

<u>No:</u>	BH2022/03189	<u>Ward:</u>	South Portslade Ward
<u>App Type:</u>	Outline Application		
<u>Address:</u>	26 Abinger Road Portslade BN41 1SB		
<u>Proposal:</u>	Outline application for the erection of a 2 storey building plus accommodation in the roof for residential use; with unreserved matters of Scale and Access only.		
<u>Officer:</u>	Emily Stanbridge, 01273 293311	tel: <u>Valid Date:</u>	12.10.2022
<u>Con Area:</u>		<u>Expiry Date:</u>	11.01.2023
<u>Listed Building Grade:</u>		<u>EOT:</u>	17.01.2024
<u>Agent:</u>	Lewis And Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Sigta Ltd Care Of Lewis & Co Planning 2 Port Hall Road BN1 5PD		

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:

Section 106 Head of terms:

Affordable Housing

- If site provides between 10 and 14 (net) dwellings: on-site affordable housing provision to be provided equivalent to 30% (If any Registered Providers or the Council are not able to take on such units - a commuted financial sum for off-site provision in lieu of on-site shall be sought).
- If site provides between 5 and 9 (net) dwellings: a financial contribution towards off-site affordable housing by way of a commuted sum equivalent to 20%.
- Any sums above shall be in accordance with the most up to date version of the council's Developer Contributions Technical Guidance.
- 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.

Employment Training

- If site provides 10 or more (net) dwellings: financial contribution per unit towards the Local Employment Scheme based on the Council's most up to date version of the Developer Contributions Technical Guidance, together with an Employment and Training Strategy to secure 20% local labour.

Management & Monitoring

- If site provides 10 or more (net) dwellings: financial contribution towards ongoing monitoring of Biodiversity Net Gain requirements based on the Council's most up to date version of the Developer Contributions Technical Guidance
- A financial contribution towards management/monitoring of S106 obligations based on the Council's most up to date version of the Developer Contributions Technical Guidance.

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 Plan	WLD-014-22-01		16 November 2023
Proposed Drawing	WLD-14-22-09 (ACCESS ONLY)		12 October 2022

2. The development hereby permitted must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

3.
 - a) Details of the reserved matters set out below ("the reserved matters") shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:
 - (i) layout;
 - (ii) amount;
 - (iii) appearance; and
 - (iv) landscaping.
 - b) The reserved matters shall be carried out as approved.
 - c) Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.

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

4. No development (excluding demolition) shall take place until a scheme detailing the design of on and off site external areas and highway works has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The submitted scheme shall include full details of the following:
 - New and upgraded/extended vehicle crossovers including dropped kerbs and tactile paving either side of the access
 - Reinstatement of the redundant vehicle crossover on Hurst Crescent (adjacent to the priority junction with Abinger Road) back to a footway by raising the existing kerb and footway

- Geometry and layout, including dimensions, radii and visibility splays (pedestrian and vehicle)
- Vehicle Swept Path Analysis (VSPA) drawings for a standard design vehicle and the largest vehicle expected to access the site (i.e., fire tender, large ambulance, delivery vehicle and move in/move out vehicle)
- Associated changes to signing and lining (eg amending double yellow line restrictions on Hurst Crescent)
- Pavement widths, materials, constructions and surfacing, kerbs and edge restraints, levels and gradients, including to both sides of any interfaces with the adopted (public) highway
- Location for cycle parking (Long-stay and short-stay, SPD14 compliant) provisions
- Location and layout of on-site car and motorcycle parking including disabled parking
- Boundary treatments including gates, walls, fences, bollards, chains and doors

The approved scheme shall be implemented prior to first occupation of the development and any parking areas shall only be used by occupants and visitors to the development.

Reason: In the interest of highway safety, inclusivity, sustainability, quality design, and public amenity and to comply with policies CP9 and CP12 of the Brighton & Hove City Plan Part One, DM33 and DM36 of the Brighton and Hove City Plan Part Two and National Planning Policy Framework paragraphs 108-110.

