeguard the amenities of the area and to comply with policy CP3, policy QD27 of Brighton & Hove City Plan Part One, and policy DM20 of City Plan Part Two.

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. To discharge the surface water drainage scheme condition, the applicant will need to provide:
  - A detailed design including details and locations of the drainage infrastructure.
  - Calculations to confirm that the final proposed drainage system will be able to cope with both winter and summer storms for a full range of events and storm durations based upon the 1% AEP plus 40% increase in rainfall intensity due to climate change.
  - A management and maintenance plan for the final drainage design for the proposed development incorporating all elements and confirming ownership and management responsibilities.
3. In the light of the forthcoming Future Homes Standard, the developers should review their proposals to ensure they do not quickly become out of date,

particularly with respect to carbon emissions, heating and hot water, and ventilation.

4. The applicant is advised that the CEMP also includes the following information:
  - Due to the sensitive nature of Regent Hill being a main public transport route it is recommended that the applicant consults Brighton & Hove Buses before submission.
  - Details of any oversailing of the highway construction, falsework, formwork and scaffolding
  - Details of use of any cranes, lifts, escalators and lifting vehicles
  - Details of any Department for Transport Abnormal Load Notification and/or Order
  - A commitment to implement vehicle cleaning and drainage facilities to prevent mud and dirt being trafficked onto the highway from the site or being washed onto it.
  - A commitment that any temporary traffic management measures and/or marshalling of traffic on the highway, including that of both construction traffic and general traffic, shall be undertaken by Contractors holding National Highways Sector Scheme 12(d) certification.
  - A commitment to register the site during construction with the Considerate Constructors Scheme (CCS) and the Construction Logistics & Community Safety scheme (CLOCS), to retain that certification for the duration of the works and to comply with all mandatory requirements of the related Codes, to arrange associated monitoring visits every 4 months, and to make the monitoring reports available to us.
  - A commitment that the Principal Contractor for both demolition and construction shall have Silver certification under the Fleet Operators Recognition Scheme (FORS).
  
5. Existing Controlled Parking Zone/Residents' Parking Scheme: You are advised that details of the development will be passed to B&HCC as Traffic Authority administering the Controlled Parking Zone, of which the development forms part, so they can determine whether occupiers should be eligible for residents' parking permits.

## **2. SITE LOCATION**

- 2.1. The application relates to a large carpark in the north-eastern corner of the wider P&H building site. The car park runs under and behind the P&H House building and wraps around the western side elevation. The wider site is currently occupied by the P&H building, set within a large plot comprising a substantial car park which extends under the building.
  
- 2.2. Both the application site and wider P-&H House site have planning history which is relevant to consideration of the site location, given what has permission to come forward, and what is currently being considered.
  
- 2.3. There is a planning application (ref. BH2020/00781) currently at appeal for non-determination for a similar scheme, namely the "Erection of a new six storey

(above 1.5 storey undercroft) building comprising 43no flats (C3), with undercroft parking, associated access and landscaping.”

- 2.4. Palmer And Harvey (P&H) House is a 7-storey office block which also has a large expanse of hardstanding to the north of Davigdor Road. The building was previously used for office and is currently vacant. The building is finished in red brick and mirrored glass and is set well back from the street frontage, partially behind Preece House. To the west/south of the building is an area previously lawned and containing trees which have recently been felled.
- 2.5. The existing P&H House building is subject to a Prior Approval (BH2019/03783) for conversion of part of the existing building from B1 office space to 78 residential units (approved March 2020) and a separate planning permission (BH2020/00895) to add an extra storey for additional residential apartments along with a small extension to the front of the building to create additional B1 office space (approved September 2020).
- 2.6. As set out further below, the wider site includes a number of permissions in recent years for various developments, including residential conversions and extensions of the existing P& H building.
- 2.7. P&H building is flanked to the west by a construction site (113-119 Davigdor Road) which has an extant permission for an 8-storey residential office/residential block. To the east of the application site is the Montefiore Hospital which is a locally listed heritage asset. An application for a four-storey extension to the Montefiore Hospital to the east of the site has been minded to grant by Planning Committee, subject to a s106 agreement. To the north of the site is Lyon Close and the Peacock Trading Estate which comprises a number of large-scale retail/warehouse units. This site is subject to an approved development of 4 buildings (between 6 and 8 storeys) for 152 dwellings, 2 live/work units and office accommodation (BH2018/01738).

### **3. RELEVANT HISTORY**

- 3.1. BH2020/00781 Erection of a new six storey building comprising 43no flats (C3), with undercroft parking, associated access and landscaping - Appeal in Progress.
- 3.2. P&H House  
BH2021/00391 Erection of an additional storey and extension to third floor to provide 7no two bedroom flats & 1no one bedroom flat (C3) plus external alterations to the existing building - Approved 30/06/2021
- 3.3. BH2020/00895 Erection of an additional storey and extension to fourth floor to provide 7no two bedroom flats & 1no one bedroom flat (C3), erection of 3 storey front extension to create a further 298sqm of office space (B1) together with associated external alterations, access, car parking and landscaping - Approved 17.09.2020.

