

<u>No:</u>	BH2023/02790	<u>Ward:</u>	South Portslade Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Windlesham House 123 Windlesham Close Portslade BN41 2AB		
<u>Proposal:</u>	Demolition of existing Community Centre (F2) and erection of a three-storey residential block comprising 15no. flats (C3). Associated amenity, soft landscaping, car and cycle parking. (amended plans received 1st March 2024)		
<u>Officer:</u>	Michael Tucker, tel: 292359	<u>Valid Date:</u>	31.10.2023
<u>Con Area:</u>		<u>Expiry Date:</u>	30.01.2024
<u>Listed Building Grade:</u>		<u>EOT:</u>	12.04.2024
<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 7th November 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 Terms:

- A minimum of 40% Affordable Housing
- A financial contribution of £11,000 towards the review of long-term monitoring of Biodiversity Net Gain
- An Employment & Training Strategy and a financial contribution of £4,500 towards the Council's Local Employment Scheme.
- A s278 legal agreement to secure the addition of tactile paving at the junction of Locks Crescent and Windlesham Close, and additional yellow lines on Locks Crescent.

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Proposed Drawing	D48967/JB/A		17 October 2023
Proposed Drawing	NN025-HTC-XXXX-XXXX-DR-O-000001		17 October 2023

Proposed Drawing	NN025-MBA-ZZZZ-ZZZZ-SK-A-000016	P03	29 May 2024
Proposed Drawing	NN025-MBA-ZZZZ-ZZZZ-SK-A-000017	P03	29 May 2024
Proposed Drawing	NN025-MBA-ZZZZ-ZZZZ-SK-A-000018	P01	17 October 2023
Proposed Drawing	NN025-MBA-ZZZZ-ZZZZ-SK-A-000023	P03	29 May 2024
Proposed Drawing	NN025-MBA-ZZZZ-ZZZZ-SK-A-000046	P02	1 March 2024
Proposed Drawing	NN025-RCO-XXXX-0000-PL-L-000001	P04	29 May 2024
Proposed Drawing	RCO433/01	02	29 May 2024
Block Plan	NN025-MBA-ZZZZ-0000-DR-A-001001		31 October 2023
Location Plan	NN025-MBA-ZZZZ-0000-DR-A-001002		31 October 2023
Report/Statement	Archaeological Desk Based Assessment		17 October 2023
Report/Statement	Biodiversity Net Gain Assessment		14 June 2024
Report/Statement	Daylight and Sunlight Assessment		17 October 2023
Report/Statement	Ecological Walkover Survey		17 October 2023
Report/Statement	Energy Statement		17 October 2023
Report/Statement	Flood Risk and Drainage Assessment		17 October 2023
Report/Statement	Land Contamination Assessment		17 October 2023
Report/Statement	Landscape Strategy		17 October 2023
Report/Statement	Landscaping Details		17 October 2023
Report/Statement	Overheating Assessment		17 October 2023
Report/Statement	Phase 1 Contaminated Land Assessment		17 October 2023
Report/Statement	Sustainability Statement		17 October 2023
Report/Statement	Transport Assessment		17 October 2023
Report/Statement	Tree Survey		17 October 2023
Report/Statement	Whole Life Carbon Statement		17 October 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. 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) Details of the types of brick to be used
 - b) Details of the proposed window, door and balcony treatments
 - c) Details of all other materials to be used externallyDevelopment 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 and DM21 of Brighton & Hove City Plan Part 2 and CP12 of Brighton & Hove City Plan Part 1.
4. The west-facing windows serving the bedrooms in units E.02, E.05 and E.08 hereby permitted shall be obscure glazed and non-opening, unless the parts of the windows which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with Policies DM20 and DM21 of Brighton & Hove City Plan Part 2.
5. 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.
6. No tree shown as retained on the approved drawings shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars or as may be permitted by prior approval in writing from the local planning authority. 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, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development in compliance 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.
7. The landscaping detailed on drawing no. NN025-RCO-XXXX-0000-PL-L-000001 P04 received on 29th May 2024, and detailed in supporting documents

“Landscape Strategy” and “Landscape Details” both received 17th October 2023, shall be carried out in the first planting and seeding season following the first occupation of the building hereby permitted or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become, in the opinion of the Local Planning Authority, seriously damaged or diseased, shall be replaced with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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.

8. Notwithstanding the approved plans, the development hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy DM33 of Brighton & Hove City Plan Part 2, and SPD14: Parking Standards.

9. The accessible vehicle parking space shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles belonging to the occupants of and visitors to the wheelchair accessible M4(3) dwelling hereby approved. This vehicle parking space shall be made available for use prior to first occupation of this unit and shall be maintained so as to ensure its availability for such use at all times.

Reason: To ensure that adequate parking provision is retained and to comply with policy CP9 of the Brighton & Hove City Plan Part One, policy DM33 of Brighton & Hove City Plan Part 2, and SPD14: Parking Standards.

10. The development hereby permitted shall not be occupied until the new crossover and access has been constructed, and until the redundant vehicle crossovers to the northern and western frontages have been converted back to a footway by raising the existing kerb and footway.