5. None of the residential units hereby approved shall be occupied until each residential unit built has achieved as a minimum, a water efficiency standard of not more than 110 litres per person per day maximum indoor water consumption.
Reason: To ensure that the development is sustainable and makes efficient use of water to comply with Policy CP8 of the Brighton & Hove City Plan Part One and DM44 of the Brighton and Hove City Plan Part Two.
6. The development hereby approved should achieve a minimum Energy Performance Certificate (EPC) rating 'B'.
Reason: To improve the energy cost efficiency of existing and new development and help reduce energy costs to comply with policy DM44 of the Brighton & Hove City Plan Part Two.
7.
 1. No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority:
 - (a) A desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with industry best practice guidance such as BS 10175:2011+A2:2017 - Investigation of Potentially Contaminated Sites - Code of Practice and BS 5930 Code of Practice for Ground Investigations;
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+A2:2017;
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 1c above that any remediation scheme required and approved under the provisions of condition 1c above 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 suitable for use.

Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy DM41 of City Plan Part 2.

8. 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 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 Policies DM18 and DM21 of Brighton & Hove City Plan Part 2, 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.

9. The development hereby permitted shall not commence (excluding demolition) until full details of existing and proposed ground levels (referenced as Above 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 Policies DM18 and DM20 of Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One.

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

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

11. The development hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants of, and visitors to, the development 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 DM33 of Brighton & Hove City Plan Part 2, and SPD14: Parking Standards.

12.

- A) Should the site provide 10 or more residential units:

A minimum of 10% of any on-site affordable housing and 5% of private market housing hereby permitted shall be built as wheelchair accessible dwellings prior to first occupation and shall be retained as such thereafter. The wheelchair accessible / adaptable dwelling(s) hereby permitted shall be completed in accordance with the following;

- i) all private residential units and all affordable units not covered by part ii) below shall be completed in compliance with Building Regulations Optional Requirement M4(3)(2a) (wheelchair user dwellings – ‘adaptable’) prior to first occupation and shall be retained as such thereafter.
- ii) all residential units where the Council is responsible for allocating or nominating the occupier shall be completed in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings – ‘accessible’) 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.

- B) Should the site provide 9 residential units or less in total, the development shall not be occupied until the dwelling(s) hereby permitted have been completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) and shall be retained in compliance with such requirement thereafter.

Evidence of compliance for parts A and B above 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 provide an overall mix of units, to comply with policy DM1 of Brighton & Hove City Plan Part 2 and CP19 of the Brighton and Hove City Plan Part 1.

13. All dwellings hereby permitted shall comply with Nationally Described Space Standards.

Reason: To ensure a satisfactory standard of accommodation for occupiers, to comply with policy DM1 of Brighton & Hove City Plan Part 2.

14. No development, including demolition and excavation, shall commence until a Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved.

Reason: To maximise the sustainable management of waste and to minimise the need for landfill capacity and to comply with policy WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan.

15. The development hereby permitted shall not be first occupied until a scheme to enhance the nature conservation interest of the site including provision of swift and bee bricks/boxes has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall accord with the standards described in Annex 6 of SPD 11. The scheme shall include measures and a plan to achieve a minimum 10% Biodiversity Net Gain measured using the DEFRA metric within a 30 year period (if the development comprises 10 or more residential units). The approved scheme shall be implemented in full accordance with the approved details and thereafter retained.

Reason: To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

16. No development (excluding demolition) shall take place until:

- a) a drainage strategy detailing the design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods; and
- b) details of the proposed means of foul water disposal and an implementation timetable, have been submitted to and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved scheme prior to occupation and implemented and maintained in accordance with the approved timetable.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and ensure adequate foul sewage drainage/treatment is