- 3.4. BH2019/03783 Prior Approval for change of use from office (B1) to residential (C3), to form 78no. one bedroom flats - Approved 10/03/2020.
- 3.5. BH2019/01739 Prior Approval for change of use from offices (B1) to residential (C3) to form 92no one bedroom flats - Approved 07/08/2019.
- 3.6. BH2019/01619 Prior Approval for change of use from offices (B1) to residential (C3) to form 86no flats, comprising 49no one bedroom units and 37no two bedroom units - Withdrawn 04/07/2019.
- 3.7. BH2014/03006 Prior Approval for change of use from offices (B1) to residential (C3) to form 57no flats - Approved 20/10/2014
- 3.8. BH2008/00919: Smoking shelter at third floor level on roof podium - Approved 23/05/2008.
- Land South of P&H House
- 3.9. BH2021/00633 Erection of a three storey building with roof terrace to provide new office space (E) - Refused 26/08/2021 (Appeal in Progress)
- Montefiore Hospital
- 3.10. BH2016/02850 - Erection of four storey side extension with roof top plant to existing hospital with re-arrangement of existing vehicular access and car parking - Awaiting decision
- Land At Lyon Close
- 3.11. BH2018/01738 Demolition of existing buildings (B8) to facilitate a mixed use development comprising of the erection of 4no buildings between 6 and 8 storeys to provide 152 dwellings (C3), 2 live/work units (sui generis) and 697sqm of office accommodation (B1) with associated car and cycle parking, landscaping and other related facilities - Approved 31/07/2019
- 113 - 119 Davigdor Road
- 3.12. BH2018/02926 Erection of a new part 5 storey, part 8 storey building providing 894sqm of office space (B1) at ground floor level, and 52no residential flats (C3) at upper levels. Creation of basement level car and cycle park, landscaping and other associated works - Approved 31/03/2020
- Preece House 91-103 Davigdor Road
- 3.13. BH2021/02667 Prior Approval for a change of use of the ground, first, second, third and fourth floors from office (B1a) to residential (C3) to create 35no. flats - Prior Approval Required Approved 23/09/2021

#### **4. APPLICATION DESCRIPTION**

- 4.1. This application seeks permission for the erection of an eight-storey building to the east of the site, in an area which is currently used as a car park used in association with the main office building. P&H House would be retained, and the development site would be set in the north-east corner, including parking to the

rear, and using the existing vehicle access running from Davigdor Road under the existing building. The proposed building would include 39 flats within the upper levels and 173sqm of commercial/office floorspace at ground floor level.

- 4.2. The proposal is an amended submission of an earlier application (BH2020/00781) for a six-storey block of 43 flats which is currently subject to an Appeal against non-determination (ref. APP/Q1445/W/20/3266006).
- 4.3. Following receipt of consultation comments, the applicant submitted amendments to the scheme as follows:
  - Rotated and re-sited position, plan form and orientation of building
  - The no. of residential units has been reduced from 41 to 39
  - Alteration to site plan to include existing access route and existing car park.
  - Segregated pedestrian/cycle path from the Davigdor Road site entrance to the building entrance.
  - Relocation of building entrance and alterations to outdoor amenity spaces
  - Omission of the setback top storey and replaced with integrated split level roofscape. Primary brick work raised to align with the brick parapet level
  - Alterations to materials with red brick as primary material
  - Relocation of north-facing balconies to west elevation
  - balustrade added to the 1st floor flat roof
- 4.4. The following additional information was provided during the application:
  - Contextual analysis
  - Sustainability Statement
  - Tall Buildings Statement
  - Transport Statement & Daily Traffic Considerations
  - Fire Statement
  - Sunlight/Daylight Assessment & Addendums

## 5. REPRESENTATIONS

- 5.1. **Five (5)** letters of representation have been received objecting to the proposed development for the following reasons:
  - Overbearing
  - Dominate streetscene
  - Highway safety
  - Increased parking pressure
  - Insensitive to locally listed Montefiore Hospital
  - Overdevelopment
  - Poor design
  - Impact on amenity (outlook, privacy, daylighting, and overshadowing)
  - Too close to boundary

## 6. CONSULTATIONS

### External

- 6.1. **Conservation Advisory Group: Objection**  
 The Group recommends refusal with due to overdevelopment, views from Montefiore Road, Addison Road and Old Shoreham Road will be adversely affected as will the long view from St Ann's Well Gardens, and does not enhance the existing street scene and will adversely affect the two locally listed buildings - the Coptic Church and the Montefiore Hospital
- 6.2. **County Archaeologist: No objection**  
 Although this application is situated within an Archaeological Notification Area, based on the information supplied, County Archaeology do not believe that any significant archaeological remains are likely to be affected by these proposals.
- 6.3. **East Sussex Fire & Rescue Service: Comment**  
Initial Comments  
 The plans and supporting correspondence do not contain enough information to determine whether or not access for fire appliances is satisfactory. The Fire Authority are therefore unable to comment at this time and request a further submission containing detailed access proposals.
- Further Comments
- 6.4. The team have now fully reviewed the proposal and are satisfied that Option 1 as detailed in the Fire Statement/Strategy will be acceptable.
- 6.5. **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.
- 6.6. **Southern Water: No objection**  
 Southern Water have advised that they can provide foul and surface water drainage to service the proposal. Appropriate disposal of surface water shall be provided and a formal application to connect to the sewerage system is required. Details of means of foul and surface water drainage are required.
- 6.7. **Sussex Police: No objection**  
 Security measures are recommended including access control implemented into the layout, external/wall mounted post boxes for residents, adequate security lighting, CCTV and secure cycle parking.
- 6.8. **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
- 6.9. **Air Quality: No Objection**  
Initial Comments  
 Insufficient information to recommend approval, Confirmation required of daily vehicle trips to be generated per day in addition to the extant use with Transport Team, and confirmation there is no combustion on site.

Further Comments

- 6.10. Car parking on the site shall comply with Part S of the 2021 Building regulations that sets out minimal proportions of electromotive ready charging points. The Transport Authority agrees with vehicle trips estimations due to the development passing through Air Quality Management Area: AQMA1 due to this development proposal. Other AQMAs are remote from the site.
- 6.11. **City Clean** : No objection
- 6.12. **City Regeneration**: No objection  
Employment & Skills have no adverse comments regarding this application. It was noted that this new proposal does not involve demolition or additional floors added to the former P & H House building as the development would be constructed to the rear of the building on the site of the P & H House building car park. The amended proposal will provide 173 sqm commercial floorspace on the ground floor which could provide 14 FTE opportunities. Should this application be approved, this development falls within the criteria that will require the applicant to submit developer contributions, in line with the Planning Authority's Technical Guidance for Developer Contributions.
- 6.13. **Environmental Health (Land Contamination)**: Comment  
The Delta Simons phase 1 desk study report flags that P&H House has a former industrial/commercial use including former uses as a builder's yard and garage with reference to former and current underground fuel storage. The report related specifically to conversion of P&H House not development of land to the rear. It recommends an intrusive investigation with the work to include groundwater and gas monitoring. Recommend that a contaminated land planning condition is applied to this development.
- 6.14. **Environmental Health (Noise)**: Comment  
The approach within the Acoustic Design Statement presents a risk assessment of the daytime and night time sound pressure levels (measured 28/11/2019-4/12/2019) and concludes that there is a negligible to low risk associated with the development of the site.  
  
