

<u>No:</u>	BH2025/01414	<u>Ward:</u>	Goldsmid Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Site Of Sackville Road Trading Estate Sackville Road Hove BN3 7AN		
<u>Proposal:</u>	Demolition of buildings and structures at land North of the Hove Central access road to allow redevelopment comprising residential units (C3) with associated amenity provision, car and cycle parking, integrated public realm, vehicular access from the access road (via Sackville Road), and other necessary infrastructure.		
<u>Officer:</u>	Chris Swain, tel: 292178	<u>Valid Date:</u>	18.06.2025
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	17.09.2025
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Oxalis Planning Ltd, Toll Bar House, Landmere Lane, Edwalton, Nottinghamshire, NG12 4DG		
<u>Applicant:</u>	Homes For City of Brighton & Hove & Sackville Street SL Ltd C/o Oxalis Planning Ltd, Toll Bar House, Landmere Lane, Edwalton, Nottinghamshire, NG12 4DG		

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 on the Heads of Terms set out below and the following Conditions and Informatives as set out hereunder, **SAVE THAT** should the s106 Planning Obligation not be completed or significantly advanced, on or before the **18 February 2026** the Head of Planning is hereby authorised to refuse planning permission for the reasons set out at the end of this report:

Section 106 Head of Terms:

Affordable housing:

- 123 residential units (40%) to be provided as affordable housing in broad alignment with the Council's target mix and tenure split.

Public Realm Improvements:

- The provision of two street trees in Sackville Road in close proximity to the site.

Sustainable Transport and Highways:

Sustainable Transport Contribution

- A contribution of (figure to be agreed) to be put towards the design, modelling and implementation of improvements to the junction at Sackville Road/Old Shoreham Road to support safe cycling and bus movements.

Bikeshare Hub Safeguarding

- Land safeguarded onsite for future bike docking station

Car Club Bays

- The provision of three car club bays within the site

Highway works

A scheme of highway works should be secured via a section 278 agreement (to be secured in turn via a section 106 agreement). The agreement should incorporate a final set of agreed detailed drawings that have achieved full technical acceptance and include:

- A scheme to amend the bus layby on Sackville Road (southbound) to enable refuse collections to be carried out with minimum of interference with the operation of the bus stop to include if necessary:
 - Amendments to the layby geometry, repositioning the bus cage, bus stop, Real Time Passenger Information, boundary treatment and SUDS schemes
 - Securing via TRO that no other use of the bus layby is allowed except for refuse collections, if necessary, by time restriction.
 - A scheme of signs and/or markings to provide for cyclists to share the Sackville Road footway at the southern bus layby
- A scheme for pedestrian/cyclist shared use of Sackville Road footway

Permissive Path Agreement

- Public access through the site shall at all times shall be secured via a permissive path agreement.

Employment:

- Submission of an Employment & Training Strategy to set how the developer, contractor (and their sub-contractors), as well as any other relevant agents will collaborate in order to meet the Local Employment Scheme's key objectives:
 - Recruitment and Development
 - Careers, Experiences of Work & Social Value
 - Green Economy & Sustainability

Monitoring fees:

- Contribution of **£6,622.21** for the 30-year monitoring of Biodiversity Net Gain (BNG)
- Contribution of **£7,249** for the monitoring of the measures and objectives within the Travel Plan
- Contribution for the necessary monitoring of the s106 agreement as a whole, equal to 5% of the value of the combined total of the financial contributions

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	24.028-HGP-XX-XX-D-A-0322	P01	26-Aug-25
Proposed Drawing	24.028-HGP-XX-ZZ-D-A-0303	P08	26-Aug-25
Proposed Drawing	PJC-1358-003	D	20-Aug-25
Proposed Drawing	PJC-1358-004	A	20-Aug-25
Proposed Drawing	PJC.1358.001	F	20-Aug-25
Proposed Drawing	PJC.1358.002	E	20-Aug-25
Proposed Drawing	24.028-HGP-S1-XX-D-A-100	P08	26-Aug-25
Block Plan	24.028-HGP-S1-XX-D-A-0100	P08	26-Aug-25
Proposed Drawing	24.028-HGP-XX-01-D-A-0203	P13	26-Aug-25
Proposed Drawing	24.028-HGP-XX-LG-D-A-0200	P14	26-Aug-25
Proposed Drawing	24.028-HGP-XX-00-D-A-0201	P13	26-Aug-25
Proposed Drawing	24.028-HGP-XX-UG-D-A-0202	P13	26-Aug-25
Proposed Drawing	24.028-HGP-XX-02-D-A-0204	P10	26-Aug-25
Proposed Drawing	24.028-HGP-XX-03-D-A-0205	P10	26-Aug-25
Proposed Drawing	24.028-HGP-XX-04-D-A-0206	P13	26-Aug-25
Proposed Drawing	24.028-HGP-XX-05-D-A-0207	P12	26-Aug-25
Proposed Drawing	24.028-HGP-XX-06-D-A-0208	P09	26-Aug-25
Proposed Drawing	24.028-HGP-XX-07-D-A-0209	P10	26-Aug-25
Proposed Drawing	24.028-HGP-XX-08-D-A-0210	P10	26-Aug-25
Proposed Drawing	24.028-HGP-XX-09-D-A-0211	P10	26-Aug-25

Proposed Drawing	24.028-HGP-XX-10-D-A-0212	P04	26-Aug-25
Proposed Drawing	24.028-HGP-XX-XX-D-A-0310	P07	26-Aug-25
Proposed Drawing	24.028-HGP-XX-XX-D-A-0320	P04	26-Aug-25
Proposed Drawing	24.028-HGP-XX-XX-D-A-0321	P04	26-Aug-25
Proposed Drawing	24.028-HGP-XX-XX-D-A-0350	P04	26-Aug-25
Proposed Drawing	24.028-HGP-XX-XX-D-A-0351	P04	26-Aug-25
Proposed Drawing	24.028-HGP-XX-ZZ-D-A-0300	P08	26-Aug-25
Proposed Drawing	24.028-HGP-XX-ZZ-D-A-0302	P09	26-Aug-25
Proposed Drawing	24.028-HGP-XX-ZZ-D-A-0301	P08	26-Aug-25

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.

Pre-commencement

3. 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 (but not exhaustively):
- (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: 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.

4. No development (including any demolition, site clearance or enabling works) shall take place until:
 - a. A Biodiversity Gain Plan (BGP) has been prepared in broad accordance with the Biodiversity Net Gain Feasibility Assessment BNGFA, prepared by PJC Consultancy, received 5 June 2025; and
 - b. The BGP has been submitted to and approved in writing by the Local Planning Authority.

Reason: Based on the information available, this permission will require the approval of a Biodiversity Gain Plan by the local planning authority before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply. The effect of paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 is that planning permission granted for the development is deemed to have been granted subject to the condition ("the biodiversity condition").

5. No development before ground floor slab shall take place until a Habitat Management and Monitoring Plan (HMMP) has been submitted to and approved in writing by the Local Planning Authority. The HMMP shall accord with the approved Biodiversity Gain Plan (BGP) and include:
 - i. A non-technical summary
 - ii. The roles and responsibilities of the people or organisations delivering the HMMP
 - iii. The planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan
 - iv. The management measures to maintain habitat in accordance with the approved BGP for a period of 30 years from the first occupation of the development
 - v. The monitoring methodology and frequency in respect of the created or enhanced habitat
 - vi. Provision for the identification, agreement and implementation of contingencies and/or remedial actions where the results from monitoring show that the conservation aims and objectives of the HMMP are not being met.

The created/enhanced habitat specified in the approved BGP shall be provided and thereafter managed and maintained in accordance with the approved HMMP. The habitat monitoring shall be submitted to and approved in writing by the Local Planning Authority in accordance with the methodology and frequency specified in the approved Habitat Management and Monitoring Plan.

Reason: To ensure the development delivers biodiversity net gain in accordance with Schedule 7A of the Town and Country Planning Act, 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.

6. No development shall take place until an ecological design strategy (EDS) addressing compensation and enhancement measures and including as a minimum 306 swift cavities, 306 bee bricks and at least one bat box has been submitted to and approved in writing by the local planning authority. The EDS shall include the following: a) purpose and conservation objectives for the proposed works; b) review of site potential and constraints; c) detailed design(s) and/or working method(s) to achieve stated objectives; d) extent and location /area of proposed works on appropriate scale maps and plans; e) type and source of materials to be used where appropriate, e.g. native species of local provenance; f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development; g) persons responsible for implementing the works; h) details of initial aftercare and long-term maintenance; i) details for monitoring and remedial measures; j) details for disposal of any wastes arising from works. The EDS shall be implemented in accordance with the approved details, and all features shall be retained in that manner thereafter.

Reason: To ensure that any adverse environmental impacts of development activities can be mitigated, compensated and restored and that the proposed design, specification and implementation can demonstrate this, and to contribute to a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 187 and 193 of the National Planning Policy Framework 2024 and Policy DM37 of the City Plan Part 2.