available, to comply with policies DM42 and DM43 of City Plan Part and CP11 of the Brighton & Hove City Plan Part One.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that the proposed highways works should be carried out in accordance with the Council's current standards and specifications and under licence from the Streetworks team. The applicant should contact the Council's Streetworks team (permit.admin@brighton-hove.gov.uk 01273 290729). A Traffic Regulation Order (TRO) may be required.
3. The applicant is advised that they must enter into a Section 278 Agreement with the Local Highway Authority prior to any works commencing on the adopted highway.
4. The applicant is advised that the proposed highways works should be carried out in accordance with the Council's current standards and specifications and under licence from the Streetworks team. The applicant should contact the Council's Streetworks team (permit.admin@brighton-hove.gov.uk 01273 290729).
The applicant is advised that this planning permission does not override the need to go through the Highway Authority's Approval in Principle (AIP) process for all necessary works adjacent to (that is, within 3.66m) and within the highway (including under and over) and gain any appropriate licences, prior to the commencement of any construction works. The applicant is further advised that they must contact the Council's Civil Engineering team (transport.projects@brighton-hove.gov.uk 01273 294570) and Streetworks team (permit.admin@brighton-hove.gov.uk 01273 290729) for further information at their earliest convenience.
5. The water efficiency standard required under Condition 7 is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.
6. 'Where asbestos is found/suspected on site, it will fall under the Control of Asbestos Regulations 2012, overseen by the Health and Safety Executive. Further information can be found here: <https://www.hse.gov.uk/asbestos/>

7. The applicant is advised to consult with the sewerage undertaker to agree a drainage strategy including the proposed means of foul water disposal and sustainable drainage, and an implementation timetable. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or www.southernwater.co.uk

2. SITE LOCATION

- 2.1. This application relates to a site located on the junction of Abinger Road and Hurst Crescent in Portslade. The application site is 0.18 acres and is currently occupied by a part two-storey and part single storey building. The existing building is occupied by SIGTA providing office and training space.
- 2.2. The site is located within a residential area. The surrounding area comprises predominantly residential buildings though a single storey scout hut is located to the east of the site. The surrounding residential properties are generally two-storey terraced properties with pitched roofs.
- 2.3. To the north of the site lies the A270 and the busy junction at the Southern Cross traffic lights. To the north east of the site, just south of the A270 are some larger commercial buildings in industrial use.
- 2.4. The site is not located within a conservation area and is not in close proximity to any listed buildings.

3. RELEVANT HISTORY

None identified.

4. APPLICATION DESCRIPTION

- 4.1. Outline planning permission is sought with all matters reserved, apart from 'access' and 'scale', for the erection of a two-storey building with additional accommodation in the roof to provide residential units. The existing building on site is to be demolished as part of the proposals.
- 4.2. Detailed matters relating to 'appearance', 'layout' and 'landscaping' are not for consideration at this stage and would be the subject of subsequent Reserved Matters applications.
- 4.3. It should be noted that whilst the application is in part-outline form, sufficiently detailed plans and visuals have been submitted to aid assessment at this stage. It has been agreed with the applicant that these are "for illustrative purposes only" and are therefore not formally part of the application.
- 4.4. The description of the development has been amended since first submitted from '3 storeys' to '2 storeys plus roof accommodation' due to concerns regarding the overall height/scale of the original proposal.

5. REPRESENTATIONS

- 5.1. **Sixteen (16)** letters of representation have been received objecting to the development on the following grounds:
- Additional traffic and parking impacts
 - Lack of parking for new and existing residents
 - Inappropriate height
 - Overdevelopment
 - Overshadowing
 - Poor design that is out of character
 - Noise impacts
 - Loss of biodiversity
 - Loss of light
 - Increased people coming and going
 - Increased overlooking
 - Area is already overcrowded
 - Lack of outside space for residents
 - Construction will be disruptive
- 5.2. **One (1)** letter of representation has been received in support of the development on the following grounds:
- Additional dwellings are needed
 - The development is an acceptable density
 - Modern design
- 5.3. **Councillor Hamilton and Councillor Robins** object to the application. A copy of these objections is attached to this report.