Reason: In the interests of highway safety and to comply with policies DM33 of Brighton & Hove City Plan Part 2, and CP9 of the Brighton & Hove City Plan Part One.

11. The wheelchair accessible / adaptable dwelling hereby permitted as detailed on drawing no. NN025-MBA-ZZZZ-ZZZZ-SK-A-000016 received on 29th May 2024 shall be completed in accordance with Building Regulations Optional Requirement M4(3)(2a) (wheelchair user dwellings – ‘adaptable’) prior to first occupation and shall be retained as such thereafter.

All other dwellings hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter,

unless otherwise agreed in advance and in writing by the Local Planning Authority. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to provide an overall mix of units, to comply with policy DM1 of Brighton & Hove City Plan Part 2 and CP19 of the Brighton and Hove City Plan Part 1.

12. No development, including demolition, shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:
- (i) Timescales for the Proposed Development including the forecasted completion date;
 - (ii) Details of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
 - (iii) Measures to minimise disturbance to neighbours regarding issues such as noise and dust management, vibration, site traffic, and deliveries to and from the site;
 - (iv) Measures to prevent mud/dust from tracking onto the highway;
 - (v) Details of hours of construction including all associated vehicular movements
 - (vi) Details of the construction compound including plant and material storage and manoeuvring areas;
 - (vii) A plan showing construction traffic routes

The construction of the development shall be carried out in full compliance with the approved CEMP.

Reason: In the interests of amenity and road safety and to comply with policies CP9 of the City Plan Part One and DM33 of the City Plan Part Two.

13. The development hereby approved should achieve a minimum Energy Performance Certificate (EPC) rating 'B'.

Reason: To improve the energy cost efficiency of existing and new development and help reduce energy costs and enhance sustainability, to comply with policies DM44 of the Brighton & Hove City Plan Part Two and CP8 of the Brighton & Hove City Plan Part One.

14. 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.

15. Prior to first occupation of the development hereby approved, details of the proposed 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 the Brighton & Hove City Plan Part Two.

16. No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority:
- (1) 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 (Phase 1 Land Contamination Assessment, HOP, received 17th October 2023) 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,
 - (2) 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. The works shall thereafter be undertaken in accordance with the approved details.

Reason: To safeguard the health of future residents or occupiers of the site and to comply with policies DM20 and DM41 of City Plan Part 2.

17. The development hereby permitted shall not be first occupied until details of the hours of operation and maintenance of the external lighting indicated on drawing D48967/JB/A received 17th October 2023 have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed, operated and maintained in accordance with the approved details and thereafter retained.

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

18. All ecological measures and/or works shall be carried out in accordance with the details contained in the Ecological Walkover Survey Technical Note (Urban Edge Environmental Consulting, September 2023, Ref: UE0557), Biodiversity Net Gain Assessment (Urban Edge Environmental Consulting, June 2024, Ref: UE0557_WindleshamHouse_BNG_1_240611) and Biodiversity Metric V4.0 (Urban Edge Environmental Consulting, 10 June 2024 V1), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason: To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified, and to provide a net gain for biodiversity as required by paragraphs 180 and 186 of the National Planning Policy Framework, Section 40 of the Natural Environment and Rural Communities Act 2006, Policy CP10 of the Brighton & Hove City Plan Part One and Policy DM37 of City Plan Part Two.

19. No development shall take place (including any demolition, ground works, site clearance) until a method statement for the protection of reptiles (which by default will also cover hedgehogs and foxes) 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); and
- 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.

20. No development shall take place until an ecological design strategy (EDS) addressing compensation for the loss of habitat, provision of a minimum 10% biodiversity net gain and species enhancements, to include hedgehog holes, chalk grassland along Windlesham Close, log piles, artificial nesting provision for birds (min. 11 swift bricks/boxes or multiple cavities that would support at least 11 pairs), bats (min. 3No.) and invertebrates (min. 11 bee bricks) has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:

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

21. A landscape and ecological management plan (LEMP) shall be submitted to, and approved in writing by, the local planning authority prior to the occupation of the development [or specified phase of development]. This should cover at minimum all onsite and offsite habitats of medium distinctiveness i.e. eight offsite trees, retained and newly planted onsite trees, four chalk grassland parcels along Windlesham Close, onsite native species rich hedgerows and onsite mixed scrub. 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; and
 - 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.

22. No development 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 policies DM31 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.

23. No part of the development hereby permitted shall be brought into use until the archaeological site investigation and post-investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that phase has been completed and written details submitted to 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 approved written scheme of investigation.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policies DM31 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.

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

Reason: To ensure adequate foul sewage drainage/treatment is available prior to development commencing and to comply with policy DM42 of Brighton & Hove City Plan Part 2.

25. No development above ground floor slab level of any part of the development hereby permitted shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved details.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policies DM42 and DM43 of the Brighton & Hove City Plan Part Two and CP11 of the Brighton & Hove City Plan Part One and SPD16: Sustainable Drainage.