The predicted daytime and night time sound pressure levels are relatively low for the site and the report concludes that no specific acoustic design measures are needed to protect future occupants. The report is considered to be robust, albeit conditions should be considered in respect of protecting first floor residential occupants from ground floor commercial noise/soundscapes.
- 6.15. **Housing Strategy**: Comment  
In this application the developer provided a viability report which identified a financial surplus as available for affordable housing. No affordable homes were proposed on site. Council policy requires financial viability proposals to be independently verified and this was forwarded to the District Valuer Service (DVS) for this service. The DVS concluded that 10 affordable homes made up of 7 x affordable rent and 3 x low cost ownership flats could be viably provided on site.



- 6.16. Affordable housing would usually be provided by a Registered Provider and the developer is required to approach RPs (including the council) and negotiate with them for the affordable housing. If no purchaser can be found the council may accept a commuted sum in lieu of affordable housing on site. This is an agreed policy position and funds provided can be used to support council housing initiatives to provide additional housing in the city.
- 6.17. **Planning Policy:** Comment  
The application site forms part of a larger area at Lyon Close which is allocated in CPP2 Policy SSA3 for comprehensive mixed use redevelopment. There is already sufficient residential provision in the form of completions and extant commitments at Lyon Close to meet the overall Policy SSA3 target minimum of 300 residential units. This application would potentially provide additional housing which would help to meet the overall City Plan housing target and the 5-year housing supply shortfall.
- 6.18. If following independent assessment, it is accepted that the scheme cannot currently provide 40% affordable housing, then provision should be made for a future viability review.
- 6.19. **Private Sector Housing:** No objection
- 6.20. **Sustainability:** No objection  
Conditions are recommended for carbon emissions including investigation of low-carbon provision of heating and hot water, details of the rooftop solar array layout, details of the green roofs planting and substrate along with a Biodiversity Net Gain calculation, overheating assessment of single-aspect dwellings, and a water calculator showing how the targeted 95 litres / person / day will be achieved.
- 6.21. **Sustainable Drainage:** No objection  
The Lead Local Flood Authority acknowledges the submission of Surface Water Drainage Strategy - HLEF80380. Approval of the application recommended subject to conditions
- 6.22. **Sustainable Transport:** Comment  
Initial Comments  
The Sustainable Transport Team unable to recommend approval of the scheme due to a lack of information to assess the potential impact, particularly in relation to:
  - Further information on step-free access for pedestrian access routes
  - Lack of information regarding the numbers and allocation of car & cycle parking for the proposed development and the existing/proposed parking for the wider site.
  - the number of wheelchair accessible units, and therefore the provision of disabled car parking is unclear.Further Comments
- 6.23. Acceptable subject to the inclusion of conditions, informatives and obligations

6.24. **Urban Design Officer:** Comment  
Initial Comments

The principle of redevelopment of this site is welcomed. It is considered that there is capacity for the site to accommodate mixed use development in conjunction with the retention of the existing P&H House. However, due to the retention of P&H House, available developable area is tightly constrained and, as a result, site layout and massing considerations are complex.

- 6.25. No contextual analysis, site strategy, or design development has been presented to justify the proposed design and, whilst some attributes are successful including the south facing shared amenity space, proposed site layout and massing present significant concerns regarding the proximity of the proposed block to adjacent existing and approved buildings and the impact of this on the quality of internal and external space as well as townscape.

Further Comments

- 6.26. Proposals present positive design aspects which respond well to prevailing context in site layout, massing and appearance / materiality. Recent revisions present improvements to the pedestrian / cyclist access strategy, landscape / amenity function, private amenity provision, and appearance / materiality.
- 6.27. Some recommendations are offered regarding SUDS and carbon emissions, as well as some other minor recommendations on appearance and internal layout, dealt with by condition, and the overall recommendation is to support these proposals.

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

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

TR4	Travel plans
TR7	Safe Development
TR14	Cycle access and parking
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
QD5	Design - street frontages
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
HE6	Development within or affecting the setting of conservation areas
HE10	Buildings of local interest
HE12	Scheduled ancient monuments and other important archaeological sites

### Brighton & Hove City Plan Part Two

The Inspector published her Final Report into the Examination of the City Plan Part Two 19 July 2022. The Report is a material consideration. The Inspector has concluded that with her recommended changes (the schedule of changes as appended to the Report) that the Plan is sound and can be adopted. The Inspector's report concludes the examination of City Plan Part Two. City Plan

Part Two policies, as amended by the Inspector's schedule of Main Modifications, can be afforded significant weight but they will not have full weight until the City Plan Part Two is formally adopted.

DM1	Housing Quality, Choice and Mix
DM9	Community Facilities
DM11	New Business Floorspace
DM18	High quality design and places
DM20	Protection of Amenity
DM22	Landscape Design and Trees
DM26	Conservation Areas
DM29	The Setting of Heritage Assets
DM33	Safe, Sustainable and Active Travel
DM37	Green Infrastructure and Nature Conservation
DM40	Protection of the Environment and Health - Pollution and Nuisance
DM41	Polluted sites, hazardous substances & land stability
DM43	Sustainable Drainage
SSA3	Land at Lyon Close, Hove
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
SPD17	Urban Design Framework

## 9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of residential/commercial development of the site, the proposed residential units and affordable housing contribution, the impact of the design on the street scene and wider views, neighbouring amenity, sustainable transport impacts including parking demand, landscaping, ecology/biodiversity and contribution to other objectives of the development plan.