6. CONSULTATIONS

- 6.1. **Building Control** Comment After viewing the reports and photographs of the site, the recommendations set out to make the building structurally sound are agreed with.
- 6.2. **Economic Development** Initial comment January 2023 There is a lack of information provided with regards to the loss of floorspace and jobs provided by the existing use. The application does not show any relocation plans for SIGTA.
- Further comments following receipt of further information November 2023 No objection
- 6.3. Based on the level of floorspace lost there is no objection to the scheme. Confirmation is provided that the company plan to relocate subject to planning approval.
- 6.4. **Environmental Health** No objection subject to conditions

- 6.5. **Policy** Original comments December 2022
The site is considered to form an F1 Use Class and policy DM9 applies. The applicant has not provided any evidence to demonstrate that any of the criteria in this policy would apply in this case.
- Further comments January 2023
- 6.6. Following the submission of a structural report it is considered that policy DM9.2C has been partially met. Further information is however required to demonstrate the extent and costs of remedial work required.
- Further comments July 2023
- 6.7. Following the submission of further information, it is evident that the building would require significant remedial/structural works. Policy DM9.2C is considered to have been met in this case and the principle of the loss is accepted.
- 6.8. **Sustainable transport** No objection subject to a s278 agreement and conditions
- 6.9. **Urban Design** Original comments November 2023 Objection
The proposal for a new three storey building is disproportionate to the street scene and raises concerns over impact on neighbours regarding daylight, sunlight and overlooking. It is considered that the site could comfortably accommodate 2.5 storeys.
- Further comments December 2023
- 6.10. Subject to detailed design considerations, 2 storeys, plus accommodation in the roof could be considered acceptable on this site.
- 6.11. Additional comments were received referring to detailed design elements including layout, materiality and landscaping which are considered at the Reserved Matters stage.

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 City Plan Part Two (adopted October 2022)
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
 - Shoreham Harbour Joint Area Action Plan (adopted October 2019).

8. **POLICIES**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part 2

DM1 Housing Quality, Choice and Mix
DM9 Community Facilities
DM18 High quality design and places
DM19 Maximising Development Potential
DM20 Protection of Amenity
DM21 Extensions and alterations
DM22 Landscape Design and Trees
DM33 Safe, Sustainable and Active Travel
DM36 Parking and Servicing
DM37 Green Infrastructure and Nature Conservation
DM41 Polluted sites
DM44 Energy Efficiency and Renewables

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development
CP1 Housing Delivery
CP2 Sustainable economic development
CP8 Sustainable buildings
CP9 Sustainable transport
CP10 Biodiversity
CP11 Flood Risk
CP12 Urban design
CP14 Housing Density
CP16 Open Space
CP19 Housing Mix

Supplementary Planning Documents:

SPD03 Construction and Demolition Waste
SPD06 Trees and Development Sites
SPD11 Nature Conservation and Development
SPD14 Parking Standards
SPD16 Sustainable Drainage
SPD17 Urban design framework

9. **CONSIDERATIONS & ASSESSMENT**

- 9.1. The main considerations in the determination of this application relate to the principle of development on the site, whether the proposed scale is appropriate and transport/access considerations.

Principle of development

- 9.2. As an 'outline' scheme, the application seeks to determine whether the principle of the development is acceptable. The respective merits of the existing and proposed land use is a consideration.

Housing Supply

- 9.3. Policy CP1 in the City Plan Part One sets a minimum housing provision 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 2,328 homes per year. This includes a 35% uplift applied as one of the top 20 urban centres nationally.
- 9.4. The council's most recent housing land supply position is published in the SHLAA Update 2022 which shows a five-year housing supply shortfall of 7,711 (equivalent to 1.8 years of housing supply).
- 9.5. 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).
- 9.6. The site is located within a mainly residential area and is a sustainable location, and thus is appropriate for residential use in principle.