26. The development hereby permitted shall not be occupied until details of the following have been submitted to and approved in writing by the Local Planning Authority:

- the existing foul sewer connection proposed to be used;
- confirmation of the final sizing and locations of all drainage components;
- a maintenance and management plan for each drainage element, identifying tasks, responsible parties and also suggested frequencies.

Reason: To mitigate for the risk of flooding and to comply with policies DM42 and DM43 of the Brighton & Hove City Plan Part Two and CP11 of the Brighton & Hove City Plan Part One and SPD16: Sustainable Drainage.

27. Within 3 months of first occupation of the dwellings hereby permitted, a scheme of Travel Plan Measures to promote sustainable transport to and from the site shall be submitted to and approved in writing by the Local Planning Authority. The Scheme should include, but not be limited to, the following measures:

- Promotion of sustainable travel for residents including a range of bicycle workshops and training options
- The residents' choice of
 - Free membership of a car club scheme
 - Free membership of the Brighton bike share scheme
 - Free public transport season tickets
 - Cycle maintenance stand(s) and equipment within the cycle store
- Production of a residents Travel Pack outlining the offers available to residents

The above measures shall be implemented prior to each first residents' occupation of the building and thereafter be maintained as such.

Reason: To encourage sustainable travel to and from the site and to comply with policies CP9 of the City Plan Part One and DM33 of the 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 under Part S of the Building Regulations that new dwellings providing a parking space now require an EV charging point.
3. 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.
4. The water efficiency standard required 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. Where asbestos is found/suspected on site, it will fall under the Control of Asbestos Regulations 2012, overseen by the Health and Safety Executive. Further information can be found here: HSE: Asbestos - health and safety in the workplace
6. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act.
7. The planning permission granted includes a vehicle crossover which requires alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The crossover is required to be constructed under licence from the Head of Asset and Network Management. The applicant is advised to contact

the Council's Streetworks Team (permit.admin@brighton-hove.gov.uk 01273 290729) for necessary highway approval from the Highway Authority prior to any works commencing on the adopted highway to satisfy the requirements of the condition.

8. The applicant is advised to contact the Council's Streetworks Team (permit.admin@brighton-hove.gov.uk 01273 290729) for necessary highway approval from the Highway Authority prior to any works commencing on the adopted highway to satisfy the requirements of the condition.
9. The applicant is advised that Section 153 of the 1980's Highways Act states, "(1) A door, gate or bar which is put up on any premises and opens on a street shall be so put up as not to open outwards unless, in the case of a door, gate or bar put up on a public building, the local authority for the area in which the building is situated and also, if the street is a highway, the highway authority consent to its being otherwise put up."

2. SITE LOCATION

- 2.1. The application relates to a single-storey detached building set in a corner plot at the junction of Windlesham Close and Locks Crescent in Portslade. The site is landscaped with car parking to the eastern and western sides. Land levels fall to the west. The building is a community centre (Use Class F2), however has been vacant for some years.
- 2.2. The surrounding area is residential in character, with a two-storey block of flats (Evelyn Court) to the north on the opposite side of Locks Crescent, a three-storey residential block (Portslade Court) to the east and two-storey terraced and semi-detached dwellings to the south on Old Shoreham Road (accessible via a pedestrian pathway) separated from the site by rear gardens and vehicle parking areas. To the west lies a large allotment area.
- 2.3. A small area at the extreme western edge of the site, and a larger part at the eastern edge, is designated Open Space. The site is also located within the Nature Improvement Area.

3. RELEVANT HISTORY

- 3.1. **PRE2023/00017** - Demolition of existing premises on the site and construction of 13 affordable flats.
- 3.2. **PRE2021/00129** - Demolition of existing premises on site and the creation of 17 affordable flats.
- 3.3. **PRE2019/00183** - Demolition of existing building and creation of 17 affordable flats.

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the demolition of the existing community centre building and the erection of a three-storey split-height building providing fifteen residential flats (Use Class C3). The proposals also include revised landscaping across the site.
- 4.2. The proposals have been amended during the course of the application, to include revisions to the proposed elevational detailing and landscaping.

5. REPRESENTATIONS

- 5.1. The application was first advertised in November 2023. Following the receipt of amended plans the application was then re-advertised in March 2024.
- 5.2. A total of **twelve (12)** letters of objection have been received, raising the following issues:
 - Impact of additional traffic on local roads and parking stress
 - Harm to amenity of surrounding residents due to additional noise disturbance, overshadowing and loss of privacy
 - Overdevelopment and poor design, the building is too large and has an unpleasant appearance
 - Overpopulation and stress on local services
 - Nuisance during construction works
 - Too much rubbish/waste in the area, not collected frequently enough
 - A smaller building should be proposed
 - There are errors in the applicant's parking survey
 - There has already been a lot of development in Portslade
 - Concerns regarding capacity of sewers
- 5.3. Full details of representations received can be found online on the planning register.

6. CONSULTATIONS

Internal:

- 6.1. **Arboriculture** No objection
There is no objection to the proposed removals for Windlesham House subject to mitigation landscaping on a 2:1 ratio.
- 6.2. **Brighton and Hove Local Employment Scheme** No objection
An Employment & Training Strategy will be required to cover all relevant phases of the project, as well as a developer contribution of £4500 to be paid prior to site commencement.
- 6.3. **Environmental Health** No objection
There is no objection to the proposed external lighting scheme.

