

<u>No:</u>	BH2023/03130	<u>Ward:</u>	South Portslade Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Portslade Village Centre 3 Courthope Close Portslade BN41 2LZ		
<u>Proposal:</u>	Demolition of existing Community Centre (F2) and residential garages (C3) to facilitate the erection of 2no three storey pavilion blocks containing 28no affordable flats (C3) and Community Centre (F2) with associated access routes and landscaping.		
<u>Officer:</u>	Emily Stanbridge, 293311	tel: <u>Valid Date:</u>	12.12.2023
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	12.03.2024
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	15.05.2024
<u>Agent:</u>	Miller Bourne Architects 332 Kingsway Hove BN3 4QW		
<u>Applicant:</u>	Brighton And Hove City Council Hove Town Hall Norton Road Hove BN3 3BQ		

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, SAVE THAT should the s106 Planning Obligation not be completed on or before the 5th September 2024 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in the final section of this report:

Section 106 Heads of Term:

Affordable Housing

- Provision of 40% of the dwellings on site as affordable housing.

Employment and Training

- Submission of developer contributions of £9,600 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

Highways

- Provision of a car club bay
- Permissive paths agreement for the new pedestrian route through the site
- Minor Works Agreement for the pedestrian crossing works on Locks Crescent

Management and Monitoring

- Financial contribution of £x towards on-going monitoring (over a 30 year period) of Biodiversity Net Gain requirements based on the Council's most up to date version of the Developer Contributions Technical Guidance
- Financial contribution of £6,303.00 (ex VAT) towards on-going monitoring of Travel plan requirements 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	NN030-MBA-ZZZZ-0000-DR-A-001000 P02		22 March 2024
Block Plan	NN030-MBA-ZZZZ-0000-DR-A-001001 P02		22 March 2024
Proposed Drawing	NN030-MBA-ZZZZ-0000-DR-A-001010 P05		15 May 2024
Proposed Drawing	NN030-MBA-ZZZZ-0000-DR-A-001012 P03		15 May 2024
Proposed Drawing	NN030-MBA-ZZZZ-0000-DR-A-001050 P04		15 May 2024
Proposed Drawing	NN030-MBA-ZZZZ-0001-DR-A-001013 P03		15 May 2024
Proposed Drawing	NN030-MBA-ZZZZ-0002-DR-A-001014 P03		15 May 2024
Proposed Drawing	NN030-MBA-ZZZZ-00RF-DR-A-001015 P03		15 May 2024
Proposed Drawing	NN030-MBA-ZZZZ-ZZZZ-DR-A-001011 P03		15 May 2024
Proposed Drawing	NN030-MBA-ZZZZ-ZZZZ-DR-A-002000 P02		15 May 2024
Proposed Drawing	NN030-MBA-ZZZZ-ZZZZ-DR-A-002001 P01		27 November 2023
Proposed Drawing	NN030-MBA-ZZZZ-ZZZZ-DR-A-002002 P02		15 May 2024
Proposed Drawing	NN030-MBA-ZZZZ-ZZZZ-DR-A-002006 P02		15 May 2024
Proposed Drawing	NN030-MBA-ZZZZ-ZZZZ-DR-A-003000 P01		27 November 2023

Proposed Drawing	NN030-MBA-ZZZZ-ZZZZ-DR-A-003001 P01		27 November 2023
Proposed Drawing	NN030-RCO-XXXX-0000-PL-L-000001 P03		15 May 2024
Proposed Drawing	RC0434/FIGURE 01 03		15 May 2024
Proposed Drawing	MWA TLP 003		27 November 2023
Proposed Drawing	MWA TLP 003		27 November 2023
Proposed Drawing	MWA TLP 004		27 November 2023
Report/Statement	Air Quality assessment		27 November 2023
Report/Statement	Arboricultural survey and report		27 November 2023
Report/Statement	Biodiversity net gain assessment		27 November 2023
Report/Statement	Daylight and sunlight	Neighbouring development	27 November 2023
Report/Statement	Daylight and sunlight	Within Development	27 November 2023
Report/Statement	Ecological survey		27 November 2023
Report/Statement	Energy Statement		27 November 2023
Report/Statement	Flood risk assessment and Drainage strategy		27 November 2023
Report/Statement	Heritage and archaeological desk based assessment		27 November 2023
Report/Statement	Landscape strategy part 1		27 November 2023
Report/Statement	landscape strategy part 2		27 November 2023
Report/Statement	Noise impact assessment Feb 24		6 March 2024
Report/Statement	Overheating assessment		27 November 2023
Report/Statement	Environmental risk assessment		27 November 2023
Report/Statement	Environmental risk assessment		27 November 2023
Report/Statement	Sustainability statement		27 November 2023

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. The dwellings hereby approved shall be implemented in strict accordance with the internal layouts detailed on the proposed floorplans (001012 P03, 001013 P03 and 001014 P03) received on 15th May 2024. The internal layouts shall be retained as first implemented thereafter.

Reason: To ensure an acceptable standard of accommodation for future occupiers is provided and maintained thereafter and to comply with policy DM1 of the Brighton and Hove City Plan Part Two.

4. The community use (F2) hereby permitted shall not be carried out except between the hours of 08:00 and 22:00 on Mondays to Saturdays, and between the hours of 10:00 and 17:00 on Sundays including Bank or Public Holidays. The external play court shall not be used except between the hours of 09:00 and 19:00 Mondays to Saturdays and 10:00 and 17:00 on Sundays to include bank or public holidays.

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

5. 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.

6. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees as shown on drawing NN030-RCO-XXXX-0000-PL-L-000001 P03, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.

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 for biodiversity and sustainability reasons, to comply with policies DM22 and DM37 of Brighton & Hove City Plan Part 2, and CP8, CP10 and CP12/CP13 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.

7. 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.

8. No development (including any demolition, ground works, site clearance) shall take place until a Demolition/Construction Environmental Management Plan (DEMP/CEMP) has been submitted to and approved in writing by the Local Planning Authority and the Highway Authority. The Plan shall include the following:
- Details of the appointment of a DEMP/CEMP manager to be responsible for implementing the plan on the Owners behalf (with authorisation to instruct all contractors) and to serve as the single point of contact, both for the Council in general and for other parties who may have feedback or complaints. Similar appointment of a separate individual responsible for CEMP monitoring.
 - Details of site phases, the dates of these, and detailed works and operation within each. The initial submitted Plan can cover only the first phase subject to a clear requirement to update it to cover other Phases before those commence.
 - Details of the time when construction and contractor vehicles will be permitted to access the site, related to any separate details of works hours.
 - Details of construction traffic routes and the type and number of vehicles forecast to use these, both daily and over the course of the entire works. A Road Safety Audit may be required should South Street Car Park serve for egress from the construction site.
 - A commitment to submit periodic updates about the programme of works and construction traffic forecasts.
 - Details of proposed site accesses and any pit/lanes or loading/unloading areas within the highway, sufficient to allow all vehicles to enter and exit these in forward gear without reversing on the highway.
 - Details of measures to protect council highway assets (and commitments to survey and repair any damage that occurs) and to mitigate impacts on public transport, bike share and car club services and provide for their continued operation during the works. This should include a commitment not to commence any further demolition or construction until the means of addressing any roads that may have been damaged by construction traffic has been agreed.
 - 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 detailed scheme of temporary traffic management and signage along the construction routes, at site access, and elsewhere in the vicinity of the site, supported by vehicle swept path analysis where appropriate. Where relevant, this must include and be demonstrably compatible with that for any other separate S278 or S38 highway works (or similar) associated with the site that are being carried out at the same time in the vicinity.

- A detailed scheme to actively manage construction traffic to avoid congestion, delays and idling at and outside the site and elsewhere on the network and to maintain safety for other road users. This again must include and be demonstrably compatible with that for any other separate S278 or S38 highway works (or similar) associated with the site that are being carried out at the same time in the vicinity where relevant.
- 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 aim to be undertaken by Contractors holding National Highways Sector Scheme 12(d) certification where possible.
- A commitment that any staff marshalling vehicles and plant within the site will where possible hold a current valid Construction Plant Competency Scheme (CPCS) Card, endorsed with Category A73.
- A commitment to register the construction site 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 unless otherwise agreed, and to make the monitoring reports available to the council.
- A commitment that the Principal Contractor for both demolition and construction shall where possible have Silver certification under the Fleet Operators Recognition Scheme (FORS).
- A detailed scheme of employee and contractor parking and any drop-off areas, including measures to actively monitor and deter parking and drop-offs in any other locations on nearby streets.
- A detailed scheme for complaints submission, management, investigation, and response. This should allow us access for monitoring and other purposes. Details of how to submit complaints directly to the appointed DEMP/CEMP monitor should be provided prominently on the site hoardings, along with their dedicated contact details.
- A detailed scheme for liaison with neighbours, public transport operators, elected members and other relevant parties, to including regular Community Liaison Meetings and regular local circulation of Newsletters to update on site progress and improvements to address issues and complaints.

The construction shall be carried out in accordance with the approved DEMP/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 DM20, DM33 and DM40 of Brighton & Hove City Plan Part 2, policy CP8 of the Brighton & Hove City Plan Part One, and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03 Construction and Demolition Waste.