Loss of existing use:

- 9.7. The existing site is a training centre (F1 use class) currently occupied by a training provider SIGTA. They provide short training courses for industry, technical and business apprenticeships and NVQ's. The building contains both training rooms and offices used by the provider. Some training such as forklift training and fire extinguisher training appears to be delivered within the outside area of the site.
- 9.8. The existing building in total provides 366sqm of floor space and provides employment to 9 full time members of staff, 2 of whom are based at home.
- 9.9. From the information submitted with this application and information shown on the company website it is considered that the use of the building predominantly falls within the F1 use class. The building and wider site appear to predominantly be used for training, with any office space ancillary to this use. As a result, policy DM9 of the City Plan Part 2 would apply.
- 9.10. Policy DM9.2 seeks to restrict the loss of existing community facilities, unless at least one of the following circumstances apply:
- a) *Replacement facilities will be provided as part of new development proposals or in an alternative suitable location;*
 - b) *The facility is no longer needed and suitable alternative provision with sufficient capacity is available at an accessible location;*
 - c) *The building or land is no longer suitable to accommodate the current use or an alternative community use and cannot be reasonably adapted;*

d) *It has been demonstrated that there is no current or future need or demand for the space, either in its current use or any alternative community use and evidence of marketing has been provided.*

- 9.11. In support of the application, a structural report has been submitted dated May 2021 which provides evidence that the building is no longer suitable to accommodate the existing use, given the extent of remedial works required to ensure stability of the building.
- 9.12. A further structural inspection and report was undertaken in May 2023 to assess the extent and cost of remedial works to bring the building up to a reasonable standard.
- 9.13. It is evident that there is cracking and movement in various parts of the building. The report concludes that there is a clear outward lean to both the western and southern walls which is attributed to foundation movement and roof spread. In order to stabilise the building, the roof structure would require significant strengthening and owing to the extent of the movement in the vertical walls, large sections of the west and south external walls would need to be removed and rebuilt. The report advises that it should also be confirmed that the foundations that have previously suffered from subsidence are now stable.
- 9.14. The report concludes that consideration should be given to demolishing the original parts of the building and its replacement with a new structure.
- 9.15. The contents of these reports have been viewed by the Council's Building Control team who confirm their agreement with the assessment and recommendations set out within them. It is evident that the reports confirm the building is no longer suitable and would require significant remedial/structural works. With regard to DM9.2(c), retention/adaptation of the building would not be considered a reasonable or viable prospect for the existing or an alternative user. It is therefore considered that policy DM9.2 (C) is met in this case and that the principle of the loss of the community use is accepted. The Council's Planning Policy Team concur with this view.
- 9.16. SIGTA have confirmed that their long-term intentions are to sell the site with the benefit of planning permission and then look to buy or lease a new premises within the local area which meets their needs as the current building is not fit for purpose. They also state the intention to relocate to a larger premises enabling the employment of more staff.

Scale of development

- 9.17. The application seeks 'unreserved', ie detailed, permission for the scale of the development. In this case the 'scale' relates to the overall scale/height of the building proposed in relation to its surroundings only. Matters such as exact siting and layout of development, amount of residential units and their size, layout, mix etc would be dealt with at Reserved Matters Stage. Appearance, including architectural style, roof design and form, materials etc, would also be a reserved matter.

- 9.18. Given the principle of the proposed residential land use is accepted as outlined above, any redevelopment should seek to make effective and efficient use of the site, in accordance with national and local planning policy.
- 9.19. Policy CP14 of City Plan Part 1 states that residential development should be of a density that is appropriate to the identified positive character of the neighbourhood and be determined on a case by case basis. It states that development will be permitted at higher densities than those typically found in the locality where it can be adequately demonstrated that the proposal meets a set of criteria, including that proposals are of a high standard of design and help maintain a coherent townscape. The policy seeks to prevent the overdevelopment of sites that would result in 'town cramming'.
- 9.20. Abinger Road and Hurst Crescent largely comprise of two storey terraced housing as well as single storey Scout hut on Hurst Crescent. The existing building on the site is made up of several masses at between 1 and 2.5 storeys.
- 9.21. Whilst a residential scheme of greater scale and density than its surroundings is deemed to be acceptable in principle on this site, as originally submitted the proposals sought permission for a part two storey, part three storey building, which raised a concern. The 3 storey height was considered to be disproportionate to the prevailing lower rise street scene, resulting in a dominant addition. Such a height also raised concerns over amenity impact to neighbours.
- 9.22. Following requests for a reduction in height of the development, the proposals now provide for the erection of a 2-storey building plus additional accommodation in the roof.
- 9.23. The application site is situated on a corner plot at the junction of Abinger Road and Hurst Crescent and as a result, the site benefits from greater spacing to neighbouring properties and offers some degree of flexibility over the height that can be provided here. The site is visually separated from its neighbours to the south and east by the public highway and by an access road from properties to the north.
- 9.24. The area is characterised by long rows of terraced properties which provide a continuous street frontage. It is therefore considered that the proposals to include a building which extends the full width of the street frontage to Abinger Road is in keeping with the existing character. The character of Hurst Crescent immediately west of the site is slightly more varied with the Scout hut and two detached properties beyond, however, there is continuous built form with the inclusion of boundary treatments and outbuildings. The width of development on this street frontage is considered acceptable and is partially broken by the proposed access route.
- 9.25. Whilst generally the area is flat, immediately north east of the site are a group of commercial buildings that are positioned on a higher land level than the application site. These buildings are two storeys in height with a pitched roof but are visibly higher than the adjacent 2 storey buildings to the south. The commercial properties also form a continuous terrace of 5 and provide an