- 6.4. The submitted land contamination survey has been reviewed and its conclusions are agreed with. An intrusive land survey and an asbestos survey should be secured.
- 6.5. **Heritage** No objection
This site is outside the Portslade Conservation Area boundary. It is sufficiently distant from the Grade II listed 8 Locks Hill (from which the 3 storey Portslade Court prevents inter-visibility) that the development of this site with a 3-storey block as proposed would not be considered to impact the significance of these heritage assets.
- 6.6. **Housing Strategy** No objection
This is a council development through the New Homes For Neighbourhoods programme. All of the homes will be provided at social rent levels and will be owned and managed by the council. The development is required to provide 40% of the housing as affordable to comply with policy CP20 Affordable Housing. This would be 6 homes but as a council development it will exceed this requirement by providing 100% affordable housing - 15 homes.
- 6.7. **Lead Local Flood Authority** No objection
The applicant has provided further information to address the issues raised in our original response. On this basis there is no objection subject to conditions securing:
 - The condition of the existing foul sewer connection proposed to be used, as confirmed using a CCTV survey or similar.
 - Confirmation of the final sizing and locations of all drainage components.
 - A maintenance and management plan for each drainage element, identifying tasks, responsible parties and also suggested frequencies.
- 6.8. **Percentage for Art** No comment received
- 6.9. **Planning Policy** No objection
The loss of the community facility is considered acceptable in this instance as criteria (b) and (c) of CPP2 Policy DM9 are both partially satisfied.
- 6.10. There is no policy constraint on the reuse of a redundant community facility for housing. The principle of the development is therefore acceptable and the proposed 100% affordable development is welcomed.
- 6.11. **Private Sector Housing** No comment
- 6.12. **Sustainability** No objection
This development has excellent sustainability ambitions, demonstrated with a well designed strategy to minimise carbon emissions and water usage. This will benefit residents through lower fuel bills and comfortable living spaces, and future-proof the dwellings against the impacts of climate change.
- 6.13. The following conditions are recommended:
 - Carbon reduction of minimum 19% below building regulations

- Dwellings to have a minimum EPC of 'B'
- Water usage to be calculated as maximum of 110 litres / person / day
- Evidence of the final layout of the solar panel installation should be provided.

6.14. **Sustainable Transport** Comment

The amendments that have been made are welcomed and address some of the concerns originally raised:

- Height and scale of canopies above the entrance
- Removal of grassed areas in front of the building line on Locks Crescent expanding the effective footway width
- Redesign of cycle parking on Locks Crescent to avoid bicycles overhanging on the footway, new location for 2 no. visitor cycle stands proposed.
- Reversal of door openings on the western building entrance and the bicycle store

6.15. Conditions are nevertheless still sought to secure revised door and cycle parking arrangements, as well as to address the issues of car parking overspill and traffic management during and after construction works as set out in the first response.

6.16. **Urban Design** Seek amendments

The applicant's scheme site layout, building line and scale of development, are broadly supported but concern raised over monolithic and boxy form and roofline. Recommended that the applicant reviews the elevation and parapet design, including materiality. There is also an opportunity to add functionality to the communal garden such as accessible seating integrated into the Corten steel planter systems

External:

6.17. **County Archaeology** No objection

The submitted Archaeological Desk-Based Assessment (TVAS report dated November 2019) includes Historic Environment data that is in excess of four years out of date and only covering an area within 500m of the site, whereas we would have advised a 1km radius as being appropriate. However, it presents a broadly acceptable assessment of the site's archaeological potential, subject to conditions securing a Written Scheme of Investigation and appropriate post-works dissemination of findings.

6.18. **East Sussex Fire and Rescue** No comment received

6.19. **Ecology** No objection

Updated documents and clarifications have been provided following initial comments. Some issues remain however on this basis there is no objection, subject to conditions securing a Biodiversity Method Statement, an Ecological Design Strategy and a Landscape and Ecological Management Plan.

6.20. **Scotland Gas Networks** Comment

There should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate

pressure system. Safe digging practices in accordance with HSE publication HSG47 "Avoiding Danger from Underground Services" must be used to verify and establish the actual position of the mains, pipes, services and other apparatus on site before any mechanical plant is used.

- 6.21. **Southern Water** No objection
Standing advice provided regarding potential infrastructure on site and the need to apply separately for a foul connection. Condition sought requiring details of the proposed means of foul sewerage and surface water disposal should be submitted to and approved in writing by the Local Planning Authority.
- 6.22. **Sussex Police Community Safety** No objection
The inclusion of Secured By Design security measures is welcomed.

7. MATERIAL CONSIDERATIONS

- 7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report
- 7.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
 - Brighton & Hove City Plan Part Two (adopted October 2022);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
 - Shoreham Harbour Joint Area Action Plan (adopted October 2019).

8. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP13	Public streets and spaces
CP14	Housing density
CP16	Open space
CP19	Housing mix
CP20	Affordable housing

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
DM33	Safe, Sustainable and Active Travel
DM37	Green Infrastructure and Nature Conservation
DM43	Sustainable Drainage
DM44	Energy Efficiency and Renewables

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD11	Nature Conservation & Development
SPD14	Parking Standards
SPD17	Urban Design Framework

9. CONSIDERATIONS & ASSESSMENT

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

- The principle of the loss of the existing community facility
- The design and appearance of the proposed building
- The impact upon neighbouring amenity
- The standard of accommodation to be provided
- Ecology
- Transport
- Sustainability

Principle of Development:

9.2. The proposed loss of the existing (albeit currently vacant) community centre would engage the requirement of Policy DM9 of the City Plan Part Two. This policy states that development leading to the loss of community facilities will only be permitted where at least one of the following applies:

- a) replacement facilities of an appropriate quality and size will be provided as part of new development proposals or in an alternative suitable location that meets the criteria in part 1 of this policy; 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."*

- 9.3. The Planning Statement submitted with the application states that use by the Royal Voluntary Service (RVS) commenced in September 2009 as a day centre for the elderly including a meals-on-wheels facility. The RVS vacated the building in 2018 and terminated their lease in September 2023 due to the lack of demand to maintain this use.
- 9.4. The building has remained vacant since 2018 and the Planning Statement states that unsuccessful efforts have been made to bring it back into use. It is noted that the facility is small, being only 38m², and the larger, operational Portslade Village Centre is located approximately 500m away and offers similar facilities. Officers note that planning permission has recently been granted for the redevelopment of this nearby site with some community use floorspace retained. Criterion (a) is therefore considered to have been partially satisfied.
- 9.5. With regard to criterion (b) it has not been fully demonstrated that the building is not needed, but there is alternative capacity in an easily accessible location. The criterion is therefore partially satisfied.
- 9.6. The building is stated to be in poor condition with damp and water ingress, with photographic evidence provided as evidence of this. It is acknowledged that the building in its current state is no longer suitable to accommodate the current use and that refurbishment would be necessary. It has not however been demonstrated that these refurbishments would be of an unreasonable scale. Criterion (c) is therefore partially satisfied.
- 9.7. The Planning Policy consultee has reviewed the submission and has raised no objection to the loss of the existing use.
- 9.8. Given the lack of demand for the existing facilities, the partial reprovision of a more useful community space nearby, and that the facility is in poor condition, the scheme is considered to comply with the requirements of Policy DM9, particularly noting, as follows, the proposed use is for much-needed housing.
- 9.9. 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.
- 9.10. 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).
- 9.11. The proposal would result in the creation of fifteen new dwellings, and would make a welcome contribution towards the city's housing target. The applicant has confirmed that the scheme will be for 100% affordable housing, which is in excess of Policy CP20 requirements and is strongly supported.

- 9.12. In terms of housing mix it is regrettable that the proposals are limited to one- and two-bedrooms units, as larger dwellings of three or more bedrooms are identified as forming a significant part of the housing need. However, it is recognised that a good mix of one- and two-bedroom units are proposed (7x one-bedroom and 8x two-bedroom), and as a fully flatted development with limited private outdoor amenity space it is considered that the proposed housing mix can be accepted.
- 9.13. Accordingly, it is considered that the proposal would be acceptable in principle. The requirements of Policy DM9 have been partially met on two counts, and the provision of fifteen new dwellings is given increased weight in accordance with the NPPF and Policy CP1.

Design and Appearance:

- 9.14. The proposed building would be three-storeys in scale, with a flat roof and a split form following the falling topography of the site. The footprint of the scheme would align with the western and northern site boundaries, with an appropriate building line. The facades would be stepped and would be finished in brick, with strong alignment and cohesiveness in terms of the pattern of fenestration.
- 9.15. Following feedback from the Council's Urban Design Officer, the design of the building has been amended since the initial submission, with a darker tone of brickwork added to the uppermost floor and an improved treatment to the prominent northwestern corner.
- 9.16. The proposed design, as amended, is supported. Whilst there would be a substantial increase in scale and massing compared to the existing building, the three-storey scale of the building is considered appropriate, matching the height of Portslade Court to the east and stepping down to the west as land levels fall. Building lines and orientations are appropriate, and the stepped elevations demonstrate a high degree of interest and cohesiveness.
- 9.17. Whilst some elements, such as the roof railings, remain less than ideal from a purely visual standpoint, they are necessary for maintenance of the solar panels which provide sustainability benefits, and a more solid alternative would increase the loss of light to neighbours to the north.
- 9.18. Although the landscaping proposals have been pared back to the north of the site due to concerns raised by the Local Highway Authority, substantial landscaping remains proposed to the west, south and east and this is supported. Five trees would be removed to facilitate the development, identified as falling within categories U (unsuitable for retention) and C (low quality) due to damage and/or poor condition and the Council's Arboriculture Officers have raised no objection to their loss. A landscaping masterplan and supporting detail has been provided and indicates sufficient replacement planting to compensate for the lost trees in native species. The implementation of the proposed landscaping can be secured by condition.
- 9.19. Accordingly, subject to the recommended conditions it is considered that the scheme would be acceptable in terms of design and appearance and would be

in accordance with Policy CP12 of the City Plan Part One and Policy DM18 of the City Plan Part Two.