**Principle of the Development:**

- 9.2. The key planning policy background to the principle of the site's redevelopment is set out in City Plan Part 2 (CPP2) Policy SSA3 and the accompanying Design Principles for Lyon Close which indicate the Council's aspirations for the future development of the site for comprehensive mixed-use development.
- 9.3. The site forms part of a wider allocation proposed in CPP2 Policy SSA3 (which can be afforded significant weight) for comprehensive mixed-use redevelopment to deliver more effective and coordinated use of the whole site. Across the whole allocation, the policy seeks:
- The retention/replacement of a minimum 5,700 sq.m net B1a office floorspace, (including 1,000 sq.m at P&H House);
  - a minimum of 300 residential units;

- expanded D1 health facilities (GP surgery) and/or community use subject to demonstration of need and deliverability; and
  - ancillary small-scale retail uses.
- 9.4. Further, in terms of housing provision, Policy CP1 in City Plan Part One sets a minimum housing target of 13,200 new homes for the city up to 2030. However, on 24 March 2021 the City Plan Part One reached five years since adoption. National planning policy states that where strategic policies are more than five years old, local housing need calculated using the Government's standard method should be used in place of the local plan housing requirement. The local housing need figure for Brighton & Hove using the standard method is 2,311 homes per year. This includes a 35% uplift applied as one of the top 20 urban centres nationally. The council's most recent housing land supply position is published in the SHLAA Update 2021 which shows a five-year housing supply shortfall of 6,915 (equivalent to 2.1 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).
- 9.5. Therefore, the principle of development of the site relates to the acceptability of a mixed use residential/commercial scheme within the site. As set out above, the wider site is currently occupied by a seven storey office building set within a large plot comprising a substantial car park which extends under the building. The proposed development would involve the erection of an eight-storey building to the north-west corner of the site - an area currently used for car parking.
- 9.6. The aspirations within policy SSA3 are written with the assumption that the entire site would be redeveloped as opposed to the re-use of the existing building and redevelopment of the existing carpark. However, the redevelopment of the wider site has not been forthcoming. There are a number of other extant permissions on the site, in addition to several currently under consideration including the Prior Approval (BH2019/03783) for conversion of part of the existing building from B1 office space to 78 residential units (approved 10 March 2020) and a separate planning application (BH2020/00895) to add an extra storey to P&H House for additional residential apartments along with a small extension to the front of the building to create additional B1 office space (approved 17 Sept 2020).
- 9.7. City Plan Part One policy CP14 sets out policy for considering the density of housing development in the context, particularly, of making the most efficient use of the limited land available. It seeks that new residential development be at a minimum of 50 dwellings per hectare (dph) providing it contributes to the creation of sustainable neighbourhoods and meets the following summarised criteria: high standard of design/townscape; respects local character; tenure/mix/dwelling type meet local need; is accessible; served by local facilities and has appropriate outdoor recreation space.

- 9.8. The proposed residential density is relatively high at 260dph, though in the context of the taller buildings that surround the site it is not considered to be out of character to the area and would accord with policy CP14 in respect of density.
- 9.9. CPP2 Policy SSA3 seeks delivery of a minimum of 300 residential units across the wider Lyon Close allocation. This has already been achieved through the existing/approved development on neighbouring sites. A total of 351 residential units has already been completed or are currently subject to planning permission or Prior Approval: 47 units already built at 121-123 Davigdor Road (Artisan); 152 units permitted at Lyon Close; 52 units permitted at 113-119 Davigdor Road; 92 units with Prior Approval and 8 additional units with planning permission at P&H House). This application would provide an additional 39 residential units which would help to meet the overall City Plan housing target and the 5-year housing supply shortfall. Increased weight should be given to housing delivery in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 9.10. Overall, the predominantly residential redevelopment of the site is acceptable in principle. Criterion b) of Policy SSA3 states that all proposals will be expected to contribute to the provision of a range of office and flexible workspaces including medium floor plate offices and start up business floorspace suitable for small business. The application proposes 173m<sup>2</sup> commercial/office use (Class E) at ground floor level which would comply with the requirements of Policy SSA3 and is preferable to the undercroft car parking proposed in the Appeal scheme.
- 9.11. The proposed office/commercial space would fall under the broad Class E (Commercial, Business and Service uses) in the revised Use Classes Order. Therefore, in accordance with Policy SSA3 a condition is required to restrict activities to Class E(g) office use only.
- 9.12. The location is well located for high density development, with good access to local facilities and services (including health, recreation, schools and utilities), and being 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.
- 9.13. 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 Mix:

- 9.14. Policy CP19 requires that proposals have had regard to housing mix considerations and have been informed by local assessments of housing demand and need. A demographic analysis of the demand/ need for homes in the city over the plan period indicates that an estimated 65% of the overall demand/need (for both market and affordable homes) will be for two and three bedroom properties (34% and 31% respectively); followed by 1 bedroom properties (24%) and four-plus bedroom properties (11%). In terms of the

demand for market housing, the greatest demand is likely to be for two- and three-bedroom properties (35% and 36% respectively); while for affordable housing the majority of the requirement is likely to be for one- and two-bedroom homes (46% and 33% respectively) although there is also likely to be a considerable requirement for three or more bedroom sized properties.

- 9.15. Following amendments to the scheme, the proposed development would provide 23 x 2 no. bedroom (59%) and 16 x 1 no. bedroom flats (41%), so heavily skewed towards smaller units. There is potential conflict with Policies CP19 and SA6 which encourage developments to provide a housing mix that will help create mixed and sustainable communities, weighing against the scheme when the proposal is assessed in its totality. However, with the significant benefits of the housing units being provided, consideration of site layout/massing in this constrained site, and the viability of this scheme to provide affordable housing which would be compromised further with a higher percentage of larger units, the lack of three-bed units is not considered to be so significant as to warrant refusal of the scheme in this instance.