9. No development shall take place (including any demolition, ground works, site clearance) until a method statement for protection of amphibians and reptiles during construction has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:
 - a) purpose and objectives for the proposed works;

- b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- c) extent and location of proposed works shown on appropriate scale maps and plans;
- d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) persons responsible for implementing the works;
- f) initial aftercare and long-term maintenance (where relevant);
- g) disposal of any wastes arising from the works.

The works shall be carried out in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To protect habitats and species identified in the ecological surveys from adverse impacts during construction and to avoid an offence under the Wildlife and Countryside Act 1981, as amended and to comply with policies CP10 of the Brighton and Hove City Plan Part One and DM37 of the Brighton and Hove City Plan Part Two.

10. No development (including any demolition, ground works, site clearance) shall take place until an ecological design strategy (EDS) addressing enhancement of the site for biodiversity, including the recommendations in the Ecological Walkover Survey Technical Note (Urban Edge Environmental Consulting, November 2023, Revision 4, ref. UE0558) and Biodiversity Net Gain Assessment (Urban Edge Environmental Consulting, November 2023, ref: UE0558_LindfieldClose_BNG_1_231124), 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 (including over a period of 30 years for Biodiversity Net Gain, and see also LEMP condition below);
- 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 180 and 186 of the National Planning Policy Framework, Policy CP10 of the Brighton & Hove City Council City Plan Part One and Policy DM37 of the City Plan Part Two.

11. No development including (including any demolition, ground works, site clearance) shall take place until a landscape and ecological management plan (LEMP) shall be submitted to, and approved in writing by, the local planning authority to cover onsite habitat enhancement/creation and biodiversity features. The content of the LEMP shall include the following:
- a) description and evaluation of features to be managed;
 - b) ecological trends and constraints on site that might influence management;
 - c) aims and objectives of management;
 - d) appropriate management options for achieving aims and objectives;
 - e) prescriptions for management actions, together with a plan of management compartments;
 - f) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
 - g) details of the body or organisation responsible for implementation of the plan;
 - h) ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plans shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: Biological communities are constantly changing and require positive management to maintain their conservation value. The implementation of a LEMP will ensure the long term management of habitats, species and other biodiversity features.

12. No development (including any demolition, ground works, site clearance) shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework and in accordance with Policy DM31 of the City Plan Part 2.

13. The development hereby permitted shall not be commenced (other than demolition works and works to trees) until a CCTV survey has been undertaken confirming that all existing pipes which are proposed to be used are in adequate condition, and also confirming the route of the existing sewer connection has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policies DM42 and DM43 of City Plan Part and CP11 of the Brighton & Hove City Plan Part One.

14. The development hereby permitted shall not be commenced (other than demolition works and works to trees) until an updated groundwater survey has been undertaken and submitted to the Local Planning Authority for written approval which confirms any necessary mitigation measures to protect groundwater. The measures agreed shall be implemented prior to first occupation.
Reason: As this matter is fundamental to the acceptable delivery of the permission to prevent the increased risk of flooding and to comply with policies DM42 and DM43 of City Plan Part and CP11 of the Brighton & Hove City Plan Part One.
15. Construction of the development shall not commence (except for demolition and works to trees) until details of the proposed means of foul sewerage and surface water disposal to include a sustainable drainage assessment have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The agreed drainage scheme shall be implemented within the development prior to first occupation.
Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policies DM42 and DM43 of City Plan Part and CP11 of the Brighton & Hove City Plan Part One.
- 16.
1. No works pursuant to this permission shall commence (including any demolition, ground works, site clearance) 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 (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 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.

17. 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 the 3 units which form part of the approved scheme, which shall be in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings). This 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.

Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy DM1 of the Brighton and Hove City Plan.

18. Notwithstanding any details shown on the approved plans, no development above ground floor slab level of any part of the development hereby permitted shall take place until details 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/details 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/details of all hard surfacing materials
- d) samples/details of the proposed window, door and balcony treatments
- e) samples/details of all other materials to be used externally

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

Reason: To ensure a satisfactory appearance to the development and to comply with policies DM18, DM21 and DM26 of Brighton & Hove City Plan Part 2 and CP12, CP15 of the Brighton & Hove City Plan Part One.

19. 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 the 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 food-bearing plants, and 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, materials and where necessary construction method, including of any mechanisms that might make them temporary and movable
- d. details of areas for food growth
- e. details of informal childrens play equipment

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 provide ecological and sustainability benefits, to comply with policies DM22 and DM37 of Brighton & Hove City Plan Part 2, and CP8, CP10, CP12 and CP13 of the Brighton & Hove City Plan Part One.

- 20. No phase of the development hereby permitted shall be brought into use until the archaeological site investigation and post - investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that phase has been completed and approved in writing by the Local Planning Authority. The archaeological site investigation and post - investigation assessment will be undertaken in accordance with the programme set out in the written scheme of investigation approved under condition 12.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework and in accordance with Policy DM31 of the City Plan Part 2.

- 21. Prior to first occupation a Noise Management Plan in relation to the proposed sports court shall be submitted to and approved in writing by the Local Planning Authority.

The management plan shall include but not be limited to the details suggested in the Noise Impact Assessment titled, Planning Application - New Build Residential Development, by Scott Castle, and dated 14th February 2024. The agreed Noise Management measures shall be implemented within the development.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.

- 22. The glazing in the bedrooms and kitchen/diner/lounge areas of flats G.01, 1.01 and 2.01 shall be upgraded so that the criteria within Table 4 of BS8233:2014 are met.

Reason: To ensure a suitable noise environment and safeguard the amenities of the future occupiers and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.

- 23. The applicant shall implement mitigation measures that are in strict accordance with the recommendations set out in the submitted noise assessment New Build Residential Development undertaken by Scott Castle dated 14th February 2024

prior to the first occupation of the development and these measures shall be maintained thereafter.

Reason: To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.

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

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and has an acceptable appearance and to comply with policies CP8 and CP12 of the Brighton & Hove City Plan Part One and DM44 of City Plan Part 2.

25. 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. This shall include maintenance facilities for all site users, and lockers and shower facilities for staff and users of the community centre. 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 the Brighton & Hove City Plan Part Two.

26. Prior to first occupation of the development hereby permitted, full details of electric vehicle charging points (EVCPs) within the proposed car park hereby approved shall have been submitted to and approved in writing by the Local Planning Authority and Highway 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, CP1, CP2, CP4, CP6, CP7, CP8, CP9, CP12, CP13 and CP15 of the City Plan Part One and SPD14 Parking Standards October 2016.

27. Prior to first occupation of the development hereby permitted, dropped kerbs with tactile paving, shall have been installed to the crossing of Blakers Court and Locks Crescent under agreement with the Highway Authority. Details shall be provided to show how the new footway would be linked to the development site with pedestrian walkway markings across the car park. The agreed works shall be implemented before first occupation of the development.

Reason: To ensure that suitable footway provision is provided to and from the development and to comply with policy CP9 of the City Plan Part One and policy DM33 of the City Plan Part Two.

28. Prior to first occupation of the development hereby permitted, a footpath / footway layout plan to include access to and through the site shall have been submitted to and approved in writing by the Local Planning Authority. This should include details of materials, dimensions, methods of construction, location, levels, gradients, length of gradients, lighting, handrails, and provision for the mobility and visually impaired (for example turning circles, radius dimensions and tactile paving). It should include a scheme of traffic calming measures along Blakers Court and through Blakers Court car park. The layout plan should also include justification for any steps proposed. The approved scheme shall be fully implemented and made available for use prior to construction of the development and shall thereafter be retained for use at all times.
- Reason:** To ensure the development provides for all occupants and visitors to the site and to ensure the provision of satisfactory facilities for pedestrians and the mobility and visually impaired to comply with policies CP3, CP5, CP6, CP7, CP9, CP12, CP13, CP16, CP17, CP18, CP22, SA6 and WLP1 of the City Plan Part One, and DM33 of City Plan Part Two.
29. Prior to first occupation of the development hereby permitted, a car park layout plan shall have been submitted to and approved in writing by the Local Planning Authority. This should include details of existing and proposed cycle parking, motorcycle parking, car parking, electric vehicle parking and charging, mobility scooter parking and charging, disabled parking, visitor parking, loading bays, taxi pick-up and drop off, service and delivery areas and signage (markings and signs) for management (such as numbered spaces and Department for Transport approved names and symbols (e.g. for a disabled bay) inside and outside of the space) of all forms of parking and stopping as appropriate. This should also include details of how the proposal complies with SPD14 Parking Standards and how vehicles safely and conveniently turn to leave the site in a forward gear. It shall include details of dropped kerbs from footways and tactile paving where appropriate for the mobility and visually impaired including adults with child buggies. The approved scheme 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 all occupants and visitors to the site, to ensure the provision of satisfactory facilities for all users of the car park including pedestrians and the mobility and visually impaired and to comply with policies SPD14 Parking Standards and CP9 of City Plan Part One & DM33 of City Plan Part Two.
30. The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.
- Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and recycling 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.