example of increased scale within close proximity of the site when compared to the more traditional terraced housing.

- 9.26. This application proposes additional accommodation at roof level. This is likely to be accommodated through the use of roof lights and/or dormers. Whilst typically surrounding properties are two storeys in height, there are examples of roof extensions within the vicinity of the site, typically comprising rear dormers, that introduce the presence of increased scale at second floor level. There are also front gable features present and the architectural styles in the area are varied. It is therefore considered that a limited number of subordinate roof additions on this site could, in principle, provide a scale (and appearance) that is comparable with nearby properties and would not sit out of context with the scale of the wider area. Whilst there are no front dormers in the street, on a stand-alone contemporary scheme they may be acceptable in principle. It is noted that the illustrative elevations submitted indicate a significant number of front dormers (11) which would appear somewhat cluttered and uncharacteristic, plus a rather bulky 3 storey stairwell is shown at the rear – these are not likely to be acceptable, however such details would be dealt with under ‘appearance’ at Reserved Matters stage.
- 9.27. The overall scale of built form and site coverage as shown would in principle allow for sufficient outdoor amenity space and parking to serve prospective occupiers. Amenity space may need to be increased at the expense of parking. Such ‘layout’ and ‘landscaping’ matters would be dealt with at Reserved Matters stage.
- 9.28. The scale of the proposal and distance to boundaries would ensure that there should be no significant adverse impacts to the amenity of occupiers of neighbouring properties in principle.
- 9.29. Given the surrounding context of this site it is considered that the overall scale and maximum height proposed could sit comfortably with neighbouring properties subject to further evolution of the design and detailed design considerations at Reserved Matters stage.

Amount/layout

- 9.30. The application description does not include the amount/number of residential units proposed and does not seek approval for wider site or individual flat layout. However, within the Planning Statement that accompanies this application it stated that indicatively 11 flat units could be provided. The applicant has also provided indicative floor plans to aid assessment.
- 9.31. Such matters, including whether each new unit proposed will meet the Nationally Described Space Standards, whether a mix of size of units are included, whether all units have good outlook and whether all units have access to private and/or communal outdoor amenity space, would be dealt with at Reserved Matters stage.
- 9.32. The principle of providing accommodation within the roof space is acceptable however, it would need to be ensured that the proposed units at this level have

sufficient head height and outlook, and that external design of any dormers or rooflights is acceptable. The layout and number of these second floor units will be considered at the reserved matters stage.

Affordable Housing

- 9.33. City Plan Part One Policy CP20 states the following:
"The Council will require the provision of affordable housing on all sites of 5 or more dwellings (net) and will negotiate to achieve the following affordable housing targets:
- a) *40% onsite affordable housing provision on sites of 15 or more (net) dwellings;*
 - b) *30% onsite affordable housing provision on sites of between 10 and 14 (net) dwellings or as an equivalent financial contribution;*
 - c) *20% affordable housing as an equivalent financial contribution on sites of between 5 and 9 (net) dwellings."*
- 9.34. At this stage the number of residential units proposed has not been confirmed. The number of units will be confirmed at reserved matters stage but given the scale of the building it is likely that policy CP20 will be of relevance. Therefore, a s106 agreement is sought to cover the scenario of 5-9 and 10-14 units, to ensure that a commensurate level of affordable housing is secured in line with the wording of the above policy. It is considered that the scale of the scheme is such that provision of 15 or more units (criteria (a) of CP20) would not likely be possible if a satisfactory standard of accommodation and a suitable mix is to be secured.