Affordable Housing:

- 9.16. For schemes of 15 units or more, policy CP20 sets out that up to 40% of the proposed units should be affordable. The 40% target may be applied more flexibly where the council considers this to be justified. CP20 states that the financial viability of developing the site holds significant weight in the decision-making process. In the case of the application scheme of 39 units, this would equate to an affordable housing provision of 16 units.
- 9.17. The policy wording of CP20 advises that the target of 40% may be applied flexibly where it is considered to be justified in light of various criteria including, among others: the costs relating to the development; in particular the financial viability of developing the site (using an approved viability model); the extent to which affordable housing would prejudice other planning objectives; and, the need to achieve a successful housing development.
- 9.18. A Financial Viability Assessment was submitted with the application in order to assess whether or not the provision of 40% on site affordable housing would be viable. Officers requested the District Valuer Service (DVS) provide an independent review of this evidence. The DVS advised in the final review that the proposed scheme was not capable of providing a fully policy compliant scheme of 40% affordable housing. It was concluded that the proposed development is able to support the proposed affordable housing contribution of 10 no. affordable homes (25.6%) consisting of 7 x Affordable Rent Units and 3 x low-cost ownership units as well as and CIL payments, with a small surplus remaining.
- 9.19. This follows the sentiment of Paragraph 64 of the National Planning Policy Framework (NPPF) which states, 'Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership'.

- 9.20. Homes available through planning gain have traditionally been provided through Registered Provider (RP) partners, however sites with smaller numbers of homes have more recently been rejected for purchase by the RPs as not viable. The Council therefore consider alternative ways in which the affordable housing can be provided. This includes looking at council purchase of homes direct, and commuted sums in lieu of onsite provision. These options will be considered if there is no RP take up at this development.
- 9.21. Final details of the numbers, type, tenure and location on the site of the affordable housing and its management by a suitable registered social landlords (RSL) are secured within the s106 heads of terms. A review mechanism is proposed to be included as an obligation in the legal agreement to ensure that the viability of the scheme is reappraised at a later date when actual costs and values are known and if there is any uplift in the development value, a proportion of this can be captured as a financial contribution.

**Standard of Accommodation:**

Internal Layout:

- 9.22. The proposed development would provide 39 dwellings set over eight storeys with no units located at ground floor level.
- 9.23. The 'Nationally Described Space Standards' (NDSS) were introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments. City Plan Part 2 proposes to adopt these standards as part of emerging Policy DM1, which can be given significant weight, so they are pertinent to the consideration of this application. The NDSS provide useful guidelines on acceptable room sizes that would offer occupants useable floor space once the usual furniture has been installed.
- 9.24. The NDSS identifies a minimum floor space for a 1bed-2person flat as 50m<sup>2</sup> (proposed units are 51.2m<sup>2</sup> and 50.7m<sup>2</sup>), and a 2bed-3person flat as 61m<sup>2</sup>. (proposed units are 68.2m<sup>2</sup>). All units would comply with the minimum standards, and the size and layout of each unit is generally considered acceptable. Following amendments to the siting, footprint and orientation of the proposed building, there have been significant improvements to natural light, ventilation and outlook levels for many units.
- 9.25. 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. The ratio of single-aspect dwelling units is improved in revised proposals, from 50% in the appeal application, 30% in the original plans in this application, and now 33%. Given the constraints on the site, and the general improvements to standard of accommodation elsewhere in the proposals, the proposed ratio is considered an acceptable level in this instance.
- 9.26. There will be some inevitable level of mutual overlooking between the windows and balconies of the proposed building and neighbouring development. 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. It



is acknowledged that the amendments to the siting and orientation of the building have improved privacy levels and minimised overlooking.

- 9.27. 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.
- 9.28. In regard to access standards, a lift is proposed allowing access to all residential units proposed. At least 5% fully wheelchair accessible homes are required in order to accord with Local Plan Policy HO13 equating to 2 units. This is confirmed to be provided on the first floor and the scheme as such would be secured by condition.

Outdoor Amenity Space:

- 9.29. 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. Schemes should aim to provide private amenity space through balconies and/or garden space, as a sense of ownership of external space is important to any home but especially important to high density residential schemes such as proposed here.
- 9.30. All units would benefit from private amenity space in the form of balconies or terraces, which is welcomed. Following amendments to the scheme, north-facing balconies have been repositioned to be west-facing to improve sunlight levels and be further away from the existing trees on the north boundary. The proposed roof terrace at 7th floor level would provide additional external amenity, and amenity space is provided at ground floor level which as improved in design and quality following amendments to the site layout. This includes a dedicated children's play space in the south-east corner. Overall, it is considered that private and shared amenity space is acceptable.

Daylight/Sunlight:

- 9.31. Planning policy notes the provision of balconies for private amenity space is supported where possible, but it also highlights the need to minimise the loss of daylight and sunlight protruding balconies may cause. Concerns were also raised in relation to the previous application (BH2020/00781) due to the number of single-aspect units, in combination with the orientation of the block, facing east/west rather than due south. Following amendments to the scheme in respect of site layout and improved standoff distances between neighbouring buildings, the opportunities for acceptable light levels within units have significantly improved.
- 9.32. 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.

- 9.33. The BRE review outlined that the results suggested that daylight recommendations would be comfortably met for all rooms, noting the large windows and a number of living areas having some dual aspect. The single aspect units to the west have rooms that are relatively deep in plan, however the levels of glazing appear to allow light levels to be appropriate. Many of the living rooms within the development would meet the sunlight recommendations and appear to have a window facing within 90 degrees of due south, allowing good potential for sunlight levels.

Noise:

- 9.34. Planning policy seeks to ensure that all new developments minimise the impact of noise on the occupiers of proposed buildings, neighbouring properties, and the surrounding environment. The proposed building would be set back from Davigdor Road. A Noise Impact Assessment has been submitted to address potential disturbance from traffic movements along Davigdor Road which would be the dominant sound source. The Assessment concludes that noise would be a low risk factor in this instance. Measures to ensure appropriate noise levels within units can be secured by condition.