7.
 1. No works pursuant to this permission, other than demolition or site clearance, shall commence until there has been submitted to and approved in writing by the local planning authority:
 - (a) A desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with industry best practice guidance such as BS 10175:2011+A2:2017 - Investigation of Potentially Contaminated Sites - Code of Practice and BS 5930 Code of Practice for Ground Investigations;
And if notified in writing by the local planning authority that the desk top study identifies potentially contaminant linkages that require further investigation then,
 - (b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS 10175:2011+A2:2017;
And if notified in writing by the local planning authority that the results of the site investigation are such that site remediation is required then,
 - (c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and

monitoring. This should include a hydrogeological risk assessment to ensure the protection of groundwater abstraction from the adjacent aquifer. 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.
 - d) results of any necessary sampling and monitoring

Reason: To safeguard the health of future residents or occupiers of the site, to ensure the protection of water supplies and to comply with policies DM40, DM41 and DM20 of the Brighton & Hove City Plan Part 2.

8. Prior to the commencement of any of the following:
 - piling,
 - penetrative foundation designs,
 - investigation boreholes using penetrative methodsfull details of the above works shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the health of future residents or occupiers of the site, to ensure the protection of water supplies and to comply with policies DM40, DM41 and DM20 of the Brighton & Hove City Plan Part 2.

Pre-Ground Floor Slab

9. Notwithstanding any details shown on the approved plans, no development above ground floor slab level 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 building(s) in the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
 - a) Samples/details of all brick, mortar, roofing,
 - b) Samples/details of all cladding to be used, including details of their treatment to protect against weathering and details on longevity
 - c) samples/details of the proposed window, door and balcony treatments
 - d) samples/details of all other materials to be used externally
 - e) details of external materials maintenance plansThe development shall be carried out in full accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to comply with policies SSA4, DM18 and DM29 of Brighton & Hove City Plan Part 2 and DA6, CP12, CP13 and CP15 of the Brighton & Hove City Plan Part One.

10. Notwithstanding any details shown on the approved plans, no development above ground floor slab shall take place until example bay studies including 1:20 scale elevational drawings and sections showing full details of;

- window(s) and their reveals and cills,
- balcony details including drainage,
- parapets, copings and plant enclosures,
- all ground floor residential entrances
- all ground floor plant, cycle / refuse storage frontages

have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to comply with policies SSA4, DM18 and DM29 of Brighton & Hove City Plan Part 2 and DA6, CP12, CP13 and CP15 of the Brighton & Hove City Plan Part One.

11. The development hereby permitted shall not exceed ground floor slab level until a written scheme has been submitted to the local planning authority for approval which demonstrates how and where ventilation will be provided to each flat within the development including specifics of where the clean air is drawn from and that sufficient acoustic protection is built into the system to protect end users of the development. The approved scheme shall ensure compliance with Building Regulations as well as suitable protection in terms of air quality and shall be implemented prior to occupation and retained thereafter.

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

12. Notwithstanding any details shown on the approved plans, no development above ground floor slab shall take place until evidence is submitted to demonstrate that the energy plant/room(s) have capacity to connect to a future district heat network in the area. Evidence should demonstrate the following:

- a) Energy centre size and location with facility for expansion for connection to a future district heat network: for example, physical space to be allotted for installation of heat exchangers and any other equipment required to allow connection;
- b) A route onto and through site: space on site for the pipework connecting the point at which primary piping enters the site with the on-site heat exchanger/ plant room/ energy centre. Proposals must demonstrate a plausible route for heat piping and demonstrate how suitable access could be gained to the piping and that the route is protected throughout all planned phases of development;
- c) Metering: installed to record flow volumes and energy delivered on the primary circuit.

Reason: To ensure that the development is sustainable and makes efficient use of energy to comply with policies CP8 and DA4 of the Brighton & Hove City Plan Part One.

Pre-Occupation

13. The implementation of a programme of archaeological works shall be carried out in accordance with the written scheme of archaeological investigation for archaeological evaluation prepared RPS Tetra Tech document ref 794-PLN-HER-01812 and received 13 August 2025 and any subsequent addendums to the scheme approved by the Local Planning Authority.

The development hereby permitted shall not be brought into use, unless an alternative timescale is agreed in writing with the Local Planning Authority, until the archaeological site investigation and post-investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) has been completed in accordance with the approved programme set out in the Written Scheme of Investigation (RPS Tetra Tech document ref 794-PLN-HER-01812, dated August 2025) and any subsequent addendums approved 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 policies DM31 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.

14. Prior to first occupation of the development, the approved surface water drainage scheme for the site shall be fully implemented in accordance with the details set out within the Flood Risk Assessment, prepared by Brookbanks and received on 9 June 2025.

Reason: As this matter is fundamental to the acceptable delivery of the permission to prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with policies DM42 and DM43 of City Plan Part Two and CP11 of the Brighton & Hove City Plan Part One.

15. 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 the 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.

16. Notwithstanding any details shown on the approved plans, 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 scheme shall be implemented in full, 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 trees/plants, and details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, defect period and maintenance plan;
- e. details of all food growing areas, and provision of storage for necessary tools and equipment,
- f. details of all existing and proposed boundary treatments to include type, position, design, dimensions and materials;
- h. details of the children's play areas including equipment to be installed and any boundary treatments,
- i. details of screening / planting to ensure suitable protection of residential amenity at grade levels,

Any trees or plants which within a period of 5 years from the completion of each phase 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. The landscaping scheme, including all boundary treatments, food growing areas and children's play areas shall be retained thereafter.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to provide amenity, social, ecological and sustainability benefits, to comply with policies DM1, SSA4, DM18, DM20, DM22, DM37, DM42 and DM43 of Brighton & Hove City Plan Part 2, and CP8, CP9, CP10, CP11, CP12 and CP13 of the Brighton & Hove City Plan Part One.

17. Prior to first occupation of the development hereby approved, full details of any rooftop photovoltaic array, including number, siting and plans / sections 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 prior to first occupation.

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 Brighton & Hove City Plan Part Two.

18. The development hereby permitted shall not be 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. The development shall then be implemented in accordance with the approved details.

Reason: In the interests of crime prevention, to comply with policies CP12 and CP13 and DA6 and SA6 of the Brighton & Hove City Plan Part One.

19. The development hereby permitted shall not be first occupied until:
- i. details of external lighting, which shall include details of; levels of luminance, hours of use, predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors, hours of operation and details of maintenance have been submitted to and approved in writing by the Local Planning Authority.
 - ii. the predicted illuminance levels have been tested by a competent person to ensure that the illuminance levels agreed in part1 are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed in part i).

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

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

20. Prior to first occupation of the development hereby permitted, the wind mitigation scheme, outlined in the approved Wind Microclimate Assessment Report prepared by GIA Surveyors Ltd and received on 5 June 2025 shall be implemented in full. The wind mitigation measures shall be retained in situ thereafter. Any trees or plants necessary for the wind mitigation, that die, are removed or become seriously damaged or diseased shall be replaced in the next planting season in accordance with the approved details.

Reason: To ensure the safety and amenity of future occupiers and comply with policy CM20 of the Brighton and Hove Local Plan.

21. The development hereby permitted shall not be first occupied until a Completion Report, evidencing the habitat enhancements set out in the approved Biodiversity Gain Plan and Habitat Management and Monitoring Plan, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development delivers biodiversity net gain in accordance with Schedule 7A of the Town and Country Planning Act, 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.

22. Prior to the first occupation of the development hereby approved, all windows and associated ventilation systems identified for acoustic mitigation in the approved Environmental Noise Survey and Noise Impact Assessment Report (Ref: 31638/NIA1-Rev1, dated 23 May 2025) shall be installed in full accordance with the specifications and recommendations set out in that report. Where windows are required to remain closed to achieve the internal noise levels specified in BS 8233:2014, alternative means of ventilation, such as acoustically attenuated trickle vents or mechanical ventilation systems (e.g. MVHR) shall be provided and installed in accordance with the approved details. These systems

shall be designed to meet the minimum sound reduction performance levels specified in the report.

The approved acoustic glazing and ventilation measures shall be retained and maintained for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenity of future occupiers of the development by ensuring acceptable internal noise levels are achieved in accordance with Policy DM20 and DM40 of the Brighton & Hove City Plan Part Two.

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

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

24. Prior to first occupation of the development hereby permitted, a car park layout plan and details of the allocation and management of the spaces shall have been submitted to and approved in writing by the Local Planning Authority.

This should include details of motorcycle parking, car parking, loading bay(s), taxi pick-up and drop off, service and delivery areas and signage (markings and signs) for the management of all forms of parking and stopping as appropriate (such as numbered spaces and Department for Transport approved names and symbols (e.g. for a disabled bay) inside and outside of the space).

This should also include details of

- how vehicles safely and conveniently turn to leave the site in a forward gear
- 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.