Access and transport

- 9.35. Detailed (not outline) permission is sought for access to the site at this stage. 'Access' effectively means the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.
- 9.36. National and Local policies seek to promote the use of sustainable modes of transport and safe and inclusive travel.
- 9.37. There is no objection in principle to development of the site for residential use, as it is sustainably located, and can take advantage of local bus routes and amenities.
- 9.38. The applicant proposes to remove the existing vehicular crossover which serves the existing small on-site hardstanding, accessed from Hurst Crescent, adjacent to the junction with Abinger Road. Once removed, the footway shall be reinstated on this corner.
- 9.39. The application proposes to formalise and upgrade the existing crossover further to the east on Hurst Crescent. This access could serve car parking spaces to the rear of the development and facilitate two-way vehicular access.
- 9.40. There is no objection in principle to the access proposals. The existing site has access and serves 2-3 car parking spaces at present. The detailed engineering

design of the access arrangement to include dropped kerbs, tactile paving and how the upgraded access adjoins the public highways is sought via condition.

- 9.41. Whilst the upgraded vehicle access does not appear wide enough to allow for 2 vehicles to pass, it is considered that there is adequate forward visibility to allow drivers to see one another and wait to allow the vehicle to pass. Given the low number of vehicle movements this is considered acceptable in principle. It is considered that a road safety audit may be required through the condition and associated s278 agreement.
- 9.42. Swept path analysis has been undertaken demonstrating access/egress for one of the parking bays. It is though considered that additional swept path analysis should be provided to include accessing/egressing turning manoeuvres to/from the local highway i.e., Hurst Crescent and should account for parked vehicles on the footway/in the carriageway of Hurst Crescent when undertaking the access/egress swept path. Additional swept path analysis drawings (demonstrating safe access/egress of the largest vehicle (i.e., move in/move out vehicle, delivery vehicle, ambulance, fire tender) should also be provided and these are sought by a street design condition.
- 9.43. Access into the proposed development for pedestrians including those with visual and mobility impairments is proposed from Abinger Road, which will be step-free and is therefore considered acceptable.
- 9.44. Access from Hurst Crescent is provided with a footway on either side of the vehicular access. The on-site pedestrian provision's footway width should be a minimum of 1.2m in width and this can be secured by a street design condition.
- 9.45. The new primary vehicular access will be secured through a condition and associated Section 278 agreement with the local highway authority. A stage 1/2 Road safety audit may be required as part of the s278 process. The detailed design of this access arrangement will also be secured through the s278 agreement.
- 9.46. The Highway Authority has no objection in principle subject the above agreement and to the inclusion of conditions.
- 9.47. The Local Highway Authority are satisfied with the overall scale of development proposed at the site in principle, and do not forecast vehicle trip movements that would be severe or that would overwhelm the existing highway network. They consider that the proposed change of use of the site is expected to result in an overall reduction in trips throughout a typical day. There may be an increase in the morning and evening peak hours but they consider this level would be modest.
- 9.48. SPD14 allows for limited on-site car parking in principle, and although outside the remit of this application, it is noted that the Local Highway Authority are satisfied with the indicative amount of parking spaces (6 originally, 8 in amended scheme), and that they would adequately meet the demand for travel created by the scheme. Dedicated areas for parking will need to be balanced against the need

for outdoor amenity space on site. An appropriate layout, which includes provision of disabled spaces as required, can be secured via condition. Appropriate cycle parking can also be secured via condition.