31. Within 6 months of first occupation of the non-residential development hereby permitted a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM New Construction rating of 'Very Good' shall be 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.
32. Any plant or machinery associated with the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest noise sensitive premises, shall not exceed a level equal to or below the existing LA90 background noise level. Rating and existing background noise levels shall be determined as per the guidance provided in BS 4142: 2014.
Reason: To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.
33. The development hereby approved should achieve a minimum Energy Performance Certificate (EPC) rating 'B' for new build residential and non-residential development.
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.
34. 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.
35. Prior to first occupation of the development hereby approved, full details of a proposed external lighting scheme shall be submitted for approval by the Local Planning Authority. No external lighting other than that which forms part of the approved scheme shall be installed.
Reason: To ensure the satisfactory preservation of this listed building, to protect neighbouring amenity, and to comply with policy DM20 and DM40 of the Brighton and Hove City Plan Part Two.
36. At least 28 bee bricks shall be incorporated within the external walls of the development hereby approved and shall be retained thereafter.
Reason: To enhance the biodiversity of the site 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.
37. The development hereby permitted shall incorporate at least 56 swift bricks/boxes within the external walls which shall be retained thereafter.
Reason: To enhance the biodiversity of the site 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.

38. Prior to first occupation of the development, a Residential Travel Plan and a Community Centre Travel Plan covering a minimum 5 year period shall have been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall thereafter be fully implemented in accordance with the approved details.
Reason: To ensure the promotion of safe, active and sustainable forms of travel and comply with policies CP9 of the City Plan Part One and DM35 of City Plan Part Two.
39. No part of the development hereby permitted shall be first occupied or brought into use until written evidence, such as Secure By Design certification, has been submitted to and approved in writing by the Local Planning Authority to demonstrate that the scheme has incorporated crime prevention measures.
Reason: In the interests of crime prevention, to comply with policies CP12 and CP13 and SA6 of the Brighton & Hove City Plan Part One.
40. Prior to first occupation of the development hereby permitted, a scheme shall be submitted to the Local Planning Authority for written approval for a pedestrian and wheelchair footway, including dropped kerbs with paving and tactile paving as appropriate, to be installed to the western side of Blakers Court, north of the junction with Locks Crescent, and tied in to the footway on Locks Crescent under agreement with the Highway Authority. The new footway should be linked to the development site with pedestrian walkway markings across the car park. The agreed works shall be carried out prior to first occupation of the development.
Reason: To ensure that suitable footway provision is provided to and from the development and to comply with policy CP9 of the City Plan Part One and policy DM33 of the City Plan Part Two.
41. No development shall commence on site until a Scheme of Management of vehicle and any other forms of parking and stopping in the car park area has been submitted to and approved in writing by the Local Planning Authority. The scheme must at least include the following measures:
- Details of how the proposal complies with SPD14 Parking Standards;
 - Details of how each car parking space will be allocated and managed;
 - Details of measures to ensure that each car parking space is for the sole use of its allocated owner and/or those they permit to use said space.
- The above works must be implemented prior to the occupation of the buildings and thereafter be maintained as such.
Reason: To ensure the development maintains a sustainable transport strategy and to comply with SPD14 Parking Standards and CP9 of the City Plan Part One and policy DM33 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. The applicant is advised that Part L - Conservation of Fuel and Power of the Building Regulations 2022 now requires each residential unit built to have achieved a 31% reduction in carbon emissions against Part L 2013.
3. The applicant is advised that Part L - Conservation of Fuel and Power of the Building Regulations 2022 now requires non-residential development to have achieved a 27% improvement on the carbon emissions against Part L 2013.
4. The water efficiency standard required by condition is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.
5. The applicant is advised that details of the BREEAM assessment tools and a list of approved assessors can be obtained from the BREEAM websites (www.breeam.org).
6. The applicant is advised that Part O of Building Regulations 2022 has been introduced. This standard is aimed at designing out the need for mechanical air conditioning systems in dwellings that would otherwise be prone to overheating and limiting unwanted solar gains. There are optional methods to demonstrate compliance through the Building Regulations
7. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
8. The applicant should be aware that whilst the requisite planning permission may be granted, should any complaints be received, this does not preclude this department from carrying out an investigation under the provisions of the Environmental Protection Act 1990.
9. The applicant is advised to contact the Council's Streetworks team (permit.admin@brighton-hove.gov.uk 01273 290729) at their earliest convenience to avoid delay and obtain all necessary highway approval from the Highway Authority prior to any works commencing adjacent (at least within 3.66m) to the public highway to be lawful.
10. In order to ensure a safe and accessible environment for cyclists, new development should:
 - a) provide for safe, easy, and convenient access for cyclists to/from proposed development; and

- b) where appropriate extend, improve, or contribute towards the city's existing network of high quality, convenient and safe cycle routes; and
 - c) protect existing and proposed cycle routes unless satisfactory mitigation is provided, or provision is made for an alternative alignment; and
 - d) provide for sufficient levels of cycle parking facilities in line with the Parking Standards for New Development (Appendix 2) (and any subsequent revisions) which must, wherever possible, be universally accessible, under cover, secure, convenient to use, well-lit and as close to the main entrance(s) of the premises as is possible. Short stay visitor cycle parking could be uncovered but must be located close to the building entrance(s) and benefit from high levels of natural surveillance; and
 - e) make provision for high quality facilities that will encourage and enable cycling including communal cycle maintenance facilities, workplace showers, lockers and changing facilities.
11. The applicant is advised to contact the Council's 'S278 team' initially by e-mail (s278@brighton-hove.gov.uk) at their earliest convenience to avoid any delay and obtain all necessary highway approval including design, materials and construction method from the Highway Authority prior to any works commencing on and adjacent to the adopted (public) highway to satisfy the law and requirements of Condition 9.
 12. The applicant is advised that the disabled car parking spaces should be designed in accordance with 'Inclusive Mobility' (which has superseded the Department for Transport Traffic Advisory Leaflet 5/95 Parking for Disabled People) and BS8300:2001.26. A combination of these two documents requires at least a 1.2m clear zone to both sides and roadway end of the bay.
 13. Swift bricks/boxes can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height of approximately 5 metres above ground level, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting them above windows or doors. Swift bricks should be used unless these are not practical due to the nature of construction, in which case alternative designs of suitable swift boxes should be provided in their place where appropriate.
 14. The applicant must contact the Highway Authority by e-mail (s278@brighton-hove.gov.uk) at their earliest convenience to avoid any delay and prior to any works commencing on-site and on the adopted (public) highway. An assigned officer telephone number will be supplied in the e-mail response to provide a point of contact regarding the DEMP/CEMP.
 15. The Residential Travel Plan and Community Centre Travel Plan as secured under condition 38 should include:
Agreement of objectives, targets, actions, measures/incentives is delegated to officers but shall include reducing single occupancy trips by motor vehicles and reducing trips by delivery and servicing vehicles in the objectives.

- The provision of a car club bay at a distance of up to 400m of the site. This could be through Enterprise Car Club or any another provider operating in the city at the time.
- The provision of active and sustainable travel incentives up to the value of £300 per resident to be used on their choice of options of
 - Public Transport Season Tickets,
 - Membership of the Car Club or Bike Share schemes
 - Vouchers for bike purchases
 - Other measures to encourage active and sustainable travel such as
 - Setting up a bicycle users' group (BUG)
 - Free Bikeability training
 - Dr Bike workshops
- The following additional surveys should also be undertaken at each monitoring point and provided as part of monitoring reports
 - Delivery and servicing movements
 - Occupant awareness of travel plan objectives, targets, actions, and measures/incentives
 - Occupant uptake/participation in measures/incentives
 - Car Park usage
 - Post occupation Re-analysis of parking beat surveys
- A Travel Plan Coordinator shall be appointed by the developer to implement the Residential and Community Centre Travel Plans.

2. SITE LOCATION

- 2.1. The application site is located in Portslade with Windlesham Close to the west and Locks Hill to the east. To the north of the site of the site lies the Portslade Village Green, in addition to the Portslade Conservation Area which adjoins the north-east corner of the site.
- 2.2. Residential properties surround the immediate vicinity of the site. To the east, properties consist of two storey terraced properties and to all other boundaries, properties comprise two or three storey purpose-built blocks of flats with amenity green space in between. The topography of the site is such that it slopes down from the east to the west towards Windlesham Close.
- 2.3. Vehicular and pedestrian access into the site is gained from Windlesham Close via a gated access.
- 2.4. The existing site comprises a single storey community centre situated to the east of the site, existing garages to the west and south-east, a central hard court play area, vehicle parking to the north and informal amenity green space.

3. RELEVANT HISTORY

- 3.1. **PRE2021/00130:** Demolition of existing community centre and garages and the creation of 20 affordable flats, 7 affordable houses and new community centre space. Written response provided October 2021.

The main outcomes of this enquiry were as follows:

- The proposals needed to justify the loss of open space
- Clarification required on the use and management of the centrally proposed communal space
- The proposal needed to be landscape led and should provide more soft landscaping
- Further consideration should be given to legible connections through the site from the village green.
- The number of single aspect units should be reduced

During the lifetime of this pre-application the proposals were presented to Design South East Design Review Panel in September 2021. The outcome of this review reaffirmed the above items. These comments were incorporated into subsequent pre-application enquiries.