**Design and Appearance:**

- 9.35. Policy SSA3 criterion c) requires that development provides a high standard of design and amenity, whilst criterion d) requires that development should contribute to a coherent townscape; improved public realm and provide shared amenity space; biodiversity net gains, green infrastructure and wider landscaping enhancements through creative landscaping solutions.
- 9.36. Policy CP12 on urban design states that development should provide high quality design, create a sense of place, conserve and enhance the city's built archaeological heritage and settings and achieve excellence in sustainable building design and construction.
- 9.37. Policy CP15 specifically relates to protection and enhancement of heritage assets and the city's aim to conserve and enhance the historic environment will be in accordance with its identified significance, giving the greatest weight to designated heritage assets and their setting.
- 9.38. The application site includes a eight-storey office building and a substantial area of parking/hardstanding which extends under the eastern wing of the existing building. To the west and south-west corner of the site are further areas of hardstanding and sparse areas of planting/landscaping.
- 9.39. Immediately adjacent to the site to the south is Preece House, a five storey office building which obscures the majority of the application site from Davigdor Road. To the east of the site is the Montefiore Hospital, a four storey locally listed building which runs along Montefiore Road, parallel to the application site. The Montefiore Hospital currently has a pending full planning application for a four storey extension to the north, partially adjacent to the eastern elevation of the

proposal. Further along Montefiore Road to the north is Russell House, a three/four storey block of ten flats with a detached dwelling to the rear. To the north is Lyon Close, a street set significantly lower than the application site containing several large commercial/warehouse buildings, with an extant permission for a residential redevelopment. The vicinity of the site comprises a mixture of building typologies, ranging from eight storey blocks of flats to two storey dwellings. The application site, although relatively open as existing, is restricted to some degree due to the irregular shape, the closeness of adjacent building and the retention of P&H House.

- 9.40. As set out above, the proposal seeks permission for an eight storey block containing 39 flats and office floorspace at the ground floor level, located in a single block situated to the east of the existing P&H House, accessed from Davigdor Road.

Site Layout:

- 9.41. As originally submitted, there were concerns regarding the lack of a thorough analysis local area and as a result, a lack of clear design vision and masterplanning. Little compromise or alterations had been made in order to successfully accommodate a building of this footprint and scale, which was evident due to the lack of 'breathing space' between it and surrounding buildings. The proximity to the existing P&H House some 5.2m to the west, and the Montefiore Hospital some 3m to the east would have resulted in a constrained development with insufficient spacing.
- 9.42. The revised proposals have successfully addressed the site access from Davigdor Road, with the pedestrian and cycle access route turning east before the existing P&H House undercroft and therefore away from the vehicle access. The access route and entrances to the building would now have a direct connection with the landscaped amenity space.
- 9.43. The siting and orientation of the building is significantly improved, set closer to the north boundary which has a generous standoff distance to the approved Lyon Close development, and would result in a less constrained built form, and increased separation distances to the east, west and south. The proposed standoff to the west (P&H House) is approximately 12.5m at its narrowest, while the proposed standoff to the east (Montefiore Hospital) ranges between approximately 4m and 13m due to the angle of the proposed plan, with an indirect aspect between proposed dwellings and the approved hospital extension.

Form/Scale/Massing:

- 9.44. The scheme falls under the City Plan definition of 'tall buildings' in Policy CP12. Although the site does not lie within an area specifically identified as suitable for significantly taller buildings, there are a number of tall buildings within the vicinity of the site. As set out in the submission, there have been a number of relatively recent permissions and implementations of larger residential blocks, and the existing P&H House building is a prominent feature within the local townscape. Furthermore, there are a number of historical taller buildings within the wider

area ranging from six to eight storeys. On this basis, it is considered that taller developments would not be resisted on this site.

- 9.45. The applicant has submitted 3D information within the submitted Design & Access Statement and a Tall Buildings Statement which illustrate the relationship of proposed massing and height with existing buildings in the vicinity, and it is considered that the submission appropriately demonstrates that the general scale of proposals is now comfortable within the setting.
- 9.46. The built form and roof top design is much improved, and the scale reduces from 8 to 7 storeys on the south end of the proposed block, which is also an improvement. The character and nature of the site and area is such that the proposed block would sit appropriately in this context.
- 9.47. It is unfortunate that the massing of the south-east corner of the building is set close to the hospital, however as set out above the site layout is improved in other respects, the design of the building in respect of amenity levels are not significantly affected, and given that the site is a back land location, the townscape would be unaffected by this.

Impact on nearby Locally Listed Assets:

- 9.48. CPP2 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.'
- 9.49. The site is adjacent to the distinctive locally listed Montefiore Hospital (former Hannington's depository) which has a domed corner turret which is prominent in the views along Davigdor Road. It is however not considered that the proposed development would have a significant impact on the setting of the building, especially in the important views from the east.
- 9.50. To the east of the site is the end of the Willett Estate Conservation Area (corner of Cromwell Road and Holland Road). It is considered that the existing development surrounding the site would limit any significant impact on Willett Estate Conservation Area.
- 9.51. The locally listed St Anne Well Gardens public park is located to the south, and the locally listed Dyke Road Park is set further away to the north of the site. The P&H Building is visible from both views. However given the distances involved, and the visibility of other surrounding tall buildings, it is unlikely that the development will appear out of context from views. Therefore it is not considered that the proposed development would have a significantly detrimental impact from these views.

Appearance, Detailing and Materials:

- 9.52. The overall elevational appearance is considered to successfully provide interest and texture to the development. The proposed materials would consist of a primary light-red brick, accent dark-red brick, charcoal engineering brick plinth, precast concrete balcony details with light grey metal balustrades and trims, and

a "Moss Grey" corrugated metal crown. It is considered that this material palette responds positively to the prevailing character of the area and relates to the adjacent approved Lyon Close development.