Post occupation

25. Within three months of the date of first occupation of the development hereby permitted a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall cover a minimum 5-year period and once approved, shall thereafter be fully implemented in accordance with the

approved details. The Travel Plan measures shall include but not be limited to the following:

- Employment of a Travel Plan Co-ordinator for the period of the plan and shall set out clear objectives, targets, actions, and measures/incentives to promote sustainable transport modes and active travel:
- The measures and incentives to support the delivery of Travel Plan objectives and targets shall include:
 - The production of a travel information pack (TIP) offering a choice of one of the following Travel Incentives for each first resident and how to claim them:
 - Subsidised bus pass (or equivalent value public transport ticket)
 - Bikeshare membership
 - Car Club membership
 - A voucher towards cycle purchase
 - Cycle Training
- Monitoring of trip rates at occupation throughout the plan period

Reason: To ensure the promotion of safe, active and sustainable forms of travel and comply with policies DM35 of Brighton & Hove City Plan Part 2, and CP9 of the Brighton & Hove City Plan Part One.

Compliance

26. All separating walls and floors between residential units and plant rooms, recycling and refuse stores, cycle storage areas and communal entrances shall achieve a minimum sound insulation value of 5dB better than that required by Building Regulations Approved Document E (ADE) for airborne and impact noise. For the avoidance of doubt, this will be a minimum requirement of at least 50dB DnTw +Ctr to be achieved.

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

27. A minimum of 10% of the affordable housing units and 5% of the overall total of residential units permitted shall be built as wheelchair accessible dwellings prior to first occupation and shall be retained as such thereafter. The wheelchair accessible / adaptable dwelling(s) hereby permitted as detailed on the proposed floorplans received on 26 August 2025 shall be completed in accordance with the following;

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

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

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.

28. All residential units within the development hereby approved shall 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.

29. None of the residential units hereby approved shall be occupied until each relevant 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.

30. No installation of electronic communications apparatus as provided for within Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the character of the area and for this reason would wish to control any future development to comply with policies CP12 and CP15 of the Brighton & Hove City Plan Part 1 and policies DM18, DM25 and DM29 of Brighton & Hove City Plan Part 2.

31. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed the existing LA90 background noise level. The Rating Level and existing background noise levels are to be determined as per the guidance provided in BS4142:2014-A1:2019 (or the relevant updated Standard). In addition, there should be no significant low frequency tones present.

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

32. No cables, wires, aerials, pipework meter boxes, ventilation grilles or flues shall be fixed to or penetrate any external elevation fronting a highway, other than those shown on the approved drawings, without the prior consent in writing of the Local Planning Authority.

Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies DM26 and DM27 of Brighton & Hove City Plan Part 2 and CP12 and CP15 of the Brighton & Hove City Plan Part One.

33. If during construction, contamination not previously identified is found to be present at the site that requires a change to the approved Remediation Strategy, as set out in the Remediation Options Appraisal and Strategy (Atkins ref. 5204803 RS, December 2023) then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out within that area of the site until a Method Statement identifying and assessing the risk and proposing remediation measures, together with a programme for such works, is submitted to and approved in writing by the Local Planning Authority for approval in writing. The remediation measures shall be carried out as approved and in accordance with the approved programme.

Reason: To safeguard the health of local residents and future residents or occupiers of the site and to ensure that the site does not pose any risk to the water environment and to comply with policies DM40, DM41 and DM42 of City Plan Part 2 and in accordance with paragraph 180 of the NPPF.

34. All construction of the development hereby permitted, including demolition, landscaping and excavation, shall be fully in accordance with the details of the approved Site Waste Management Plan prepared by PMC Construction & Development Services Ltd, received on 15 September 2025.

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.

35. The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved.

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. Crime prevention measures could be evidenced by a Secure By Design Developers Award Certificate or equivalent.
3. 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](#).

4. The applicant is advised that the details of external lighting required by the condition above should comply with the recommendations of the Institution of Lighting Engineers (ILE) 'Guidance Notes for the Reduction of Light Pollution (2011)' or similar guidance recognised by the council. A certificate of compliance signed by a competent person (such as a member of the Institution of Lighting Engineers) should be submitted with the details. Please contact the council's Pollution Team for further details. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP (telephone 01273 294490 email: ehlpollution@brighton-hove.gov.uk website: www.brighton-hove.gov.uk).
5. The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting wild birds, their nests and eggs is a criminal offence. The nesting season is normally taken as being from 1st March – 30th September. The developer should take appropriate steps to ensure nesting birds, their nests and eggs are not disturbed and are protected until such time as they have left the nest.
6. The applicant is advised that a formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or www.southernwater.co.uk
7. Planning permission is no defence against a statutory noise nuisance investigation. The council is required to investigate under the provisions of the Environmental Protection Act 1990 to determine whether or not a statutory nuisance is occurring and if any action is appropriate.
8. The applicant is advised to consult with the sewerage undertaker to agree a drainage strategy including the proposed means of foul water disposal and an implementation timetable. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or www.southernwater.co.uk
9. 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](#).

10. The applicant is advised that the travel plan objectives, incentives and measures should be in broad accordance with the details set out in the Local Highways Authority Consultation response received on 16 October 2025.

2. SITE LOCATION

- 2.1. The application relates to the northern plot of the former Sackville Trading Estate and Hove Goods Yard. The site has an area of 1.22 hectares and is located on the east side of Sackville Road, approximately 50 metres south of the junction with Old Shoreham Road.
- 2.2. The site currently contains a collection of double height commercial sheds, which comprise of a mix of industrial, warehouse with trade counter and retail uses. The units are currently vacant due to the anticipated redevelopment of the site.
- 2.3. The southern part of the wider site has recently been developed as a mixed-use scheme with a collection of residential blocks as well as commercial units.
- 2.4. To the north, the site abuts existing retail sheds, office / commercial uses, a residential block converted from a former office block and a petrol station. To the east of the site are a collection of retail and commercial warehouses. The west of the site flanks Sackville Road. There is a single vehicular access point opposite Pointer Road and directly to the south of the application site. The boundary treatment on Sackville Road consists of a low retaining wall and relatively mature vegetation with some trees. The gradient of the land slopes down gently from the north to south down Sackville Road and also falls away towards the site. The existing pavement along Sackville Road is set at a higher level than the application site to the east.

3. RELEVANT HISTORY

- 3.1. **BH2019/03548** - Demolition and comprehensive redevelopment of Sackville Trading Estate and Hove Goods Yard, comprising "build to rent" residential units (C3) with associated internal and external amenity provision; a care community (C2) together with associated communal facilities, flexible office accommodation (B1); flexible retail floorspace (A1 and/or A3) and community/leisure floorspace (D1/D2); car and cycle parking; integrated public realm; and vehicular access via existing entrance from Sackville Road. Approved 6 August 2020.
- 3.2. There have subsequently also been a large number of conditions applications and some non-material amendment applications relating to the planning permission above (BH2019/03548).

- 3.3. **BH2018/03679** - Demolition and redevelopment of Sackville Trading Estate and Hove Goods Yard, with erection of buildings ranging from 2 to 15 storeys comprising 581no residential units (C3) and 10no live/work units (Sui Generis) with associated amenity provision; a care community comprising 260no units (C2) together with associated communal facilities; 3899m² of flexible office accommodation (B1); 671m² of flexible retail floorspace (A1 and/or A3) and community facilities including a multi-functional health and wellbeing centre (946m²) (D1/D2). Associated landscaping, car and cycle parking, public realm and vehicular access via existing entrance from Sackville Road. Refused on 29 July 2020.

4. APPLICATION DESCRIPTION

- 4.1. The proposal is for the demolition and the redevelopment of the northern plot at Sackville Trading Estate for a residential scheme, with buildings ranging from 5 to 10 storeys comprising the following:
- 306 residential units (C3)
 - 109 x one-bedroom,
 - 137 x two-bedroom,
 - 58 x three-bedroom,
 - 2 x four-bedroom
 - A minimum of 40% of affordable housing, with the expectation that the remainder of the housing would also be provided as affordable housing, subject to the necessary grant funding.
 - Associated landscaping and public realm
 - Vehicle and cycle parking,
 - Vehicular access via existing entrance from Sackville Road,
- 4.2. The general layout, massing, form, height and design of the building has been carried through from the previous care community scheme, approved as part of the extant mixed use regeneration scheme of the wider Sackville Trading Estate and Coal Yard site.
- 4.3. There have been a number of revisions to the internal layouts of the flats and minor amendments to the fenestration, materials and detailing of the scheme during the life of the application to improve the standard of accommodation and to improve the appearance of the buildings. The overall number of units has not changed.