Impact on Amenity:

- 9.20. Policy DM20 of the City Plan Part Two states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 9.21. The proposed building would result in a substantial increase in scale and massing compared to the existing arrangement, together with an increase in activity on site and the creation of new vantages towards neighbouring dwellings. New external lighting is also proposed.
- 9.22. In terms of general activity and noise disturbance, it is recognised that there would be an increase compared to the existing use, particularly given that the building has lain vacant in recent years. However, it is considered that the proposed use as residential dwellings would be compatible with the surrounding area, and the number of proposed units (15) is not excessive compared to neighbouring blocks. For example, 121 Windlesham Close to the north has 23 units, and Portslade Court to the east has 17 units. It is therefore considered unlikely that the development would result in a significant increase in harm due to general activity.
- 9.23. In terms of potential loss of light for neighbours, the application includes a Sunlight & Daylight Assessment (SDA). The SDA identifies that there will be some impact on neighbouring properties, including the building directly to the north at 121 Windlesham Close where some of the south-facing ground- and first-floor windows would fall below BRE guidelines as a result of the development, as set out below.
- 9.24. In terms of daylight, 56 out of 63 neighbouring windows would pass the Vertical Sky Component (VSC) test defined within BRE guidance. Of those that would fail, some serve bedrooms or communal areas which are considered to be of lower importance in terms of access to daylight.
- 9.25. Four habitable spaces (serving three separate flats) are identified as being the worst affected:
- Window 71 serves a kitchen/living/dining room and would see a reduction in VSC from 30.1% to 18.4%.
 - Window 74 also serves a kitchen/living/dining room and would see a reduction in VSC from 32.7% to 20.4%.
 - Windows 82 and 83 serve the same living room and would see a reduction in VSC from 30.2% and 28.0% to 20.4% and 18.5%, respectively.
 - Window 86 serves a bedroom/living room and would see a reduction in VSC from 37.1% to 24.6%.
- 9.26. In terms of sunlight, there would be some reduction in the Annual Probable Sunlight Hours (APSH) for neighbouring windows, however the report finds no

cases where this would be a significant enough loss to result in non-compliance with BRE guidelines.

- 9.27. It is therefore noted that there would be a perceptible impact on the amount of daylight received by three of the neighbouring flats within 121 Windlesham Close to the north. This is acknowledged and is regrettable, and would result in some degree of harm to the amenity of these neighbours.
- 9.28. However, it is also recognised that the development is relatively modest in scale and has sought to minimise its impact in this regard, for example through the use of rooftop railings rather a solid parapet wall. Moreover, in considering the impact of the scheme as a whole it is noted that the development achieves an overall high level of compliance with BRE guidance.
- 9.29. The SDA also considers the impact upon the solar panels at nos. 121 and 124 Windlesham Close and identifies no significant impact.
- 9.30. In terms of loss of outlook and increased enclosure, it is recognised that the proposed building would be a more prominent visual feature from all surrounding neighbours due to its increased height and footprint relative to the existing building. However, the most affected neighbours would be 121 Windlesham Close and Portslade Court. There would be a spacing of approximately 15m to both of these neighbours and whilst this is somewhat close it is considered that the proposed building responds appropriately to the site boundaries and that the spacing is sufficient to mitigate the worst of the enclosing effect of the three-storey scale.
- 9.31. In terms of overlooking, it is considered that a sufficient separation distance (approximately 40m) would be retained to the rear elevation of the neighbours to the south on Od Shoreham Road. To the north, the separation would be closer at approximately 15m, however this is not unacceptably close and as a street frontage this neighbouring elevation is considered less sensitive in this respect. Some windows would face east onto Portslade Court with separation again at 15m which is considered close but not unacceptable, given that this is onto what is effectively the front elevation of the neighbouring building.
- 9.32. The proposed external lighting, comprising a series of 12 LED luminaires (lights) mounted at 3.5m height, has been reviewed by the Council's Environmental Health team and no concerns have been raised in terms of potential light spill or nuisance for neighbouring dwellings. Details of the operation and maintenance of the lighting can be secured by condition.
- 9.33. On this basis the scheme is considered acceptable in terms of its impact on neighbouring amenity, and to accord with Policy DM20 of City Plan Part 2.