- 3.2. **PRE2023/00016:** Demolition of existing community centre and garages and the creation of 28 affordable flats, a new community centre space and access routes. Written response provided May 2023

The main outcomes of this enquiry were as follows:

- The proposals are considered to meet the requirements of relevant open space policies and therefore the principle of redeveloping the site is acceptable.
- The height of the proposals is considered acceptable
- The mix of units is considered acceptable
- Any future application should be supported by sunlight/daylight assessments
- Improvements required to the landscaping scheme
- The proposed parking in the north of the site needs to be reconfigured

During the lifetime of this pre-application the proposals were presented to Design South East Design Review Panel in April 2023. The key recommendations of the Panel were that the proposals should establish a positive frontage onto the village green, to reduce the level of parking and soften parking areas with landscaping, ensure that a high quality landscape design forms the focal point of the scheme with communal open spaces that are usable by residents and to provide a clear architectural language for the two buildings, with simple forms and materials, integrating positive frontages that respond to the landscaping. The current application seeks to respond to the recommendations set out in their report.

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the demolition of the existing community centre and garages to the rear of Dudney Court and the erection of 2 no. three storey buildings containing 28 residential units, a replacement community centre

measuring 397 sqm and an outdoor play court, comprising a hard surface multi-use games area, and associated access routes and landscaping.

- 4.2. The proposals would provide two pavilions of 3-4 storeys, with additional lower ground floor level to the western pavilion, overlooking a central area of open space/landscaping. The scheme is landscape led and the two buildings have been purposefully designed to form a backdrop to the central landscaped external amenity space, using simple lines and materials. The low-rise nature of the proposals, predominantly comprising 3 storeys is considered to respond to the topography of the area and immediate neighbouring properties. A new pedestrian pathway would run through the centre of the site connecting the site to the wider area. Parking will be located on the periphery.
- 4.3. The proposed development will provide 28no residential units, comprising 6 x one-bedroom flats, 16 x two-bedroom flats and 6 x three-bedroom flats. This application is a council development through the New Homes for Neighbourhoods programme. All the homes to be provided will be available to those on the 'general needs' housing register for rent.

5. REPRESENTATIONS

- 5.1. **Twenty-Six (26)** letters of representation have been received objecting to the proposed development on the following grounds:
- Disruption during demolition and construction
 - Increase in parking demand and traffic flow
 - Detrimental impact on property value
 - Overdevelopment
 - Overlooking and loss of privacy
 - Reduction in capacity for local services
 - Additional on street parking will reduce access for emergency vehicles
 - Increased Antisocial behaviour
 - The area cannot accommodate so many new homes
 - Concerns over loss/reduction of community facilities
 - Loss of trees will impact biodiversity
 - Appearance is not in keeping
 - The size of the buildings is not in keeping with the Portslade Old Village
 - Concerns over drainage
 - Overshadowing
 - Balconies are out of character
 - The development does not benefit the community
 - The community centre is popular and well used
 - Lack of archaeological survey
 - Existing covenants on the land
 - Appropriate consideration has not been given to the conservation area
 - Impact on heritage assets

- 5.2. It should be noted that any covenants that exist in relation to the application site do not form a material planning consideration and would not prevent the local planning authority from determining this planning application.
- 5.3. **Four (4)** letters of representation have been received in support of the proposed development on the following grounds:
- There is an acute housing shortage
 - There is a need for affordable housing
 - The area developed is underused and derelict in its current condition
 - There is ample parking
 - Traffic issues in the area are caused by speed not the amount of development
 - There is existing overlooking between houses in the area
 - The use of brownfield sites for development is the best option and protects green land
 - The plans are sensitive to the local area
 - Provision of good quality community facilities

6. CONSULTATIONS

6.1. **Air Quality** No objection

6.2. **Arboriculture Team** No objection subject to condition
Whilst there will be significant tree removal to enable development (13 trees in total), it is agreed that these are predominantly poor quality. The proposed landscaping of 33 replacement trees is acceptable mitigation.

6.3. **Art & Culture Team** No objection
This development would not meet the minimum threshold for a financial contribution.

6.4. **City Clean** No objection

6.5. **Conservation Advisory Group** No objection
The group recommends approval and commends the excellent Design and Access statement associated with the application.

6.6. **County Archaeology** No objection subject to conditions

6.7. **County Ecology** No objection subject to conditions

6.8. **Economic Development Team** No Objection

6.9. **Environmental Health Team** No objection subject to conditions
Noise
The application is supported by a noise impact assessment, the mitigations set out in this report in addition to a robust management plan are required in relation to the new hard play court.

- Land contamination
- 6.10. The applicant should provide further documentation prior to the commencement of any works to determine the risk from the sources identified in the Environmental Risk Assessment Desk Study and any potential remedial measures to be employed if necessary.
- 6.11. **Heritage Team** No objection
The view from Portslade Green towards the development site is not identified as an important view in the Portslade Conservation Area Character Statement. It is anticipated that the development would have a minor impact and would not be considered as harmful to the character of the conservation area.
- 6.12. **Local Employment Scheme** Comment
An Employment & Training Strategy will be required to cover all relevant phases of the project.
- 6.13. A Developer contribution of £9,600 is to be paid prior to site commencement.
- 6.14. **Local Highway Authority** Initial comments 01/02/2024
Further information requested on provision for delivery vehicles on site, footpath gradients, construction access and segregated pedestrian access on Blakers Court.
- Further comments following receipt of revised information 16.05.2024
- 6.15. The application is acceptable subject to necessary conditions and S106 obligations.
- 6.16. **Planning Policy Team** No objection
The principal of redevelopment of the site for residential and community uses is supported.
- 6.17. The net loss of open space is accepted in this case based on the significant enhancements to open space the proposals would provide, including provision of new publicly accessible open space, an improved and more accessible hard-court/play area for the community use, and new pathway through the site improving permeability and legibility through the area.
- 6.18. The net loss of community floorspace is accepted, due to the provision of improved, modern replacement facilities.
- 6.19. **Southern Water** No objection subject to condition
- 6.20. **Strategic Housing and Development** No objection
This is a council development through the New Homes For Neighbourhoods programme. All of the homes will be provided at affordable rent levels and will be owned and managed by the council.
- 6.21. **Sussex Police Community Safety** No objection
The applicant is advised to take into consideration secure by design principles throughout the development.

- 6.22. **Sustainable Drainage Team** No objection subject to conditions
 The information submitted includes the surface water and foul water drainage strategy including drainage plans and accompanying information. Some additional details in relation to the disposal of foul water from this development are sought via condition.
- 6.23. **Sustainability Team** No objection subject to conditions
 The development has an excellent sustainability approach and will deliver significant cuts to carbon emissions and energy use.

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.

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 Two

DM1	Housing Quality, Choice and Mix
DM9	Community Facilities
DM18	High quality design and places
DM20	Protection of Amenity
DM22	Landscape Design and Trees
DM26	Conservation areas
DM28	Locally Listed Heritage Assets
DM31	Archaeological Interest
DM33	Safe, Sustainable and Active Travel
DM35	Travel Plans and Transport Assessments
DM36	Parking and Servicing
DM37	Green Infrastructure and Nature Conservation
DM40	Protection of the Environment and Health - Pollution and Nuisance
DM43	Sustainable Drainage
DM44	Energy Efficiency and Renewables

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
SA6	Sustainable Neighbourhoods
CP1	Housing Delivery
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

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, impact to open space and community facilities, impacts on the character and appearance of the locality including the setting of heritage assets, impact on neighbouring amenity, mix and standard of accommodation of the units provided, affordable housing provision, ecology impacts, highways impacts, sustainability and archaeology.

Principle of development

- 9.2. The existing site measures 0.6ha and is owned by the council. The main site comprises a 1-2 storey community building with surrounding open space, designated as open space of the 'school grounds and sports pitch' typology, with the site providing a large multi use games area and a row of single storey garages. A separate area consisting of 8 garages and car parking is located to the south-east. In addition to the south-west is an area of open space, separated by a fence and shrubs which is also partially designated as amenity greenspace.
- 9.3. The community building is in use and is currently leased to Nautical Training Corps, according to the Planning Statement. The main area of open space adjacent to the community building predominantly comprises an area of

hardstanding/playground accessed via steps, surrounded by strips of amenity grass as well as an area of hardstanding used for parking.