5. REPRESENTATIONS

- 5.1. **Eight (8)** representations have been made, including from Peter Kyle MP supporting the proposed development for the following reasons:

Design and appearance

- Good design
- Current site is an eyesore, and the proposal will improve the look and feel of the area
- In keeping with listed buildings

Highways

- This scheme has the potential to provide additional improvements in walking, cycling and wheelchair access to the site,
- A sustainable site, near hove station that will encourage sustainable and environmental forms of travel,

Housing

- Affordable Housing will be a substantial benefit to the city
- Will provide housing for a diverse range of families and young people
- Will make a significant difference to struggling families
- The proposal for 'social rent' affordable rent is welcomed
- Will add a good balance of homes within the area
- Much needed accommodation in a very expensive part of the city

Other issues

A strategically important site for the city which should be developed

- 5.2. **Eight (8)** representations have been made, objecting to the proposed development for the following reasons:

Amenity

- Loss of privacy / overlooking to neighbouring properties
- Will impact on light to neighbouring properties
- Noise pollution from the proposed new substation and car parking and movements
- Significantly increased number of residents will result in noise and disturbance
- Loss of light and overshadowing to neighbours' properties
- Too close to the boundary
- Restriction of view
- Concerns over security
- Light pollution
- Floor to ceiling heights have been reduced, making the flats more cramped
- Construction work will result in disturbance to neighbouring residents

Design and appearance

- Excessive height
- Overdevelopment of the site
- Poor quality of elevations with little distinguishing features
- Previous schemes by the applicant in Coldean and Portslade look extremely poor in terms of design and construction quality

Highways

- Proposal will result in additional traffic and congestion
- Increased parking pressures and overspill parking
- The Transport Assessment is deficient and does not adequately access the potential highways impacts of the scheme
- Parking survey inadequate and not representative of local parking pressures
- The scheme does not appear to improve walking and cycling routes around the Sackville Road area which are currently poorly connected, often unsafe, and not suitable for families or young children travelling to school / nurseries
- Additional traffic will worsen air quality within the Air Quality Management Area (AQMA)
- Cumulative impacts, along with other developments have not been considered
- Proposed travel plan lacks any long-term measures

Other issues

- Conflict of interest as this is a council scheme which will be decided on by the Local Planning Authority
- Detrimental effect on property prices
- More street trees should be planted
- Lack of consultation on the change in use class
- Will have a negative impact on already stretched infrastructure and community facilities in the area
- Images from the scheme are not representative as many of the street trees have been removed

5.3. Full details of the representations can be found on the public planning register.

5.4. **Councillor O'Quinn** supports the application. Representation attached.

5.5. **Councillor Bagaeen** objects to the application. Representation attached.

6. CONSULTATIONS

Internal:

6.1. **Air Quality:** comment

The proposal is considered to be acceptable in terms of air quality and would not negatively impact upon the nearby Air Quality Management Area (AQMA).

6.2. **Arboriculture Team:** No objection

The submission includes a Tree Survey, Tree Constraints Plan along with various landscaping related information. The survey and constraints plan identify seven individual trees and two grouping of small mixed species. Other than two Elm trees (T1 & T2) which are on neighbouring land to the east, these trees are all located along the frontage of Sackville Road within the site. All seven trees on site will be lost. The loss of the trees is not objected to, subject

to the provision of a high-quality landscaping scheme which should be conditioned.

6.3. **City Clean:** No objection

The bin stores all appear to all be within acceptable drag distances from collection areas.

6.4. **Environmental Health:** No objection

The proposal is considered acceptable subject to conditions on land contamination, CEMP, plant noise and soundproofing.

6.5. **Heritage:** No objection

The site is within a wider Masterplan area, and it is noted that there is a consented scheme on the site of a not dissimilar height and massing to the proposed. As concluded in the Heritage Statement, due to distance, intervening development and the existing visual impact of the Moda Development the proposals would preserve the significance of heritage assets with no impact on their setting (and therefore significance). The main impact would be the cumulative impact of the built form (including the Moda development) when viewed from Hove Park (locally listed). In views out of Hove Park the existing townscape on the southern side of Old Shoreham Road is a detracting element in terms of the setting of Hove Park and the impact of additional new development within the cluster of new buildings coming forward would maintain the status quo with no further adverse impact on the setting and therefore significance of the locally listed park. As stated in the Built Heritage Assessment the character and quality of the park as a non-designated heritage asset would be sustained.

6.6. **Local Employment Scheme:** Comment

An Employment & Training Strategy will be required to cover all relevant phases of the project. The Strategy should set how the developer, contractor (and their sub-contractors), as well as any other relevant agents will collaborate in order to meet the Local Employment Scheme's objectives:

- Recruitment and Development
- Careers, Experiences of Work & Social Value
- Green Economy & Sustainability

6.7. **Planning Policy:** Comment

The provision of C3 units (dwellinghouses) including a minimum of 40% affordable units is considered acceptable in principle and is compliant with City Plan policies CP1, CP20 and SSA4, Policy 6 of the Hove Station Neighbourhood Plan and paragraph 11 of the NPPF. Development of high quality new social rented accommodation is welcomed.

6.8. **Public Health:** No objection

- 6.9. **Strategic Housing:** No objection
Strategic Housing & Development support the provision of at least 40% of affordable housing in line with policy CP20. Social Rent homes are particularly welcomed.
- 6.10. **Sustainable Drainage:** No objection
Flood risk for the site is low, and the proposal is acceptable in this regard. The surface water drainage strategy, which includes attenuation within an underground storage tank is considered to be acceptable.
- 6.11. **Sustainable Transport:** Comment
The Highway Authority has reviewed the updated Transport Assessment Addendum (TAA) dated August 2025, which responds to detailed comments from BHCC and Active Travel England. The TA Addendum expands significantly on overspill parking risk and journey routing.
- 6.12. The proposal is for a car-free development (except for disabled parking, visitor parking and car club cars) outside a Controlled Parking Zone (CPZ) which raises concerns regarding overspill parking. The applicant has carried out a parking beat survey as required by policy. This has provided some comfort that the risk of overspill parking will not cause severe highway safety risk but notwithstanding, requires strong mitigation through a Travel Plan.
- 6.13. Following the first response the Highway Authority has engaged in discussions with the applicant as well as Active Travel England in an attempt to resolve some of the outstanding issues with the proposals; chief amongst which are cycling and pedestrian access, overspill parking, site permeability, and arrangements for refuse collections.
- 6.14. This is a challenging application from a transport perspective and the issues raised in our first response are not all resolved, nor can they be easily resolved. It is, however, recognised the location offers potential for car-free living which is one of the objectives of CP9. The Highway Authority wishes to make no substantive comment on the present application. Should the LPA be minded to grant approval, there are requested conditions, obligations, financial contributions, and a scheme of highway works that seek to mitigate the transport impacts of the proposals and should be attached to a consent.
- 6.15. **Urban Design:** Comment
There have been several positive amendments to the scheme as the application has progressed, including improved one-bed layouts enhancing daylight and outlook, increased window heights at ground level, and confirmation of minimum 1.6 m balcony depths. The relocation of several three-bed apartments to achieve dual aspect is also supported. However, key design concerns remain. The

proposed use of UPVc for windows and doors is not supported, as it would be of lower quality, less durable, and visually inconsistent with the adjacent Moda development. Marine-grade aluminium should be the minimum specification for consistency, longevity, and environmental performance.

- 6.16. Despite some layout improvements, the scheme still includes long double-banked corridors which undermine residential quality and conflict with SPD17 *Urban Design Framework* and Policy CP12 *Urban Design*. Reconfiguration of circulation spaces is recommended to improve circulation, neighbour interaction, and secure-by-design principles.
- 6.17. Further bay studies are needed to clarify the architectural quality of key frontages and communal entrances and should be secured by condition. External rainwater downpipes on taller blocks remain a concern and should be concealed where possible. At ground level, the parking layout should allow direct refuse collection and include additional planting or hedging to soften the courtyard and promote a shared-space character. Doorstep play and planting in the eastern courtyard are supported, but similar provision should be added to the western courtyard. The omission of street trees along the eastern access route is regrettable, and their inclusion would improve views and the overall setting. Relocating the bike docking station would also enable a continuous soft landscape strip and accommodate a large tree.
- 6.18. Balcony detailing and alignment with brickwork require refinement, and recessed balconies should be confirmed as meeting the 1.6 m depth. Conditions should secure high-quality detailing, balcony drainage, soffit design, and inclusive public realm elements.
- 6.19. Overall, while several positive revisions are acknowledged, further amendments are required to resolve outstanding design and layout issues. Subject to these revisions and appropriate planning conditions, the scheme could achieve an acceptable design standard in line with local policy and guidance.

External:

- 6.20. **Active Travel England (ATE): Comment**
Comments based on original submission: ATE is not currently in a position to support this application and requests further assessment, evidence, revisions and/or dialogue as set out in this response.
- 6.21. (It is noted that highways works to improve access for cyclist and pedestrians and a commitment to provide a financial contribution for improvement to the nearby Sackville Road / Old Shoreham Road junction to the north, which were key ATE concerns, have been secured since this consultation response was received).

6.22. **Brighton and Hove Buses:** Object

The proposals show refuse trucks being directed to use the southbound bus stop on Sackville Road currently known as Hove Park Tavern to load and unload. This is wholly unacceptable and presents a serious operational and accessibility conflict. The bus stop in question is one of the busiest along this corridor, currently serving up to 20 buses per hour and accommodating over 2,000 passengers every week. It is a critical part of the city's sustainable transport network.