Landscaping:

- 9.53. The planted areas throughout the scheme are significantly improved in the revised scheme with less hard surfaced areas surrounding the building. Rain gardens are proposed in planting beds on the south and east for natural character and increased biodiversity. A communal residential roof terrace with raised planters, trees and seating is also proposed. The sustainability report indicates these areas may be planted with sedum or wildflowers. A detailed planting specification alongside the SUDS (raingardens) strategy is required by condition

**Impact on Amenity:**

- 9.54. Policy QD27 of the Brighton & Hove Local Plan and emerging Policy DM20 of City Plan Part 2 (which can be given significant weight) state 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.
- 9.55. The site is set within an area of mixed character with a number of commercial buildings within close proximity and several residential blocks further afield. The closest residential buildings to the site are:
- Russell house - three/four storey block of ten flats to the north-east of the site.
  - 4 Montefiore Road - two storey detached dwelling to the north-east (to the rear of Russell House).
  - Park Court, 80-86 Davigdor Road - 3/4 storey block of 27 flats to the south west, south of Davigodor Road.
  - 72-78 Davigdor Road (even) - four semi-detached two storey dwellings.
- 9.56. There are also notable extant residential permissions within the vicinity of the site including:
- P&H House - Prior Approval (BH2019/03783) for conversion of part of the existing building from B1 office space to 78 residential units (approved March 2020).
  - 113-119 Davigdor Road - 5/8 storey residential block to the west of the site (approved March 2020, ref. BH2018/02926).
  - Lyon Close - residential scheme of four blocks ranging from 6 to 8 storeys (approved July 2019, ref. BH2018/01738).
- 9.57. The proposed building would enclose an area of the site which is currently relatively open and therefore would result in a loss of amenity to some local residential units, however there are a number of larger blocks and extant permissions for residential blocks within the vicinity of the site. The resultant situation is not considered to result in significant harm given the character of the surrounding area, and it is considered that adequate spacing would be retained

to nearby residential units to ensure that the new buildings would not have an overbearing impact.

- 9.58. In regard to sunlight and daylight, the application submission includes a detailed Daylight/Sunlight report which assesses windows within adjacent neighbouring dwellings and has been independently reviewed by the Building Research Establishment (BRE). The results indicated that windows facing Preece House to the south would meet guidelines with only a minor impact. Windows in the lower floors of the closest two blocks at the Lyon Close development to the north would meet the guidelines and impact would be minor, although the balconies on the development would restrict sunlight provision in some cases. The rear of Montefiore Hospital closet to the development has no windows and the side (north) windows of the hospital would not be significantly affected given the proposed hospital extension (application BH2016/02850). Windows to Russell House to the north-east would meet the BRE vertical sky component and sunlight guidelines. The most impact neighbouring properties would be first to fifth floors of the north-east corner of P&H House where there would be loss of daylight, especially to the lower floors, and moderate loss of sunlight to five living rooms. However, some rooms appear to be dual aspect and so daylight to the rooms are likely to still be adequate. Overall it is considered that the loss of daylight/sunlight in some minor aspects would not warrant refusal of the application in this instance.
- 9.59. In regard to overlooking, the proposed development would include windows and balconies facing in all directions. The level of separation from the majority residential developments is considered sufficient to alleviate any significant loss of privacy or noise impact. The proposed balconies and windows would therefore result in some level of overlooking which does not currently exist. In this case, given the level of separation and the fact that 4 Montefiore Road to the north-east only has several small rooflights facing towards the proposed development, the level of harm would not be significant in this case.
- 9.60. With regards to P&H House, the proposed development would include a number of windows and balconies within relatively close proximity to the eastern flank wall and therefore there would be a level of inter-overlooking between the two developments. However, the units within this particular section of P&H House would retain outlook from other directions and therefore would be able to retain a level of outlook whilst ensuring privacy. The level of inter- overlooking is not considered significant enough to warrant refusal of planning permission in this case.
- 9.61. 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:**

- 9.62. 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).

- 9.63. The site is located on Davigdor Road which is a key transport route into the city and benefits from ample bus services and easy access into the centre. The site falls within an area where parking restrictions are in place. The existing site comprises a car park accessed from Davigdor Road, underneath P&H House.
- 9.64. A Construction Environmental Management Plan (CEMP)/Demolition Environmental Management Plan (DEMP) is recommended to be conditioned. This would address concerns about safety, amenity, noise and traffic during construction.

Access:

- 9.65. The proposed development would utilise the existing vehicle access. Following amendments to create a segregated pedestrian/cycle access route, the Local Highway Authority raise no objections to the proposed access for pedestrians, cycles and cars.

Servicing/Deliveries:

- 9.66. The existing main vehicle access off Davigdor Road will be used by service vehicles and refuse vehicles to enter the site and access loading/unloading areas.

Vehicle Parking

- 9.67. In the originally submitted plans, there was some overlap of parking arrangements with neighbouring sites. The site plan for the wider P&H House redevelopment includes 44 spaces. In the revised plans, it has now been clarified that 3 no. disabled parking spaces would be allocated to the proposed development, and the rest are not related to the proposal. A Car Parking Management Plan would be required by condition.
- 9.68. The site has the potential to result in overspill parking onto surrounding residential roads. The submitted Transport Assessment has sought to address this issue and includes a cumulative assessment of overspill parking. The surrounding streets would experience some parking stress in the day and evening with the addition of overall committed developments in the vicinity, taking the on-street parking close to capacity. The Transport Assessment takes account of the car club bays in the vicinity of the site that have been proposed as part of the committed developments.
- 9.69. The site is located in a Controlled Parking Zone (Zone O) which will mean demand for parking is managed, and double yellow lines restricting parking along Davigdor Road to the front and Lyons Close to the rear. The site is also in a sustainable location along bus routes and within a 15-20min walk from both Brighton & Hove Stations and the city centre. As such occupiers would not be solely reliant on car travel to meet their day-to-day needs. If necessary, parking

permits for residents of this development could be restricted through processes separate to planning. Further, measures in the Travel Plan to be secured by condition would also further increase travel by sustainable modes.

- 9.70. 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 affordable units. 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.
- 9.71. SPD14 advises that at least 10% of the car parking provision should have electric charging facilities, whilst at least a further 10% should have 'passive provision' allowing for their easy future conversion. This will be provided and secured by condition.