Partial loss of open space

- 9.4. The proposal would result in the net loss of open space of the 'school grounds and sports pitch' typology, albeit they are of relatively poor quality, including a 700sqm area of hard court/play area. Part of the area designated as open space includes an access road and car-parking and this performs no open space function. It should also be noted that the open space is only accessible by those using the community centre and is not for general public use.
- 9.5. CPP1 Policy CP16 Open Space seeks the retention, enhancement and more effective use of all existing open space, in recognition of the open space needs of an increasing population. Policy CP16 states one of the following criteria should be met:
- a) *The loss results from a development allocation in a development plan; or*
 - b) *The site is not part of a playing field and the loss is necessary to bring about significant and demonstrable long-term enhancements to the city's public open space offer as a whole; or*
 - c) *The proposal is ancillary to the use of the open space and will only result in small loss, provides improvements to or better use of remaining space and optimises public access; or*
 - d) *The site is:*
 - o *physically incapable of meeting the city's wider open space needs;*
 - o *is not part of the beach or playing field; and in accordance with Open Space Study update 2011,*
 - o *is of poor quality without potential for improvement, there is an identified current and future surplus of all types of open space within the locality, and the importance of the site has been tested through active marketing for at least a year.*
- 9.6. In this case, it is considered that exception criteria 1b applies due to the enhancements to the public space offer that the proposal will provide. Whilst designated as open space, the area is currently not accessible to the general public and the proposals would allow for general public use of the new open space provided.
- 9.7. The applicant is proposing a new public pathway through the site which would improve legibility, permeability and access through the area to the Portslade Village Green area from the south, supporting healthy lifestyles (CP18 Healthy City), and could also help make better use of this open space. The proposals seek to provide a higher quality open space through the provision of a sensitive landscaping strategy, incorporating improved pedestrian access links, increased native planting, informal children's place space, seating areas and community planting areas. The proposed landscaping will provide both social and private spaces whilst as the same time increasing biodiversity and habitats across the site. The landscaping strategy seeks to reconnect the site to the surrounding context and provide a new area of public realm that is of high quality and can be used by the community. The proposals represent a landscape led scheme with thoughtful consideration given to the quality and character of these external

spaces. The landscaping scheme allows for quieter areas such as beneath the Alder tree and soft landscape area below to the northwest of the site and through the use of seating throughout the site. Other areas offer spaces for interaction and sociability such as the residents growing area featuring raised timber planters and the 'play on the way' children's equipment towards the north of the site.

- 9.8. The proposals include a dedicated area of open space in the form of hardstanding for a play court for the community centre's use of 425sqm, which will be directly accessible via the community halls. Given the current condition and inaccessibility of the existing hard play surface, this is considered to be a particular enhancement in comparison to the current offer.
- 9.9. The proposals also include new publicly accessible landscaped open space, as it is acknowledged that the Portslade ward has a deficiency in this typology as set out in the Open Space Study Update 2011.
- 9.10. The proposal is therefore considered to bring about significant and demonstrable benefits to the city's open space and therefore the net loss of some open space is considered acceptable in this case.

Partial loss of community floorspace

- 9.11. The proposal would demolish the existing community building which measures 556sqm and replace it with new community facilities of 397sqm within the western block at lower ground floor level. Owing to the topography of the site, the community centre would allow for direct access to the parking area and new external play space.
- 9.12. CPP2 Policy DM9.2 Community Facilities seeks to prevent the loss of community facilities. The policy sets out the following exception criteria where at least one needs to be met:
- a) *replacement facilities of an appropriate quality and size will be provided as part of new development proposals or in an alternative suitable location; or*
 - b) *the facility is no longer needed and suitable alternative provision with sufficient capacity is available in a location easily accessible to users of the facility; or*
 - c) *the building or land is no longer suitable to accommodate the current use or an alternative suitable community use and cannot be reasonably adapted to do so; or*
 - 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 active, flexible and appropriate marketing of the site for community use has been provided.*
- 9.13. In this case, it is considered that criteria (a) applies as replacement facilities are being provided as part of the proposals. The existing community centre has a floor space of 556sqm whilst the replacement facilities measure 397sqm. The new community centre will comprise a main hall, small hall, office space, kitchen, meeting room, sensory room and toilets. It is acknowledged that there is a net loss of floorspace, however this is considered acceptable on the basis that the

new facilities will provide upgraded and modern facilities, with improved accessibility in comparison to current provision.

- 9.14. The replacement facilities are considered to be of an appropriate quality and size, as required by DM9.2(a). It is also noted that the main and small hall both open directly onto an area of outside hardstanding/play space dedicated for the community centre's use. Policy DM9.1 also sets out criteria relating to the provision of new community facilities. This includes criteria (a) which requires uses to be compatible with adjoining and nearby uses. The location of the community building and dedicated outdoor space on the western side of the site and at lower ground floor level should provide a certain amount of separation between the community use and residential uses, and the dedicated access at the west of the site should facilitate access with minimal intrusion. The amenity impacts of future occupants of the residential accommodation is considered further below.

Provision of housing

- 9.15. Policy CP1 in 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 2,333 homes per year. This includes a 35% uplift applied as one of the top 20 urban centres nationally.
- 9.16. The council's most recent housing land supply position is published in the SHLAA Update 2023 which shows a five-year housing supply shortfall of 7,786 (equivalent to 1.7 years of housing supply).
- 9.17. 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).
- 9.18. As a windfall site, the provision of 28 dwellings, including much needed affordable housing, would make a welcome contribution to meeting the city's housing target as identified in CPP1 policy CP1, and this is given significant weight in the planning balance.
- 9.19. The proposed land uses are therefore considered to be acceptable in principle, in accordance with policies DM9 of the Brighton and Hove City Plan Part Two and policies CP1, CP16 and CP18 of the Brighton and Hove City Plan Part One.

Affordable Housing

- 9.20. 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."*

9.21. The development is required to provide 40% of the housing as affordable housing on site to comply with policy CP20 Affordable Housing. This would equate to 11 homes. As a council development, the proposals will exceed this requirement by providing 100% affordable housing (28 homes), but this would not be secured by legal agreement as this is not justified by policy, and 40% is therefore secured.

9.22. The homes will be provided at affordable rent levels and will be owned and managed by the council. This is welcomed and will be secured by Section 106 agreement.

Housing mix

9.23. The proposal would provide 6no one-bedroom flats and 16no two-bedroom flats and 6no three-bedroom flats equivalent to an approximate 21% 1 bed, 57% 2 bed and 21% 3 bed mix. Further, both the 2 bedroom and 3 bedroom dwellings are of different sizes to accommodate either 3, 4 or 5 people which is welcomed. The overall mix proposed is considered acceptable and it is welcomed that a higher proportion of housing considered suitable for families will be provided.

9.24. The supporting text of Policy CP19 states that the Housing register indicates that amongst those households identified as the highest priority need, approximately 50% need a 2 bedroom or larger property. The councils affordable housing brief sets out that preferred affordable housing mix is 30% one bed units, 45% 2 bed units and 25% 3 bed units. Whilst assessments of housing need show the highest need numerically is for smaller properties, there is also significant pressure on larger family sized homes with those on the housing register seeking a three bed property or larger having to wait significantly longer for a suitable home. The proposed mix of units within the development therefore meets the greatest demand.

Character, design and appearance

9.25. The application site is located between Windlesham Close to the west and Locks Hill to the east. To the north of the site of the site lies the Portslade Village Green, in addition to the Portslade Conservation Area which adjoins the north-east corner of the site.

9.26. The site is surrounded by residential development, with purpose-built blocks of flats to the north, south and west, comprising two or three storeys with brick finishes and pitched roof forms. To the east, properties consist of two storey terraced properties, set on a much higher land level than the application site.

- 9.27. The application site and wider flatted developments have a spacious character with areas of green amenity open space in between each block with informal pathways between the various developments.
- 9.28. As existing, the application site is dominated by large areas of hard standing with the community centre set towards the eastern boundary of the site, to the rear of properties that front Locks Hill. The proposals seek to demolish the existing development.
- 9.29. Following pre-application advice on previous iterations of the scheme, the proposed development has positively taken into account comments raised by officers at pre-application stage. The main concerns set out by officers during the pre-application stage related to the landscaping strategy across the site. Further development was requested over the different character areas that make up the landscaping, to provide both private and communal areas for residents and the wider community. This application is therefore supported by a landscape masterplan, setting out and defining these key areas such as provisions for food growth and child's play. Concerns were also raised by officers with regards to the level of parking to the north of the site, conflicting with the landscape led approach of the development. This application has reduced the level of parking to the north, providing a stronger frontage with the village green and improving the visual relationship to this space. The pre-application submission was light on information regarding materiality and appearance. The design and access statement that accompanies this application clearly sets out the design rationale for the material chosen. This application has sought to address the key recommendations set out at both the pre-application stage and design review stage, resulting in a well thought out scheme.
- 9.30. The proposals to provide a mixed-use development of residential accommodation and a community centre, present a low-rise 3/4 storey scheme with two separate buildings (east pavilion and west pavilion) and a central landscaped amenity area.
- 9.31. The height proposed is considered acceptable in response to the topography and immediate context. The topography of the site is such that the land slopes down from the east to the west. The four-storey element is contained to the western pavilion where the building is set into the site by cutting in to allow for level access to the new community centre. By taking advantage of the topography of the site, from most angles the development will appear as three storeys with the exception of the southern elevation adjacent to the proposed sports pitch and the north-west at the entrance to the development owing to the change in land levels. Nearby adjacent properties are typically 3 storeys and the separation distances between these areas of the development and neighbours are spacious. The height of the development has deliberately been reduced to the western side of the western pavilion so that no accommodation is proposed at second floor immediately behind Duney Court so that the increase in height follows the gradient of the site. Further the height of the development in the northwest is partially screened by the Alder tree to the site entrance. The spacious entrance to the site ensures that 4 storeys can be accommodated without appearing overbearing in the wider context.