6.23. Using the bus stop as a servicing and loading point would:

1. Undermine Bus Reliability and Service Continuity
2. Impact Passenger Safety and Accessibility
3. Conflict with Local Transport Policy
4. Lack of Consideration for Alternative Servicing Arrangements
5. Set a Precedent and lacks Consistency
6. Fail to Consider the Operational Context of Brighton's Bus Network

6.24. For these reasons, we strongly object to the application as submitted. We request that the applicant is instructed to redesign the servicing strategy so that refuse collection and other loading/unloading activities are contained within the site boundary and do not conflict with vital public transport infrastructure.

6.25. **County Archaeologist:** Comment

The submitted Written Scheme of Investigation (WSI) is considered to be acceptable.

6.26. In the light of the potential for impacts to heritage assets with archaeological interest resulting from the proposed development, the area affected by the proposals should be the subject of a programme of archaeological works in accordance with the approved WSI and any subsequent addendums.

6.27. This will enable any archaeological deposits and features that would be disturbed by the proposed works, to be either preserved in situ or, where this cannot be achieved, adequately recorded in advance of their loss.

6.28. These recommendations are in line with the requirements given in the NPPF.

6.29. The written scheme of investigation sets out the contracted archaeologist's detailed approach to undertake the programme of works and accords with the relevant sections of the Sussex Archaeological Standards (2019).

6.30. The proposal is acceptable subject to the suggested condition on the implementation of the site investigation and any post investigation analysis and recording.

6.31. **County Ecologist:** No objection

In summary, provided the recommended mitigation, compensation and enhancement measures are implemented, the proposed development can be permitted from an ecological perspective (although we do consider that the post-development BNG / landscaping proposal could go considerably further in the biodiversity benefits it offers). A standard pre-commencement Biodiversity Gain Condition should also be applied, and it is recommended that in addition to any legal agreement required to secure the maintenance and monitoring of significant on-site BNG for at least 30 years, the Council should also secure fees for their compliance monitoring.

6.32. East Sussex Fire and Rescue: No comment

At this stage East Sussex Fire Authority have no comment to be made regarding this application however, comment will be made in due course during formal consultation with the relevant Building Control in accordance with procedural guidance and Building Regulations.

6.33. Environment Agency: No objection

Piling, other foundation designs and investigation boreholes using penetrative methods can result in risks to potable water supplies. Groundwater is particularly sensitive in this location because the proposed development site is within source protection zone 1 and is located upon a principal aquifer. As such the development is only acceptable subject to the suggested conditions relating to piling and contamination and remediation strategies.

6.34. Health and Safety Executive: No objection

Following a review of the information provided in the planning application, HSE is content with the fire safety design as set out in the project description, to the extent it affects land use planning considerations. However, HSE has identified some matters that the applicant should try to address, in advance of later regulatory stages.

6.35. Highway England: No objection

Our remit is with proposals that have the potential to impact on the safe and efficient operation of the Strategic Road Network (SRN), in this case, particularly within the vicinity of the A27. Given the location of the proposal, the likely trip generation and distribution, and having regard to the consented use at the site, we are satisfied that this development would not have a significant impact on the SRN. A condition is recommended for a Construction Traffic Management Plan (CTMP).

6.36. Hove Station Neighbourhood Forum: No objection

The scheme is supported as it is compliant with the strategic policies of the Hove Station Neighbourhood Plan.

- 6.37. **Scotia Gas Networks:** No objection
- 6.38. **Southern Water:** Object
This planning application is located within Source Protection Zone 1 (SPZ1) of Southern Water's Hove public groundwater abstraction. Groundwater levels in this area are anticipated to be close to the surface, meaning any below-ground activity could directly interact with the groundwater table.
- 6.39. No Hydrogeological Risk Assessment (HRA) has been submitted with the application. As such, the potential impacts of both demolition and construction activities on groundwater quality have not been assessed. Furthermore, there is no appropriate contaminated land assessment provided. The documents labelled as such are a collection of appended Emapsite outputs with no interpretation, assessment, or conclusions.
- 6.40. There are concerns that the actions in the demolition plan and the proposed use of piling poses a significant risk to groundwater quality and to the continued operation of our abstraction.
- 6.41. To ensure the protection of our public water supply, a detailed Hydrogeological Risk Assessment (HRA) must be submitted. This assessment should consider all demolition and construction activities and propose mitigation measures that eliminate any risk to the Hove public groundwater supply. The findings of the HRA must directly inform the foundation design, which will need to be revised accordingly to ensure it presents no risk to the abstraction.
- 6.42. **Sunlight and Daylight (BRE):** Comment
BRE have reviewed the daylight and sunlight material by GIA as part of an application (BH2025/01414) for the northern plot of the Sackville Trading Estate, Hove.
- 6.43. The conclusions in a letter by GIA that the loss of light impact to Sackville Road properties (to the west of the scheme) would be similar to those assessed for the consented scheme on the site are reasonable since it does not appear there would be significant differences in massing for the blocks nearest the properties. Tower elements to the north and east of the proposal site appear to be proposed to increase by one storey compared to the consented scheme.
- 6.44. No further assessment would be necessary at a residential conversion of 136-140 Old Shoreham Road unless the additional storey to the northern towers of the proposal site would increase the height of these areas to cause significant extra obstruction.
- 6.45. The scope of the assessment of daylight and sunlight provision to the scheme is appropriate and the methodologies used are in line with those given in the

BRE Report 'Site layout planning for daylight and sunlight: a guide to good practice' and BS EN17037 'Daylight in Buildings'.

6.46. **Sussex Police:** Comment

The level of crime and anti-social behaviour in the Brighton & Hove district is above average when compared with the rest of Sussex as indicated within Police.uk, I have no major concerns with the proposals at the location, however, additional measures to mitigate against any identified local crime trends and site-specific requirements should always be considered.

6.47. **Sussex Police and Crime Commissioner:** Object

In order to mitigate against the impact of growth, it is calculated that the capital 'cost' of policing new growth as a result of this major planning application equates to £30,000. These funds would be used for the future purchase of infrastructure to serve the proposed development. This cost will now be broken down clearly to show the capital infrastructure required to support these new officers. The contribution requested will fund, in part, the following items of essential infrastructure and is broken down as follows. 4 ANPR (Automatic Number Plate Recognition) Cameras. Sussex Police would raise objection in the absence of the above developer contribution.

6.48. **UK Power Networks:** Comment

The proposed development is in close proximity to our substation. The development should note our guidance on siting distances and insulation to ensure future residents do not have adverse amenity impacts.

6.49. **Wind Microclimate (RWDI):** No objection

So long as the landscaping can be designed, implemented and maintained such that it continues to meet the specification set out by the wind consultants, then we are content that it represents an appropriate mitigation strategy, as per the results of GIA's assessment.

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

- 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 JAAP (adopted October 2019).

8. **RELEVANT POLICIES & GUIDANCE**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One:

SS1	Presumption in Favour of Sustainable Development
DA6	Hove Station Area
SA6	Sustainable Neighbourhoods
CP1	Housing delivery
CP2	Sustainable economic development
CP3	Employment land
CP4	Retail provision
CP6	Visitor accommodation
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP13	Public streets and spaces
CP14	Housing density
CP15	Heritage
CP16	Open space
CP17	Sports provision
CP18	Healthy city
CP19	Housing mix
CP20	Affordable housing

Brighton & Hove City Plan Part Two:

DM1	Housing Quality, Choice and Mix
DM18	High quality design and places
DM20	Protection of Amenity
DM22	Landscape Design and Trees
DM29	The Setting of 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 – Pollution and Nuisance

DM41	Polluted sites, hazardous substances and land stability
DM42	Protecting the Water Environment
DM43	Sustainable Drainage
DM44	Energy Efficiency and Renewables
DM45	Community Energy
DM46	Heating and cooling network infrastructure
SSA4	Sackville Trading Estate and Coal Yard

Hove Station Neighbourhood Plan:

Policy 5	Housing Mix and Tenure
Policy 6	Affordable Housing
Policy 8	Design and Public Realm
Policy 9	Tall buildings
Policy 12	Conservation
Policy 13	Parking and Movement
Policy 14	Developer contributions

Supplementary Planning Document:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD09	Architectural Features
SPD11	Nature Conservation & Development
SPD14	Parking Standards
SPD17	Urban Design Framework
SPD18	Hove Station Masterplan

Planning Advice Notes (PANs) and Technical Guidance

PAN 05	Design Guidance for the Storage and Collection of Recyclable Materials and Waste
PAN 06	Food Growing and Development
PAN 07	Local List of Heritage Assets

Developer contributions technical guidance

Affordable Housing Brief

9. CONSIDERATIONS & ASSESSMENT

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

- The principle of redevelopment for residential (C3),
- Housing: layout, mix, and affordable housing provision,
- Impact on the amenity of existing neighbouring occupiers,
- Standard of accommodation including provision of private and communal amenity space,

- Design: including form, density, materiality and impact on the character and appearance of the locality, including the setting of heritage assets,
- Sustainable transport: vehicle and cycle parking, access and highway safety,
- Air Quality,
- Sustainability, biodiversity, ecology, land contamination and flood risk,
- Accessibility,
- Infrastructure and developer contributions.