Cycle Parking:

- 9.72. With regards to cycle parking, the updated plans proposes 18 cycle spaces in Sheffield Stands and 42 cycle spaces in two-tier racks. This quantum accords with SPD14 standards, and the level of provision would be secured by condition.

Trip Generation:

- 9.73. The Local Highway Authority do not consider that the proposed development would have a material impact on the surrounding highway network. The impact on air quality is addressed below.

**Sustainability:**

- 9.74. 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.
- 9.75. The submitted Sustainability Statement outlines the longevity and durability of proposed brickwork, and that proposed metal cladding is fully recyclable, which all reduces the embodied carbon of proposals.
- 9.76. Solar panels (the principle source of carbon reductions for the development) and areas of green roofs are proposed at roof level. A rainwater harvesting system will be provided at roof level for irrigation of planting. The submitted Energy Statement indicates that no other site-wide renewable energy or heat sources, such as air source heat pumps, are suitable due to a lack of available plant space or other site constraints
- 9.77. The dual aspect units allow natural cross-ventilation, and have some shading to south-facing glazing. The reliance on gas combi boilers for heating should be reconsidered, given the recent changes to the building regulations now require a 30% improvement to CO2 emissions over current Part L standards. Details are required by condition.



- 9.78. Water standards shall be secured by condition to addresses policy CP8 requirements. A further condition is proposed to secure a BREEAM rating for the non-residential element of the scheme.

**Other Considerations:**

Air Quality:

- 9.79. The site is not located in an Air Quality Management Area. The development will not add sufficient traffic to warrant a detailed air quality assessment. On ground of air quality there is no objection to the proposals.

Flood risk:

- 9.80. The site is considered to be in an area of low risk of surface water flooding. There is no indication of how the proposed raingardens or permeable paving relate to the overall surface water drainage strategy and so full details of the surface water drainage strategy are required to ensure SUDS features are key components. Recommended conditions can adequately deal with any future flood risks in accordance with development plan policies.

Ecology/Biodiversity/Trees:

- 9.81. Given the location, nature and scale of the proposed development, there are unlikely to be any impacts on any sites designated for their nature conservation interest. The site currently comprises buildings and hard standing and is of relatively low ecological value.
- 9.82. The proposed green roofs and landscaping within the development would improve biodiversity in relation to the existing car park on the site. Planting and soft landscaping proposed includes up to 15 new trees.
- 9.83. The Council has adopted the practice of securing minor design alterations to schemes with the aim of encouraging the biodiversity of a site, particularly with regards to protected species such as bees. A condition requiring bee bricks has been attached to improve ecology outcomes on the site in accordance with the Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
- 9.84. A provision of bird boxes should target species of local conservation concern such as starlings, swifts and house sparrows. A condition securing a scheme of nature conservation would be secured by condition in the event of an approval.
- 9.85. Arboriculture officers have previously raised concern regarding the loss of a tree to the south-west corner, however this is outside of the site boundary proposed works have already been granted permission under a separate permission (ref. BH2020/00895) for works to the P&H House building. The trees to the north outside of the site overhang what is currently hard surface used for car parking, and details of their protection and management during construction would be required by condition.

Land Contamination:

- 9.86. A Phase 1 Land Contamination Assessment has been submitted with the application which confirms that potential historical on-site sources of

contamination have been identified. The report recommends that further intrusive investigation is undertaken in the future in order to establish whether any contaminants are present. This approach is considered appropriate and would be secured by an appropriately worded condition should permission be granted.

Waste Management:

- 9.87. Policy WMP3d of the Waste and Minerals Plan requires development proposals to minimise and manage waste produced during construction demolition and excavation. Paragraph 49 in the national Planning Practice Guidance (PPG) on Waste provides guidance on what could be covered in order to meet the requirements of the policy. A fully completed Site Waste Management Plan (SWMP) will need to be required by condition to include sufficient information to demonstrate compliance with Policy WMP3d
- 9.88. Policy WMP3e of the WMP requires proposals for new development to identify the location and provision of facilities intended to allow for the efficient management of waste, e.g. location of bin stores and recycling facilities. 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.

## **10. CONCLUSION**

- 10.1. 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
- 10.2. As noted previously the Council is currently unable to demonstrate a 5-year housing supply. The proposed development is of a suitable scale and design that would make a more efficient and effective use of the site without harm to the surrounding townscape. The development would provide suitable mix of office space and housing, including affordable housing without significant harm to the amenities of adjacent occupiers
- 10.3. The revised general site arrangement orients the building more successfully regarding built form conditions. Given the presence of the consented and potential future taller buildings on surrounding sites, it is considered that a tall building would make an effective use of the site in this instance.
- 10.4. The proposed housing mix, which is skewed towards smaller units is justified on the basis on the site location and the constraints of the site. Subject to relevant conditions the proposal would provide adequate living conditions for future occupiers. All residential units would have a balcony or roof terrace, and also direct access to the shared amenity spaces.

- 10.5. 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. The lack of car parking on site is considered acceptable as accessibility to public transport is excellent, and 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.
- 10.6. Other factors including impacts relating to ecology, sustainability, landscaping, flood risk, land contamination, and air quality have been assessed and have been considered acceptable.
- 10.7. Approval of planning permission is therefore recommended subject to the completion of a s106 planning legal agreement and to the conditions within the report.

## **11. COMMUNITY INFRASTRUCTURE LEVY**

- 11.1. 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 is £442,459.58. 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.

## **12. EQUALITIES**

- 12.1. The development would be required to comply with optional access standards by condition, and 2 no. wheelchair accessible units would be provided on the first floor in accordance with Building Regulation requirement Part M4(3). Furthermore 3 no. disabled parking spaces would be provided.

## **13. CLIMATE CHANGE/BIODIVERSITY**

- 13.1. The proposed development would result in new dwellings being constructed to modern standards with a requirement to meet sustainability standards for water and energy efficiency. The proposed development would include a green roof, bee bricks and bird boxes by condition, and a condition to enhance the nature conservation interest of the site will all benefit biodiversity in the city.

## **14. S106 AGREEMENT**

- 14.1. 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 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.