- 9.32. The proposals incorporate two separate buildings, one broadly in a similar location to the existing community centre, albeit slightly further south and the second building will be situated to the west, behind Dudney Court. The residential accommodation will be split across the buildings with the community centre and play court provided at lower ground floor level within the western block.
- 9.33. A new vehicle access route is proposed off the existing access to the site, to the rear of Dudney Court to provide access to the parking associated with the community use. Further community use parking and spaces for deliveries is proposed to the north of the site. Residential parking is proposed within the south-east corner of the site between the eastern building proposed and Kemps Court to the south.
- 9.34. The central part of the site will form landscaped amenity greenspace. Creating a connection between Windlesham Close and the village green sensitively unlocks the site forming a public realm green corridor. It is considered that a careful balance has been found between the proposed massing and retention of open space.
- 9.35. Given the extensive landscaping on this site and the provision of a community centre with dedicated outdoor play space, the site would provide a dwelling density of 47dph. Whilst this is slightly less than the 50dph required by policy CP14 of the City Plan Part 1, this density is considered acceptable in this instance given the provision of other uses in the scheme. Further, consideration has been given to the site's location adjacent to the Conservation Area and the existing density of surrounding residential accommodation.
- 9.36. The principle of two pavilions is considered acceptable. It has previously been suggested by urban design officers and those who were on the Design Review Panel that the buildings act as pavilions in the landscape. Thus, the buildings form the backdrop to the landscaping design by making use of simple forms and a limited palette of materials. The proposed materials provide a contemporary interpretation of prevailing materials that exist within the Portslade Conservation Area. Historical local precedents include flint, sandstone and brick with yellow and light grey hues. Throughout the wider area this is mixed with red brick tones. Many of the surrounding residential blocks in the immediate vicinity adopt similar tones. A light colour buff brick is the predominant facing material, acting as a muted backdrop to the colours of the landscape and reflects the lighter tones of the sandstone and flint used within the conservation area. The lower ground floor of the western pavilion will be faced in red brick work offering a visual marker to the location and use of the community centre. This and the coloured window frames used throughout the development are to tie in with local red brickwork.
- 9.37. The internal layouts, fenestration and elevation treatment have been developed in response to the landscaping. The elevations are designed so that each has a coherent rhythm and that active frontages are provided throughout the development. The scheme has been designed so that the proposals encourage passive surveillance with positive frontages to the village green and site

entrance to the north-west with overlooking from some of the flats to these public areas.

- 9.38. The north elevation of the eastern pavilion has a prominent role overlooking the village green which contributes to the setting of the conservation area. As existing the site has a back of house appearance to the village green. The proposed development seeks to allow the village green to permeate the site with the east pavilion set back and a woodland buffer area proposed at the sites entrance. This area of the site allows for sculptures and a place for children to play to ensure that the scheme is coherent within the wider area and a sense of place is established.
- 9.39. Views into the site from within the conservation area are limited due to the screening provided by existing mature trees that surround the green. This screening will be extended through the introduction of a new woodland buffer on the site. The Heritage officer has confirmed that the view towards the west/south from the village green to the development does not form a key view within the Conservation Area Character Statement. Views of the development have been provided within the design and access statement. It is acknowledged that there is the potential for increased scale to have some level of impact on the setting of the conservation area however, the Heritage Team consider this impact to be minor. The harm to heritage assets is less than substantial and the scheme provides significant public benefits.
- 9.40. Concerns have been raised by the public with regards to the impact on the nearby heritage assets. In considering whether to grant planning permission for development which affects a listed building or its setting, the Council has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Case law has held that the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses should be given 'considerable importance and weight.'
- 9.41. The nearest heritage assets are Manor Lodge, a listed building, which lies to the north-east of the site and Whyhcote a locally listed building which lies to the north of the village green. These buildings are visually separated from the application site by in excess of 90m, by the main road (Locks Hill), high boundary treatments and mature shrubs and trees. Given the set back of these buildings from the main road and the separation afforded by the village green, it is noted considered that the proposed development would result in harm to the setting of this heritage asset.
- 9.42. It is considered that the proposed development provides a high-quality scheme that responds to the topography and character of the local area, providing sympathetic buildings within a landscape led scheme. The proposal will provide enhancements, which are welcomed. The proposed development is therefore considered to be in accordance with policies DM18, DM22, DM26 and DM28 of the Brighton and Hove City Plan Part Two and policies CP12, CP14 and CP15 of the Brighton and Hove City Plan Part One.

Standard of accommodation for prospective residents

Space standards

- 9.43. All units would meet the Nationally Described Space Standards, as required by Policy DM1. Each unit comprises an open plan kitchen/dining living area. Indicative furniture layouts demonstrate how these rooms can accommodate the furniture items likely to be required by future occupiers. Whilst these primary living areas have deep floor plans, each of these living areas benefits from dual aspect. In addition, each bedroom proposed meets or exceeds the minimum required standards. Sufficient storage space is also incorporated into each dwelling.

Daylight and Sunlight standards

- 9.44. A daylight and sunlight study has been undertaken to ensure that future occupiers of the development will receive adequate levels of natural light. Across the development 84 rooms were tested for daylight provision, with 83 of the rooms surpassing minimum BRE illuminance recommendations. The exception is one bedroom located within unit 9 at ground floor level. This room will achieve a lux of 89 rather than the 100 lux target.
- 9.45. Given that natural light to bedrooms is less important than the main living areas and that the development overall achieves 99% compliance, on balance this is considered acceptable.
- 9.46. BRE Guidance states that a dwelling will appear reasonably sunlit provided one main window wall faces within 90 degrees of due south and a habitable room can receive a total of at least 1.5 hours of sunlight on the 21st of March.
- 9.47. In terms of sunlight, 25 of the 28 residential units have a habitable room window which faces within 90 degrees of due south and 26 of the units have a habitable room (predominantly living rooms) which receive the minimum sunlight hours required.
- 9.48. Two of the units, ground floor unit 9 and first floor unit 19, do not meet the sunlight tests as these two units are the only ones where all windows face within 90 degrees of due north and therefore have natural barriers to sunlight due to orientation. Given the overall compliance of 93% across the development, and the good daylight levels overall, on balance this is considered acceptable.
- 9.49. The window openings throughout the development allow for sufficient outlook within each habitable room. The majority of units benefit from some level of outlook over the landscaped gardens.
- 9.50. Whilst noted that not every unit will achieve maximum sunlight/daylight standards, on balance given the overall level of the standard of accommodation to include compliant internal floor areas, outlook and amenity space, the proposals are considered acceptable. Further the layout of the development ensures the effective and efficient use of the site.

Outdoor amenity space and privacy

- 9.51. All units have private outdoor amenity space in the form of either a balcony or patio, which meets the requirements of DM1(f) and this is welcomed. The ground floor private amenity spaces within the eastern pavilion measure between 12sqm and 21sqm, whilst those in the western pavilion, above the community centre are typical of balconies providing approximately 6sqm of external space. The two units that face east however, do comprises amenity spaces in excess of 12sqm. The balconies at first and second floor provide 6.2sqm of external amenity space. Consideration has been given to the privacy of ground floor residents whose private external amenity space is located adjacent to the wider public amenity areas. Low level hedging surrounding the ground floor patios provides privacy planting to the thresholds of these areas.
- 9.52. The two buildings on the site are separated by the central amenity green space. This landscaped area allows for a minimum separation distance of 15m between the two blocks at the northern end and 17.5m towards the southern end. Due to the orientation of the two pavilions, the only direct overlooking between residential units is to the southern end of the site. Given the separation distance between these properties, the level of overlooking between residential units is considered to be sufficiently mitigated to ensure no loss of privacy would occur to future occupiers.

Noise

- 9.53. As required by policy DM9, it must be ensured that the proposed community use is compatible with the proposed residential accommodation on the floors above.
- 9.54. This proposal reintroduces a hard stand pitch associated with the community use, with new receptors in the 2 new blocks of residential accommodation. To reduce to a minimum the adverse impact on the new residential accommodation, noise assessments have been undertaken. The applicant has submitted a Noise Impact Assessment and this document indicates that criteria in the BS8233:2014 - Guidance on Sound Insulation and Noise Reduction for Buildings can be achieved even with windows left open.
- 9.55. To predict the noise impact on the amenity of future occupiers from the reintroduced hard stand play area, a computer modelling was carried out using the worst-case noise scenario from a multi-use games area , in accordance with the Sports England Guidance. From the modelling, the middle of the hall access doors at lower ground floor with a level of 63dB LAeq,1 hour and Kitchen Living Diner at the Southwest corner, 61.8dB LAeq, 1 hour were the worst- case scenarios. The author has recommended that more robust glazing is provided for living rooms overlooking the play court, and this can be conditioned.
- 9.56. The noise contours also show that levels reaching the bedrooms and kitchen/diner/lounge of the ground floor (G.01) of the West Pavilion are in the 55 to 60 dB range, even though, they do not overlook the play court. More robust protection in the form of glazing with higher Sound Reduction Index will be required for this part of the development too.
- 9.57. The report concludes that balconies in the West Pavilion, overlooking the court will be unusable at times when the play area is in use. The BS 8233: 2014

specifies that in high- noise areas, consideration should be given to protecting outdoor amenities such as balconies, roof gardens and terraces by screening or building design to achieve the lowest practicable levels. Noise levels should ideally not be above the range 50 - 55 dB LAeq,16hr but where this is unachievable, adverse noise impacts may be partially offset if residents are provided access to a relatively quiet alternative space, such as the public landscaped gardens. Conditions are sought for mitigation measures to ensure adequate protection is provided for the balconies and internal spaces in the western pavilion block.