Ecology

- 9.49. Policies CP10 and DM37 are relevant to the proposal in terms of biodiversity. Policy DM37 requires all major developments (of 10 residential units or more) to incorporate a minimum 10% Biodiversity Net Gain (BNG).
- 9.50. There is no objection to redevelopment of the site in principle - the site is built up with no soft landscaping and it is not designated for its nature conservation interest, although it lies within the wider Brighton and Lewes Downs UNESCO Biosphere Reserve. A preliminary Biodiversity Checklist was submitted as part of this application and did not identify any biodiversity issues.
- 9.51. It is considered any biodiversity impacts can be mitigated and necessary enhancements can be satisfactorily achieved in principle. These can be developed at detailed Reserved Matters stage. A BNG Metric has not been submitted (as the application pre-dated formal adoption of policy DM37), it is however considered that a suitably worded condition can ensure submission of a suitable ecological enhancement strategy. On-going monitoring of BNG would need to be secured via S106 if the proposal were to be a 'major' scheme of 10 or more units.

Other considerations

- 9.52. Other relevant matters such as sustainability, drainage, land contamination, refuse storage and waste can be satisfactorily dealt with by via condition, to ensure compliance with policy.
- 9.53. Should 10 or more residential units be proposed, a financial contribution towards the Local Employment scheme and submission of a training strategy to include 20% local labour would be required – and this scenario is included within the S106 Head of Terms. This is required by policy and the Council's Developer Contributions Technical Guidance.

10. CONCLUSION

- 10.1. The proposal is considered acceptable in principle.
- 10.2. The proposed development would provide a number of residential units in an appropriate and sustainable location within Portslade. Weight is given to housing delivery given the city's shortfall.
- 10.3. The loss of the existing building and use has been satisfactorily evidenced and justified.
- 10.4. The scale/height of the development is considered acceptable in the context of the streetscene and neighbouring buildings, and impact to nearby occupiers.

Sufficient space could be achieved on site for landscaping, amenity space and parking in principle to serve the development.

- 10.5. The transport impacts are acceptable. The proposed access is acceptable in principle, subject to condition.
- 10.6. Conditions and S106 obligations can ensure relevant policy requirements are satisfactorily met.
- 10.7. Other matters such as layout, amount of residential units, appearance and design of the building and landscaping are not for consideration as part of this application, and shall be dealt with at Reserved Matters stage.

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. The exact amount will be confirmed at reserved matters stage.

12. EQUALITIES

- 12.1. The provision of dropped kerbs and tactile paving would help make site access possible for the mobility and visually impaired as well as update and improve pedestrian access. Accessible dwellings are secured via condition.

13. LEGAL AGREEMENT / OBLIGATIONS

- 13.1. In the event that the S106 agreement has not been signed by all parties by 11TH March 2024 the application shall be refused for the following reasons:
 - 1. The proposed development fails to provide a mechanism (via Section 106 legal agreement) to secure the necessary affordable housing provision/contribution for the scenario of a development of 5 or more residential units and therefore fails to address the requirements of Policy CP20 of the Brighton and Hove City Plan Part One and the council's Developer Contributions Technical Guidance 2020.
 - 2. The proposed development fails to provide a mechanism (via a Section 106 legal agreement) to secure: a) an Employment and Training Strategy specifying how the developer or their main contractors will provide opportunities for local people to gain employment or training at the construction phase of the proposed development, or b) a financial contribution towards the council's Local Employment Scheme, for the scenario of a development of 10 or more residential units. The proposal therefore fails to address the requirements of policies SS1, SA6, CP2 and CP7 of the Brighton & Hove City Plan Part One and the council's Developer Contributions Technical Guidance 2020.

3. The proposed development fails to provide a mechanism (via S106 legal agreement) to secure a financial contribution for management and monitoring of the S106, and for a scenario of 10 or more residential units this would include the necessary financial contribution to provide on-going assessment and monitoring of the Biodiversity Net Gain measures. The proposal therefore fails to address the requirements of Policies CP7 and CP10 of the Brighton and Hove City Plan Part One or DM37 of City Plan Part Two and the council's Developer Contributions Technical Guidance 2020.