Background

- 9.2. It is noted that the southern plot of the wider Sackville Trading Estate and Coal Yard site has now been developed with a mixed-use scheme. This is now partially occupied. The redevelopment of the site was approved under planning application BH2019/03548. The planning application for the wider site comprised of 564 residential units (C3), a care community of 260 units (C2), 5164 sqm of office space, 684sqm of retail / restaurant floorspace and 946sqm of community or leisure floorspace.
- 9.3. The care community (C2) was the sole element proposed on the northern plot of the wider site. This is the only part of the wider scheme that has not been implemented.
- 9.4. The current planning application relates to the same northern plot. It is noted that as the original application, BH2019/03548 has been lawfully commenced the whole scheme is now 'extant' and as such the care community element proposed to the northern plot could still be built out at any time in the future.
- 9.5. As such, when assessing the current planning application, it is acknowledged that there is a clear 'fallback position' in respect of the care community element.

Planning Policy Context and Principle of Development

DA6 Hove Station Area

- 9.6. The site is set within the DA6 Hove Station Area which consists predominantly of land to the east of Hove Station and extends both to the north and south of the railway line. DA6 is one of eight development areas allocated in City Plan Part One. The regeneration and redevelopment of this area of the City is strongly supported by policy and represents a prime location to increase the density of development supported by the sustainable transport hub of Hove Station.
- 9.7. The aim is to secure the creation of a high-quality employment environment that will attract investment and new employment opportunities for the city and promote the efficient use of land through, predominantly employment and residential, mixed-use developments. The policy sets out a number of local priorities to achieve this strategy. Those most relevant to the application site include:

- Ensure that development takes account of and improves the public realm and townscape of the industrial/retail frontages along Sackville Road, Old Shoreham Road,
- Ensure that development takes account of and contributes to the appropriate provision of public open space and essential community services and provides environmental, biodiversity, pedestrian and public safety improvements
- Creative use of development to integrate new green infrastructure including green space, accessible green roofs, green walls and other features which support Biosphere objectives;

SSA4 Sackville Trading Estate and Coal Yard

9.8. The site-specific policy for the site is SSA4 Sackville Trading Estate and Coal Yard in CPP2 and is allocated for a comprehensive mixed-use development to include, 500+ residential units (C3), employment and retail floorspace, high quality public realm, children's' play space and / or an informal multi use sports area and community facilities, based on local need.

9.9. There are number of other requirements, which include contributing to the aims of policy DA6 and the Hove Station Neighbourhood Plan, achieving a high-quality design and amenity, improved permeability of the site, improvements to sustainable transports provision and green infrastructure and ecological enhancements.

Hove Station Neighbourhood Plan

9.10. The site also sits within the designated Hove Station Neighbourhood Plan Area, which was formally made in March 2024. The overall aim of the Plan is to facilitate the regeneration of the Hove Station Neighbourhood Area in a way which realises its potential by creating a vibrant and inclusive community, focused on a new Hove Station Quarter, as a great place to live, work and relax.

Residential provision

9.11. Policy CP1 in City Plan Part One sets a minimum housing provision target of 13,200 new homes for the city up to 2030. 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 2,498 homes per year. A 20% buffer is applied to this figure to reflect the most recent Housing Delivery Test measurement (published in December 2024) for the council being less than 85%. The council's most recent housing land supply position is published in the SHLAA Update 2024 which shows a five-year housing supply shortfall of 10,643. This is equivalent to 1.4 years of housing supply. As the council is currently unable to demonstrate a five-year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the

determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

- 9.12. The application complies with the site-specific policy SSA4 which requires a minimum of 500 residential units on the wider Sackville Trading Estate and Coal Yard site. The policy does not include a requirement for the provision of a care community on this site, so moving away from the provision of C2 units here is not in conflict with policy SSA4. The proposed 306 units, in addition to the 564 units which have already been constructed would result in 870 units across the wider site and would provide 46 more units overall than the consented care community scheme. Subject to being in accordance with other wider planning considerations such as design, amenity and highways considerations the densification of the development site to provide additional residential accommodation is supported and in accordance with SSA4 and policy DM19 on Maximising Development Potential.
- 9.13. The provision of C3 units (dwellinghouses) including 40% affordable housing units is compliant with policies CP1 and CP20 and paragraph 11 of the NPPF. The provision of 306 residential units would make a significant contribution towards the overall City Plan housing target of 13,200 new homes over the period 2010-2030 and would in principle accord with CP1 Housing Delivery.

Affordable Housing:

- 9.14. City Plan Policy CP20 requires housing development of over 15 units to provide 40% affordable housing.
- 9.15. The Strategic Housing Market Assessment (SHMA) 2023 reports that the current level of affordable housing need in the city suggests the Council should maximise its delivery at every opportunity.
- 9.16. Homes for the City of Brighton is a joint venture between Hyde Housing (a registered affordable housing provider) and Brighton and Hove City Council.
- 9.17. The expectation is that B&HCC would take on the western side of the site with the eastern side managed by Hyde Housing. The expectation is that subject to grant funding all of the units would be delivered as 'affordable housing' with a mixture of social rent and shared ownership tenures.
- 9.18. In planning policy terms there is only a requirement for 40% affordable housing and as such, this is the total that can be secured within the s106 agreement, with a compliant policy split of 55% affordable rent and 45% shared ownership. The remaining 60% of the homes could come forward as standard private sale housing.

- 9.19. It is noted that grant funding (e.g. from Homes England) will not be provided to fund affordable housing already secured through a legal agreement and as such this arrangement would allow grant funding to be sought for the remaining 60% of the 'private sale housing'.
- 9.20. It is noted that the extant planning permission for the care community provided no affordable housing and as such the proposed scheme is a significant improvement in this regard and this is considered a major public benefit.
- 9.21. Overall, the provision of affordable housing is strongly welcomed and is a significant public benefit of the scheme, in accordance with CP20 and Policy 6 of the Hove Station Neighbourhood Plan, which supports proposals that deliver genuinely affordable homes.

Unit Mix

- 9.22. City Plan Policy CP19 (Housing Mix) states that applications will be "required to demonstrate that proposals have had regard to housing mix considerations and have been informed by local assessments of housing demand and need." The policy includes size, type and tenure as housing mix considerations. Policies SA6 and DA6 also set out a requirement to create balanced communities with a mix of dwelling sizes and tenures.
- 9.23. The proposed unit mix overall is:
- 109 x one bed unit (36%),
 - 137 x two bed unit (45%),
 - 58 x three bed unit (19%) and
 - 2 x four bed (1%)
- 9.24. The 123 affordable homes to be secured are made up of 30% one bedroom, 45% two bedroom and 25% three bedrooms.
- 9.25. Whilst the overall mix contains a broad mix of unit sizes, it contains less larger units (3 bed or higher) than is set out in the supporting text which outlines: 21% (one bed), 34% (two bed), 31% (three bed) and 11% (four bed). Notwithstanding the above, it is considered an acceptable mix for a high-density flatted development, and it is noted that there are other schemes in the city focussing on houses (rather than flats) will predominantly consist of larger units. The affordable housing element of the mix is considered to be broadly in accordance with the affordable housing need in the City as set out in CP19.
- 9.26. Furthermore, it must be noted that the proposed mix is a significant improvement on the consented care community scheme which was solely for 1 and 2 bed units which would have all been largely single occupant.

- 9.27. Whilst overall, the proposal does not contain a high proportion of 3 and 4 bed units, it is acknowledged that the brownfield sites in the city are expected to deliver high density development and that the nature of flatted developments do not lend themselves as well to larger, family sized units. It is also understood that a higher number of larger units will inevitably erode the viability of the scheme and ultimately reduce the deliverability of the scheme.
- 9.28. 9.27 Overall, the proposed mix is considered to be acceptable, in accordance with policies SA6, DA6 and CP19.

Design, Scale and Appearance and impact on wider townscape / heritage assets:

- 9.29. National and local policies seek to secure good quality design which respects general townscape and the setting of heritage assets. Taller and higher density development than that is typically found in an area can be considered appropriate in the right location. Policies DA6, CP12 and SPD17 identify the application site as within an area with the potential for development of higher density and tall buildings (18m in height or approximately 6 storeys above existing ground level).
- 9.30. Policy CP12 on Urban Design sets that development should hit certain criteria. The key points are set out below:
- Raise the standard of architecture and design in the city;
 - Establish a strong sense of place by respecting the diverse character and urban grain of the city's identified neighbourhoods;
 - Achieve excellence in sustainable building design and construction;
 - Conserve or enhance the city's built and archaeological heritage and its settings;
 - Protect or enhance strategic views into, out of and within the city;
 - Be inclusive,
 - adaptable and accessible;
 - Ensure that the design of the external spaces is an integral element of the overall design approach, in a manner which provides a legible distinction between public and private realm;
- 9.31. SPD17 requires all new tall buildings to be of a high quality of design, such that they can make a positive contribution to the city's urban form and skyline, support the city's continued regeneration, and are generally well received.
- 9.32. The overall design approach of the consented scheme for the wider Sackville Trading Estate site, was progressed through a pre-application process that included Design Review Panels, and further revisions during the course of the planning application.