- 9.58. Conditions can address the above, and also restrict hours of use of outside court, to protect amenity.

Accessibility

- 9.59. Policy DM1(e) states that all developments are required to provide 5% wheelchair adaptable homes overall and 10% of affordable housing for rent should be wheelchair adapted at the outset.
- 9.60. This development will provide 3 wheelchair adapted homes (1 x one bed, 1 x two bed and 1 x three bed) which is 10% of the development overall and is welcomed.
- 9.61. The proposed development is acceptable subject to the inclusion of conditions and therefore considered to be in accordance with policies DM1, DM20 and DM40 of the Brighton and Hove City Plan Part Two.

Impact on amenity of occupiers of existing neighbouring properties

Noise Impact

- 9.62. The proposal includes the reintroduction of a hard stand pitch in an area with already existing sensitive receptors, which include Kemps Court and Dudney Court within 50m of the site. Therefore, to reduce to a minimum the adverse impact on existing receptors as a result of the proposed development, noise assessments have been undertaken to take into consideration all possible noise sources. Although, the pitch previously existed on the site, it must be demonstrated that this new facility does not present an unacceptable risk, considering its closer proximity to existing properties and a possible increase in the frequency of its use.
- 9.63. The applicant has submitted a Noise Impact Assessment, as listed above, to predict the noise impact on neighbouring amenity from the reintroduced hard stand play area. Whilst the worst-case scenarios affect the new development, typical noise contours indicate that residents of Dudney Court and Kemps Court could be affected by levels higher than 50dB. The level of impact from the reintroduced play court will depend on its management, usage and mitigation measures proposed to further reduce the noise from ball impacts. Robust conditions are sought to obtain these further details.

Sunlight/Daylight

- 9.64. A sunlight and daylight report has been submitted in support of this application which has undertaken an assessment on neighbouring properties within Lindfield, Dudney Court, Kemps Court and 74-82 Locks Hill.
- 9.65. All relevant neighbouring windows assessed, with a requirement for daylight, pass the vertical sky component test. A daylight distribution test has also been undertaken where room layouts are known. In these instances, all rooms pass the daylight distribution test.
- 9.66. In terms of sunlight, all rooms that face within 90 degrees of due south have been tested for direct sunlight. All windows with a requirement for sunlight pass both the total annual sunlight hours test and the winter sunlight hours test, thereby satisfying the BRE guidelines.
- 9.67. Further, all gardens and open spaces of these neighbouring properties also meet the BRE recommendations.

Privacy and outlook

- 9.68. To the east, the proposed eastern pavilion is set 5m from the shared boundary with No. 78 Locks Hill. Towards the south, the separation distance of the eastern pavilion increases to 15m from the rear boundary of No's 74 and 76 Locks Hill.
- 9.69. Owing to the topography of the area, those properties fronting Locks Hill are set on a much higher land level than the application site. As shown on the section drawings and contextual elevations, the land at the rear boundary of properties on Locks Hill measures 2.3m higher than the application site. As a result, the boundary fence to the rear of 78 Locks Hill is level with the middle point of the first-floor windows on the eastern elevation of the eastern pavilion. The levels are such that the ridge height of the development is level with the eaves height of No.78 Locks Hill.
- 9.70. It is acknowledged that a number of window openings are proposed on the eastern elevation of the eastern pavilion facing properties on Locks Hill. Within the built form nearest these neighbouring properties, 5 windows are proposed at first floor and also at second floor level to serve living rooms and bedrooms. Given the height difference, views out of the first-floor windows are partially obscured by the shared boundary treatment. Whilst views would be had from the second-floor windows, this would largely be over the rear most part of the garden to No.78 Locks Hill. Views from the new dwellings into No.78 would be limited given a separation distance of 39m between the built forms.
- 9.71. During the lifetime of the application, amendments have been received to reduce the amenity impact on neighbouring properties on Locks Hill. The scheme originally included two balconies to the eastern elevation at first and second floor which have since been relocated to the southern elevation, overlooking the proposed parking area. Whilst some views towards the rear elevations of properties on Locks Hill may be had, these have been significantly reduced and are now not considered to result in significant harm to these neighbouring properties.

- 9.72. The southern portion of the eastern pavilion would be situated some 15m from the shared boundary with No. 76 Locks Hill. Again, any views from these windows would largely be over the rear most part of neighbouring gardens. The development would retain a separation distance in excess of 45m from the rear elevation of No.76.
- 9.73. Given the separation distances to neighbouring properties, in conjunction with the land levels between the application site and Locks Hill, the proposed development is not considered to result in an overbearing impact to these adjacent properties.
- 9.74. The nearest residential accommodation to the south of the site is Kemps Court, a three-storey flatted development. The north-eastern corner of this neighbouring development is situated approximately 12.5m from the southern end of the eastern pavilion proposed, whilst the element of Kemps Court most likely to be impacted is situated 20m from the eastern pavilion but located directly opposite the proposals. The proposals have been deliberately offset from the trunk of Kemps Court nearest the site to avoid a reduction in outlook to these properties. The distance of 20m to the properties directly opposite ensures that sufficient separation is had between neighbouring properties to prevent harmful overlooking. The proposed balconies at first and second floor have been sited such that views to the south would largely be over the parking area, away from window openings in Kemps Court.
- 9.75. To the west of the development lies Dudney Court, a three-storey flatted development with communal gardens to the rear. The proposed western pavilion would be situated 13m from the shared boundary with this neighbouring property and 21m from the rear elevations of the flats within this neighbouring development. The western block would be separated from the rear of Dudney Court by the community centre parking. This is not dissimilar to the existing arrangement which features an access route and garages to the rear of this block.
- 9.76. The western elevation of the west pavilion would feature window openings within the new residential units at first and second floor level. These window openings would serve living areas and bedrooms. It is acknowledged that the proposals would result in an increase in overlooking when compared to the existing situation however, given the separation distance and number of windows proposed this is not considered to be to such a degree that would cause significant harm to neighbouring amenity.
- 9.77. To the north of the site is Linfield, which forms two storey residential accommodation in an L shape footprint. This neighbouring property is situated 17m from the nearest point of the western pavilion. The two developments would be separated by the access road and parking area for the development. Further, owing to the orientation of the western pavilion, no direct overlooking would occur to these neighbouring properties.
- 9.78. Subject to appropriate conditions the proposed development is not considered to result in significant harm to the amenities of neighbouring properties and as

such the development is in accordance with policies DM20 and DM40 of the Brighton and Hove City Plan Part 2.

Ecology and trees

- 9.79. Policies CP10 and DM37 state that development should conserve biodiversity, protecting it from the negative indirect effects of development. Applications should therefore provide net gains for biodiversity wherever possible to enhance biodiversity on site.

Ecology

- 9.80. The application is supported by an Ecological Design Strategy and Biodiversity net gain (BNG) assessment which detail a range of enhancement measures. Further enhancements are recommended and are secured by condition to include bat boxes, bird boxes and creation of habitat log piles. The long-term management of these newly created habitats is secured by condition in addition to a financial contribution for the ongoing monitoring of these habitats via the S106 agreement. The information provided under this application demonstrates that a BNG in excess of 10% is achieved (approx. 30%), in accordance with local and national policy. Provision of on-site BNG is particularly welcomed.
- 9.81. The habitats of greatest significance on the site are scattered trees and hedgerows. Hedgerow identified as H1 will be retained as will two of the mature trees in accordance with the Arboricultural survey and report.
- 9.82. All buildings proposed for demolition were assessed as offering negligible bat roost potential in the Preliminary Ecological Appraisal. One Alder tree on site identified as T2 was assessed as offering low bat roost potential. This tree is to be retained.
- 9.83. Consideration has been given to the potential for amphibians, badgers and birds. In this instance, the standard safeguards for these animals should be implemented.
- 9.84. The County Ecologist raises no objection to the proposal, subject to appropriate conditions and monitoring.

Trees

- 9.85. The application is supported by an Arboricultural Impact assessment. Thirteen trees have been identified for removal to enable the redevelopment of the site. The following tree species are to be removed, 1 x Rowan, 1 x Ash, 1 x Holly, 1 x Lime, 3 x Cherry and 6 x Sycamore. Three of these trees are considered to fall under category B whilst 10 are Category C. The majority of the trees are therefore in a poor condition, and this is confirmed by the councils Arboriculturalist. Whilst the loss of these trees is regrettable, subject to mitigation planting, to include 33 replacement trees, the removal of these trees is acceptable.
- 9.86. Further details of the size and species to be provided are sought by condition.

- 9.87. The proposals are therefore considered to be in accordance with policies CP10 of the City Plan Part One and DM22 and DM37 of the City Plan Part 2 and Supplementary Planning Document 11.