Standard of Accommodation:

The fifteen proposed flats are all single-storey and comprise:

On the ground floor:

- Flat W01 - one bedroom, two-person, 61.5sqm

- Flat W02 - one bedroom, two-person, 53.1sqm
- Flat E01 - two bedroom, four-person, 74.1sqm
- Flat E02 - one bedroom, two-person, 50.2sqm
- Flat E03 - two bedroom, four-person, 75.2sqm

On the first floor:

- Flat W03 - one bedroom, two-person, 61.5sqm
- Flat W04 - one bedroom, two-person, 53.1sqm
- Flat E04 - two bedroom, four-person, 74.1sqm
- Flat E05 - one bedroom, two-person, 50.2sqm
- Flat E06 - two bedroom, four-person, 75.2sqm

On the second floor:

- Flat W05 - one bedroom, two-person, 61.5sqm
- Flat W06 - one bedroom, two-person, 53.1sqm
- Flat E07 - two bedroom, four-person, 74.1sqm
- Flat E08 - one bedroom, two-person, 50.2sqm
- Flat E09 - two bedroom, four-person, 75.2sqm

- 9.34. The units would be laid out over three storeys, with identical layouts across each floor save for the wheelchair accessible M4(3) flat (W01).
- 9.35. Each flat would comply with the Nationally Described Space Standard (NDSS) in terms of overall area, bedroom sizes and headroom. Habitable rooms would be of suitable sizes and proportions allowing spaces for furniture and circulation and access to natural light and outlook would be acceptable with no single aspect units. The application includes an Internal Daylight Assessment (IDA) which finds that all rooms would meet or exceed BRE illuminance guidance for bedrooms/living rooms.
- 9.36. There is arguably some shortcoming insofar as five of the open-plan kitchen/living/dining rooms do not meet the illuminance requirement for habitable kitchens. However, the BRE guidance allows for flexibility in shared-use rooms as the alternative may be an effective worsening of the accommodation with smaller, separated kitchen areas. It is considered appropriate to assess these shared spaces as living rooms and on this basis each would comply.
- 9.37. All flats would have access to a balcony/terrace at the rear. There are some uncomfortable relationships with the balconies for units E01, E04 and E07 being overlooked from the side-facing bedroom windows in the adjoining units, however it is considered that a condition requiring these windows to be obscure glazed and non-opening would resolve this issue.
- 9.38. On this basis it is considered that the proposed units would provide an acceptable standard of accommodation, in accordance with Policies DM1 and DM20 of the City Plan Part Two.

Ecology:

- 9.39. The site lies within the Brighton and Lewes Downs UNESCO Biosphere Reserve (as with the entire city) and South Downs Way Ahead Nature Improvement Area (NIA) but is otherwise not designated for its nature conservation interest.
- 9.40. The application includes an Ecological Walkover Survey and a Preliminary Ecology Appraisal and has been reviewed by the County Ecology consultee.
- 9.41. No likely impact on protected species such as great crested newts and badgers has been identified. The recommendations of the EWS are supported to minimise impact on reptiles, breeding birds, hedgehogs and foxes is supported, however further information will be necessary in the form of a Biodiversity Method Statement (in relation to the clearing of habitat suitable for reptiles) and an Ecological Design Strategy (in relation to new habitat for hedgehogs).
- 9.42. The likely impact on bats is considered acceptable, with the submitted lighting assessment indicating minimal impacts from the proposed external lighting on the hedgerows to the east and south.
- 9.43. In terms of biodiversity enhancements, the scheme includes new landscaping with native species, as well as biodiversity feature such as deadwood log piles, and bird and bat boxes. These are supported. Bee and swift bricks can also be secured in accordance with Council policy.
- 9.44. A minimum of 10% quantifiable Biodiversity Net Gain (BNG) is required. The metric submitted with the scheme indicates that BNG of 14.77% habitat units can be met with off-site tree planting (proposed to be at East Brighton Park). Some discrepancy is apparent in how the post development grassland has been calculated and the County Ecologist has calculated that 10.99% is a more accurate gain - this remains above the 10% requirement and is considered acceptable. This is on the basis that the four parcels of wildflower grassland along Windlesham Close are chalk grassland on an appropriate substrate, and this will need to be evidenced. A financial contribution of £11,000 towards reviewing the long-term monitoring of the BNG proposals can be secured as part of the legal agreement.

Sustainable Transport:

- 9.45. The application includes a Transport Note which finds that the expected trip generation is unlikely to be a significantly increased.
- 9.46. The site is well located for public transport, with bus stops within walking distance on Old Shoreham Road to the south and Fishersgate railway station 750m away.
- 9.47. The existing footway on the northern boundary of the site on Locks Crescent is relatively narrow (approximately 1m wide). The original proposals sought to utilise the footway 'as existing' but this was raised as a concern by the Local Highway Authority(LHA) as the proposed change of use to residential would increase the likelihood of conflict. The scheme has been amended to remove previously proposed areas of defensible landscaping and as a result the effective footway width has been increased to 2m, with one pinch point of 1.5m.

Other minor amendments made in response to LHA comments include the entrance doors now opening inwards, and increased height of entrance canopies. The LHA have confirmed that their original concerns have been largely addressed, subject to conditions relating to the cycle parking store, refuse and recycling store, and their original requests including a Demolition and Construction Environmental Management Plan, and overspill parking mitigation as set out below.