- 9.33. The current proposal uses the same overarching design approach as the consented care community scheme with the same general footprint, form and massing. The built form wraps around two landscaped courtyards with four taller tower elements that are set well back from Sackville Road. The tallest tower is 10 storeys. The key differences in the current proposal include:
- An increase of 46 residential units overall,
 - A reduction in floor plate height which has resulted in an additional storey, (but only a minimal increase in height) to the two northernmost towers and the southeastern tower and then a slight reduction in height in all of the other blocks including the Sackville Road frontage
 - Changes to the materiality, with the external metal cladding replaced with brick throughout
 - Significant increase in balcony provision across the site.
 - Removal of the lower ground and ground floor community facilities to provide additional residential floorspace
 - Removal of the undercroft vehicular parking area in the eastern courtyard with the landscaped area now sited at ground level, rather than raised up
 - Surface car parking
- 9.34. In longer and medium range townscape views the proposed scheme will not appear appreciably different in appearance or character to that of the consented scheme.
- 9.35. In shorter views the changes to the scheme will be likely be noticeable, although these differences will be relatively limited. The increased number of balconies will result in some additional visual clutter, whilst the changes to materiality and detailing have the potential to reduce the overall design quality of the scheme in comparison to the consented scheme.
- 9.36. The council's Urban Designer outlined a number of improvements to the scheme which should be considered to ensure the detailing and materiality matched the quality of the new development on the wider site to the south. Some revisions to the scheme, including making the entrances more prominent and a wider use of different bricks has been incorporated in the revised drawings, although some concerns remain, for example the use of uPVC windows and exposed rainwater goods.
- 9.37. Given the similarities with the extant permission overall, and subject to the suggested conditions which require further details of materials, fenestration and bay studies to be agreed, the proposal is considered to be acceptable in respect of its appearance and character. It would assimilate acceptably with the 'Hove Central' development to the south and would not detract from the visual amenity of the Sackville Road streetscene.
- 9.38. Overall, the proposal is very similar in design to the consented scheme. Subject to the suggested conditions to ensure high quality detailing and materiality is

retained, the proposal would result in an acceptable impact on the appearance and character of the site had the wider surrounding area, in accordance with CP12 and SPD17 guidance.

Heritage

- 9.39. The wider site lies to the northwest of the Hove Station Conservation Area and has a clear historic relationship with this area. The special character of the Hove Station Conservation Area derives from the relationship between the station itself and the surrounding late Victorian buildings which connect the station with the main part of Hove along Goldstone Villas. The locally listed Dubarry building is sited immediately to the north of the station. The locally listed Hove Park is sited to the northeast of the site and to the north of the Old Shoreham Road. To the south of the railway bridge on Sackville Road is the grade II* listed St Barnabas Church.
- 9.40. In considering whether to grant planning permission 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.
- 9.41. Case law has held that the desirability of preserving a listed building or its setting must be given “considerable importance and weight”.
- 9.42. The impacts on heritage for the extant care community building were fully considered as part of the assessment of the wider regeneration of the site under application BH2019/03548 and were considered acceptable. In accordance with paragraphs 215 and 216 of the NPPF, the less than substantial harm to the setting of heritage assets was outweighed by the public benefits of the scheme which included significant amounts of housing as well as employment space.
- 9.43. Whilst there are some minor changes to the materials, heights and detailing of the scheme in comparison with the consented scheme, these would not be readily visible in longer views and the impacts on the setting of heritage assets would mostly be unchanged from those of the consented scheme and as such the proposed scheme is considered to be acceptable in heritage terms. There would likely be a perceptible change in longer views from the locally listed Hove Park to the north, but this would not impact on the setting of heritage assets. It is noted that the Heritage Team have not objected to the scheme and there have been no objections from any local or national heritage or amenity group.
- 9.44. Overall, any limited harm to the setting of heritage assets, described as ‘less than substantial’ in the terms set out in the NPPF does weigh against the scheme as a whole. Whilst the proposed scheme does not result in any specific heritage benefits the redevelopment of an allocated site for housing does bring wider

public benefits and when taking a holistic assessment of the overall scheme, and taking into account the similarities with the extant scheme, the proposal is considered acceptable in heritage terms and in accordance with the development plan and the NPPF.

Open Space, Landscaping and Sports Provision

- 9.45. Developments are expected to provide for high quality public realm and landscaping in accordance with policies CP13 and DM18 and DM22. A total of 64 trees is proposed to be planted throughout the development as well as significant levels of lower-level planting in the form of bushes and shrubs. The removal of the undercroft parking (which was part of the consented scheme) has resulted in surface car parking across the site, additional clutter, including external cycle stores and a smaller eastern landscaped courtyard and this element of the scheme is less successful than the approved scheme and is disappointing considering the number of occupants has also increased. Notwithstanding the shortcomings set out above, it is noted that the delivery of the scheme in viability terms was incumbent on the removal of the undercroft parking which had significant cost implications and must also be viewed in the context of the significant public benefit of an additional 46 homes (including affordable units) which are proposed over and above the consented scheme.
- 9.46. In terms of public realm whilst tree planting is proposed on site, there is little space on the eastern footway, adjacent to the site for street trees. One of the key strategic requirements of policy DA6, SSA4 and the Hove Station Neighbourhood Plan is improvements to public realm and green infrastructure. Given the scale of the scheme, which is at a higher density than the consented scheme it is considered that additional tree planting on Sackville Road is necessary to improve the public realm and will be secured within the legal agreement.
- 9.47. With respect to Policies CP16, Open space and CP17, Sports Provision, it is accepted that it would not be practicable to meet all the quantitative open space requirements on the site. Whilst no formal sports provision is proposed on the site, there is existing provision close by in Hove Park to the north. A proposed play space for younger children has been provided on site within the eastern courtyard. Some limited food growing space has also been provided. Notwithstanding the submitted landscaping details a condition requiring further details and improvements to the public realm shall be required by condition.
- 9.48. Overall, subject to conditions the proposal is considered to provide an acceptable public realm and amenity spaces for future occupiers.

Standard of residential accommodation

- 9.49. DM1 Housing Quality, Choice and Mix set out the council will seek the delivery of a wide choice of high-quality homes which will contribute to the creation of mixed, balanced, inclusive and sustainable communities. Key requirements include:
- All units as a minimum must be accessible and adaptable in accordance with Building Regulation M4(2);
 - 10% of affordable units and 5% of all residential units should be suitable for occupation by a wheelchair user in accordance with Building Regulation M4(3); and,
 - All new residential development must provide useable private outdoor amenity space.
- 9.50. SPD17 sets out design priorities which includes avoid deep and/or single aspect north facing units; avoid internal layouts with long double-banked corridors and minimise the number of units per core; optimise dual aspect units that achieve natural cross ventilation and good daylight and sunlight.
- 9.51. As previously set out, the overarching design, scale, height and layout follow the consented care community scheme (C2). By repurposing the care community proposals for residential use, there have been some compromises made with residential accommodation replacing what were communal care facilities on some of the ground and lower ground levels.
- 9.52. This has resulted in some poor daylighting on the lower levels, including the disabled units and a greater number of the ground floor units with outlook straight onto the communal courtyard spaces.
- 9.53. Subsequent revisions to the scheme provided a number of amendments to improve amenity for future residents including:
- Relocation of the three-bed units to provide them with a dual aspect
 - Alterations to layouts and room placements
 - Increased window head heights on lower and ground floor levels improve light ingress
- 9.54. The revised proposals contain a mix of units and includes 1, 2, 3 and 4 bed flats. All of the units meet or exceed the Nationally Described Space Standard (NDSS) and are considered to have acceptable layouts with good circulation space and storage. Floor to ceiling heights is acceptable throughout and meet the relevant national standards.
- 9.55. The proposal includes 15 fully wheelchair accessible units and this accords with the 5% total overall in policy DM1.
- 9.56. Notwithstanding the improvements there are still a relatively high number of single aspect units throughout the scheme as well as some long double banked corridors. While less than ideal, the proposal does closely align with the

consented scheme in this regard. Furthermore, it is accepted that in a large, flatted development such as this it would likely not be feasible or viable to provide all flats as dual aspect, whilst making efficient use of the site and meeting other necessary requirements such as fire safety regulations, and must also be viewed in the context of an additional 46 homes being provided which is a significant public benefit.