Sustainable transport

Site access

- 9.88. Access will remain as existing with two separate entrances, primary access is via Lindfield from Windlesham Close and access to the residential and blue badge parking from Locks Hill to Blakers Court. No improvements are proposed for vehicular access which is acceptable. The access to Blakers Court provides access for City Clean and although the development may intensify this, the arrangements are deemed acceptable.
- 9.89. Highways officers initially requested the provision of a segregated pedestrian access along the Blakers Court Car Park access to the south east of the site. This has been investigated by the applicant and found to be unachievable due to established trees and existing use of the route by neighbouring residences as amenity space. As a result, the access to the south east of the site will form a mixed use space for vehicles, pedestrians, cyclists and all road users. Given that use of this route will increase following occupation, a scheme of traffic calming measures, road markings and signage are secured to minimise vehicular speeds and raise awareness of the mixed use.
- 9.90. A public right of way (PRoW), footpath 49, runs along the northeast boundary of the site and provides a pedestrian link connecting South Street to Locks Hill. Further, the footway on Locks Hill at the crossing point of Blakers Court does not currently benefit from dropped kerbs. To allow for pedestrian use of this route, these are secured via condition and S278 agreement.
- 9.91. The new proposed public pathway crossing the application site links to this path through the centre of the two buildings to Windlesham Close. This will require an access agreement or permissive path agreement to be secured by S106.

Delivery and service vehicles

- 9.92. Amendments have been received for a new bin store location to the northern edge of the site. Swept path drawings have been provided for fire tenders demonstrating that there will be room for turning for refuse vehicles adjacent to the communal bin store. This arrangement is acceptable.
- 9.93. The site plan has been amended and a car parking space to the north of the site, previously allocated for the community centre, is now marked as a loading bay. The bay does not appear to be of a sufficient size and no swept path analysis has been provided. Therefore a car park layout condition is attached to ensure an improved arrangement is arrived at.

Parking provision

- 9.94. Improved long term cycle parking facilities have been proposed which is welcomed. At present Sheffield stands do not form the majority of cycle parking provision. It appears however that there is adequate space to achieve an

acceptable layout for Sheffield stands. A condition is attached to seek further details.

- 9.95. The cycle parking location proposed for the community centre is considered acceptable. Further, shower and locker facilities have been included within the community centre which is welcomed and acceptable to the local highway authority.
- 9.96. Disabled parking has been proposed in line with the minimum policy provision which is considered acceptable. Exact layouts and dimensions are conditioned via the car park layout condition attached.
- 9.97. In respect of the residential use, 13 spaces are proposed comprising 12 spaces in Blakers Court, of which 3 are blue badge (replacing existing 8 garages owned by BHCC), and a single disabled space in Lindfield. 13 spaces for 28 residences makes this a car light scheme, something that can be accepted if provisions are made to support active travel and public transport usage.
- 9.98. In respect of the community use, 10 spaces are proposed (split 6 west : 4 north) of which 3 are disabled spaces.
- 9.99. A car park management plan is sought by condition to confirm how the assumptions set out in the Transport Statement will be ensured and how the allocation of onsite parking will be managed.

Travel forecasts and operational impact

- 9.100. In terms of trip generation, the level proposed in connection with the community centre is likely to be low. Whilst it is possible that the new facility will attract more visitors than the existing one, the total floor space is decreasing and so any increase is likely to be negligible.
- 9.101. The trip generation for the residential use is not likely to have a severe impact on the surrounding transport networks.
- 9.102. A parking survey has been submitted in support of this application. The survey undertaken indicates that the likely overspill from the proposed residential development can be accommodated by on street parking without risk to highway safety. In order to allow for any overspill parking to be managed and monitored, a car park management plan is sought by condition in addition to a travel plan.
- 9.103. Provision of a car club bay is considered to improve equality of access to travel but also provides an alternative to owning a car and this would mitigate the risk from overspill parking to highway safety. Provision of a car club bay is secured as part of the S106 agreement.

Public transport

- 9.104. The site benefits from acceptable public transport links. The nearest bus stops are a 2 minute walk through Portslade Village Green which will be directly accessed via the new footpath connection. Further Fishersgate railway station is accessible within a 15 minute walk.

9.105. The proposals are therefore considered to comply with policies CP9, DM33, DM35 and DM36.

Sustainability

9.106. A comprehensive and informative range of reports has been submitted to help assess the energy impact, sustainability, and embodied carbon of the development.

9.107. The council's Sustainability officer considers that the development has an excellent sustainability approach and will deliver significant cuts to carbon emissions and energy use.

9.108. Whilst the proposal does involve demolition of existing buildings that are currently in use, the proposals would replace and enhance the facility with modern premises and make significantly more effective use of the site, which is welcomed.

9.109. The development is proposed to deliver savings of 64% carbon emissions from the baseline. This is achieved through a combination of good thermal efficient construction values, high efficiency lighting, space heating controls and smart meters for residents, and a site-wide ground source heat pump system for heating and hot water. The carbon emissions savings amply exceed the CP8 policy requirements. A condition to ensure that all the dwellings achieve an EPC rating of B is also sought.

9.110. The ventilation strategy balances providing natural daylight with openable windows; reducing potential for internal and external overheating. An overheating assessment confirms that all the dwellings and rooms will not overheat under current summer conditions and is thus compliant with Building Regulations Part O.

9.111. An extensive roof-mounted solar PV array is proposed, and an indicative layout provided. This is welcomed and a condition is sought to secure the final layout of the solar installation.

9.112. The non-residential part of the development, comprising the community meeting halls, circulation space and utilities, is 397 sqm in size. As a result, there is a policy requirement for the development to achieve a BREEAM rating of 'Very Good' which is secured by condition.

9.113. The proposals are therefore considered to comply with policies CP8 and DM44 of the City Plan.

Sustainable drainage

9.114. Much of the site is indicated as being at low risk of surface water flooding. Only the far western part of the site, where no development is proposed, is at a higher risk. This application is supported by a flood risk assessment and drainage strategy.

- 9.115. Intrusive ground surveys have already taken place on site to assess the risk from groundwater flooding. It is however recommended, that further testing is undertaken to demonstrate a lack of risk to the lower ground floor (Community centre use) from groundwater flooding in winter months. Depending on the results of this, further mitigation measures within the construction may be necessary. This is secured by condition.
- 9.116. There are no records of flooding from any source occurring close to the site and the drainage team agree that the site is at a negligible risk of flooding from all other sources.
- 9.117. The proposed drainage system is for all surface and roof water to be infiltrated through a new cellular crate soakaway. Roof water will be captured through downpipes, and surface water will be captured through permeable paving.
- 9.118. Foul waters are proposed to be discharged to the adjacent public foul water sewer in Windlesham close via an existing a new connection on site. Further information is sought by condition to include a CCTV survey of all existing pipes to assess their condition and updated peak discharge rates.

Other

Archaeology

- 9.119. The application is supported by an Archaeological Desk-based assessment. This report presents a broadly acceptable assessment of the sites archaeological potential.
- 9.120. In light of the potential for impacts to heritage assets with archaeological interest resulting from the proposed development, conditions are recommended to ensure that any archaeological deposits and features are either preserved in situ or where this can't be achieved, adequately recorded in advance of their loss.

Conclusion

- 9.121. The partial loss of open space is considered acceptable based on the significant enhancements to the open space the proposals would provide. Further, the net loss of community floor space is accepted due to the provision of improved modern facilities. The provision of 28 affordable dwellings would make a welcome contribution to the city's housing target and in particular would help to meet the need for affordable housing, providing public benefit – significant weight is given to housing provision in the planning balance.
- 9.122. The landscape led approach to the scheme is welcomed in line with comments from the design officer and the design review panel. The pavilion buildings proposed have been sensitively designed to respond to the landscape and to reduce any potential impact on neighbouring amenity. Subject to appropriate conditions the development would not cause any significant harm to neighbouring amenity.

- 9.123. The proposals provide an appropriate mix of housing sizes with each unit meeting the nationally described space standards providing an acceptable level of accommodation for future occupiers.
- 9.124. The development would provide ecological benefit providing an uplift in both habitats and hedgerow and would incorporate a sensitive landscaping scheme to include the provision of 33 new trees.
- 9.125. The proposed development is considered to be in accordance with development plan policies and subject to necessary conditions and the heads of terms is considered acceptable.

10. EQUALITIES

- 10.1. Section 149(1) of the Equality Act 2010 provides:
- 1) A public authority must, in the exercise of its functions, have due regard to the need to—
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 10.2. Officers have considered the information provided by the applicant, together with the responses from consultees in addition to the representations made by third parties.
- 10.3. All of the 28 flats will be M4(2) compliant with the exception of 4 units which are located over the community centre and are accessed only by a half landing resulting in a stepped entrance. The internal spaces in these units are however designed to meet M4(2) standards. 3 of the flats on the ground floor will be M4(3) compliant with independent access, parking and refuse storage.

11. S106 AGREEMENT

- 11.1. 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 reason:
1. The proposed development fails to provide a mechanism by which to secure affordable housing, or a financial contribution towards it in the city, in case of the viability situation changing, contrary to Policies CP7 and CP20 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
 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 mechanism (via S106 legal agreement) to secure a financial contribution for management and monitoring of the S106, 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.
5. The proposed development fails to provide a mechanism (via S106 legal agreement) to secure a financial contribution for management and monitoring of the S106, this would include the necessary financial contribution to provide on-going assessment and monitoring of secured travel plan. The proposal therefore fails to address the requirements of Policies CP7 and CP9 of the Brighton and Hove City Plan Part One or DM33 of City Plan Part Two and the council's Developer Contributions Technical Guidance 2020.