- 9.48. The proposed wheelchair accessible unit (according with M4(3) of the Building Regulations) is located at the western end of the site where there is flat access and this is supported. The proposed car parking space would be for the wheelchair accessible unit and would include the required additional access space to one side.
- 9.49. No other on-site car parking is proposed. The development will also result in the extinction of nine off-road spaces in the existing car park to the east of the existing building. The LHA have confirmed that a car-free development is acceptable in principle, however consideration will need to be given to the issue of overspill on-street parking demand as the site is not located within a Controlled Parking Zone.
- 9.50. The application includes a Parking Survey which identifies 174 on street spaces within the surveyed area, and a maximum observed occupation of 83 cars. The Parking Survey has been reviewed by the LHA who disagree some points and conclude that the development has the potential to result in a material impact in terms of overspill parking. They therefore consider mitigation is necessary in the interests of highways safety.
- 9.51. In accordance with the LHA comments this mitigation will take the form of a car club bay and a membership package for future residents. However, complicating matters is the concurrent redevelopment of Portslade Village Centre to the northeast for which planning permission has now been granted with a new car club bay secured. On the basis that this car club bay is implemented, the LHA consider that in this instance a second car club bay is not required as there would already be one within a five-minute walk, and that instead a membership package would be sufficient, to be secured by a condition requiring travel plan measures.
- 9.52. As access to the site for larger vehicles is only through narrow residential roads, it is considered appropriate to secure a Management Plan for the demolition and construction phases of the development.
- 9.53. The refuse store enclosure for the western block does include outward opening doors that may obstruct the highway. However, it has been clarified that these are only for occasional use when the bins have to be collected/emptied – the bins would otherwise be filled using top-opening methods. On this basis this can be accepted.
- 9.54. The applicant has confirmed that they are willing to undertake the highway works requested by the LHA such as double yellow lines and tactile paving. This will

be secured through the s106, requiring them to enter into a s278 agreement to undertake/fund the works.

Sustainability:

- 9.55. The application includes an Energy Statement, an Overheating Assessment, a Sustainability Statement and a Whole Life Carbon Statement. These documents have been reviewed by the Council's Sustainability Officer who considers that the development has excellent sustainability ambitions, demonstrated with a well-designed strategy to minimise carbon emissions and water usage.
- 9.56. Sustainability measures such as the use of building materials with good thermal values, communal heat pumps, and solar panels are proposed and welcomed. The proposals would meet or exceed the City Plan sustainability requirements relating to energy and water efficiency.

Other Considerations:

- 9.57. An Employment & Training Strategy and a financial contribution of £4500 towards the Council's Local Employment Scheme can be secured as part of the S106 agreement.
- 9.58. A Phase 1 contaminated land assessment has been provided with the application and reviewed by the Environmental Health team. The assessment finds that the risk of contamination on site is low, however also finds that the presence of several potentially contaminative activities within close proximity of the site gives rise to the possibility that contaminants may have migrated on to the site. The conclusions of the Phase 1 assessment are considered sound, and accordingly a follow-up Phase 2 survey can be secured by condition to establish any necessary remediation measures.
- 9.59. In accordance with the comments of the County Archaeology team, a Written Scheme of Investigation can be secured by condition as there is the potential for unknown archaeological heritage assets to be affected.
- 9.60. Due to the falling land levels, parts of the site are considered to be at medium to high risk of flooding. The application includes a Flood Risk Assessment and this has been reviewed by the Flood Risk Manager. Following the receipt of clarifying information relating to runoff rates and justification for the exclusion of SUDS, has no objection to the scheme on flood risk grounds subject to conditions securing detail of the drainage components and maintenance plans. The scheme includes a 'blue roof' to aid with water attenuation and control of run-off.

10. CONCLUSION

- 10.1. No objection is raised to the loss of the existing community use as the requirements of Policy DM9 have been met. The provision of 15 affordable housing units is welcomed and is given increased weight in accordance with the NPPF.

- 10.2. The amended scheme is considered to be acceptable in terms of design and appearance and standard of accommodation. Matters relating to ecology, arboriculture, transport, archaeology and drainage can be addressed by condition and legal agreement.
- 10.3. Some harm has been identified, including in terms of neighbouring amenity such as loss of light, loss of privacy and loss of outlook. However, on balance it is considered that the provision of 15 affordable housing units provides sufficient benefit to outweigh this harm.
- 10.4. Approval is therefore recommended, subject to the recommended conditions and subject to a legal agreement being signed.

11. COMMUNITY INFRASTRUCTURE LEVY

- 11.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. The exact amount will be confirmed in the CIL liability notice which will be issued as soon as it practicable after the issuing of planning permission.

12. EQUALITIES

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.
- 12.1. Officers considered the information provided by the applicant, together with the responses from consultees (and any representations made by third parties) and determined that the proposal would not give rise to unacceptable material impact on individuals or identifiable groups with protected characteristics. The scheme provides level access to all but four of the fifteen proposed units, and includes a wheelchair accessible M4(3) unit. The absence of a lift for the western block is regrettable however the applicant has stated this is due to affordability and practicality (space) reasons and given the overall high proportion of accessible units this can be accepted.

13. S106 AGREEMENT

- 13.1. In the event that the draft S106 Agreement has not been signed by all parties by the date set out above, the application shall be refused for the following reasons:
1. The proposed development fails to provide 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 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 to secure a s278 agreement for the addition of tactile paving and double yellow lines on nearby roads and junctions. 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.