- 9.57. Other than 7 units, the flats all have a private amenity space in the form of a protruding balcony, and this represents a significant improvement on the balcony provision in the consented scheme. Communal private amenity spaces are provided in two landscaped courtyard areas that include children's play areas as well as the potential for some food growing areas. It is noted that there would be significantly more occupants in the current scheme when compared to the care community scheme and as such the level of communal amenity provision overall per resident would be much lower, as well being further impacted by surface car parking. Notwithstanding the above, when undertaking the planning balance, the public benefit of the additional 46 homes (including affordable units) is considered to outweigh what is a poorer amenity space overall than the consented scheme.
- 9.58. The residential units are all set back sufficiently from the site boundaries to the north and east to ensure that reasonable separation distances are achieved between the development and the neighbouring sites and outlook is considered to be acceptable.
- 9.59. Within the development site itself, there are some tighter points between buildings, for example, the entrance to the western courtyard, which is only just over 10m apart and also within the corner locations. It is noted though that in these cases the windows and balconies are angled such that there are no direct views between habitable rooms which ensures an acceptable level of privacy is maintained. Overall, the distances between blocks are sufficient to ensure that there are no significant issues in respect of overlooking, privacy or restricted outlook, and there are no areas within the scheme that would feel overly enclosed.

Sunlight and daylight

- 9.60. The applicant has submitted daylight and sunlight assessments for the proposed residential units as well as sun lighting information, for the private amenity spaces and public realm. The BRE has been instructed by the Council to undertake an independent review of the reports and consider the methodology that has been used to be robust.
- 9.61. In respect of daylight British Standard (BS) EN17037 recommends minimum, medium and high target illuminances for over at least 50% of a room.

- 9.62. The revisions to the layouts, balcony and window siting received during the course of the application, have materially improved the daylighting on the scheme. The revised daylight and sunlight assessment by GIA Consulting confirms that 60% of combined living areas (living/kitchen/dining rooms (LKD) rooms) hit the highest target for kitchens of 200 lux. 73% of combined living areas (living/kitchen/dining rooms and studios) are able to meet the medium target of 150 lux for living rooms which is arguably a more appropriate target in flatted developments where the living area makes up the majority of the shared space. 97% of bedrooms hit the minimum target of 100 lux for bedrooms. Rooms that do not meet the target are predominantly at lower levels.
- 9.63. Whilst it is disappointing that despite the improvements to the layout that 53 units on the lower levels still have poor daylighting, with LKD's below the lower 100 Lux bedroom target, the overall daylight provision for a high-density scheme such as this is considered adequate and as such the shortcomings would not justify refusal of the application on this basis. In total 299 out of the 306 units has a balcony which is welcomed in amenity terms and is a significant increase in balcony provision over and above the consented scheme. Inevitably this has reduced daylight provision to units below (and also the host unit in respect of a 'set in' balconies). Increasing window sizes or providing additional openings can improve daylight but has to be weighed against the potential for creating other issues in areas such as architectural design, privacy or overheating issues. To gain notable improvements to daylighting to units at lower levels would require likely significant reductions in the overall massing and height of the scheme and would thus impact on the viability and deliverability of the scheme.
- 9.64. Paragraph 130c of the NPPF states that schemes should make efficient use of land and that daylight and sunlight guidance should be applied flexibly for housing applications 'where they would otherwise inhibit making efficient use of a site (as long as the resulting proposals would provide acceptable living standards)' and in the overall context of the notable benefits of the scheme, which include significant levels of housing provision the proposed daylight levels are considered acceptable.
- 9.65. In respect of sunlight the BRE guidance suggests that on 21 March that at least one habitable room to a dwelling, preferably a main living room, should meet at least the minimum 1.5 hours sunlight criterion. The recommendations apply to rooms of all orientations but those facing northerly are naturally limited and therefore would have less expectation of sunlight.
- 9.66. Overall, 69% of living areas would be able to meet at least the minimum sunlight recommendation. With 72% of dwellings having at least one habitable room meeting the guidance. As is the case for daylight, the worst performing units are

at lower levels. It is not considered that significant improvements could be made to sunlight at lower levels without making disproportionate alterations to the overall height and massing. Removing balconies may improve some units, though this has to be weighed against the amenity benefit of a private balcony. Overall, though, the scheme is considered to have a good level of sunlight provision whilst acknowledging that there are still a number of north facing flats which will not get any meaningful direct sunlight.

Sunlight to private amenity areas

- 9.67. The BRE Report suggests that for a proposed open space to be well sunlit at least 50% of its area should be able to receive at least two hours of sunlight on 21 March. The submitted sunlight and daylight report uses this guidance to assess sunlight provision to proposed open spaces (private and public).
- 9.68. The eastern courtyard comfortably meets the BRE guidance. The western courtyard is shown to meet the guidance, but it is noted that additional landscaped areas to the west are included in the area reviewed and it is only likely that the northern part of this courtyard would be well sunlit. Whilst it is acknowledged that the western courtyard is more restricted in respect of sunlight provision it is noted that all occupiers would have access to the main eastern courtyard and overall, the sunlight provision for external amenity areas is considered to be acceptable.

Noise and disturbance

- 9.69. A noise report has been submitted with the application and sets out that subject to mitigation measures, such as enhanced glazing on some facades that internal living conditions would be acceptable in terms of noise. There are existing as well as a proposed substation sited close to the north and east boundaries of the site. Subject to conditions ensuring adequate soundproofing throughout the building and restrictions on plant noise it is considered that future occupiers would have a good level of amenity in respect of noise disturbance.
- 9.70. Looking at the quality of accommodation overall, the high density of the scheme does result in some negative amenity impacts, including a relatively high number of single aspect units, long internal corridors and some tight standoff distances between buildings and some poorer sunlight and daylight provision on lower levels.
- 9.71. It is clear that by sticking rigidly to the general layout and massing of the consented scheme has resulted in some of these negative impacts.
- 9.72. However, assessing the proposal as a whole, and noting the balance the applicant has had to strike in terms of providing a deliverable scheme with a sufficient quantum of development, whilst ensuring an appropriate design, the scheme is considered to deliver a good standard of accommodation with

acceptable sunlight and daylight provision overall, good unit sizes and layouts, a very high proportion of private amenity space as well as the provision of communal amenity space.

- 9.73. Overall, the development is considered to result in an acceptable quality of accommodation for future occupiers in accordance with policy DM1 and DM20 of the CPP2.

Impact of neighbouring properties

- 9.74. Policy DM20 of the Brighton and Hove City Plan Part Two states that planning permission for development will be granted where it would not cause unacceptable loss of amenity to existing, adjacent or nearby users, residents or occupiers or where it is not liable to be detrimental to human health. Policy DM40 seeks the protection of the Environment and Health through the suitable control of pollution and nuisance.
- 9.75. The scheme follows the same fundamental design as the consented scheme for the care community building. Whilst there are some minimal changes to the height of the blocks there would be no appreciably different impact to neighbouring properties in respect of any overbearing or enclosing impact over and above that of the consented scheme given separation distances.
- 9.76. In terms of sunlight and daylight, the impacts on neighbouring properties were found to be acceptable on the consented scheme. Whilst there was some moderate adverse harm to daylight for some properties immediately opposite the site on the western side of Sackville Road, these were outweighed by the clear benefits of the scheme.
- 9.77. The proposed scheme would not result in any detrimental sunlight / daylight impacts to neighbouring properties, over and above those of the consented scheme and the proposal is considered acceptable in this regard.
- 9.78. It is noted that to the north of the site the former Gemini offices have now been converted to residential. Whilst the general form of the proposed development remains largely unaltered, there are a significantly increased number of balconies proposed, in comparison to the consented scheme, with 299 of the 306 units having an external balcony. Whilst this change has the potential to result in increased levels of overlooking and a loss of privacy to neighbouring occupiers, the overall impact is not considered to be significantly more harmful than the consented scheme and overall, the proposal is acceptable in this regard.
- 9.79. The greater number of flats (and thus occupants) and increased balcony provision will likely give rise to a greater number of comings and goings from the scheme as well as the potential for increased general noise and disturbance,

there will also be more vehicular movements via the access road to the north and east of the site.in comparison to the consented scheme.

- 9.80. The level of any additional noise and disturbance over and above that of the consented scheme is not considered to result in any significant impact on adjoining neighbouring amenity and as such would not warrant the refusal of the application on these grounds.
- 9.81. A new substation is proposed close to the northern boundary of the site. Subject to adherence with suggested conditions controlling noise from plant there is not considered to be any significant harm to the adjoining neighbours in respect of noise from the substation.
- 9.82. The proposed development would not result in any significant impact on amenity over and above that of the consented scheme. Overall, the proposal is considered to satisfactory protect neighbour amenity in accordance with policy CM20.

Sustainable Transport:

- 9.83. The NPPF directs new development to locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 9.84. City Plan Policy CP9 reflects the NPPF and states that the council will work with partners, stakeholders and communities to provide an integrated, safe and sustainable transport system that will accommodate new development; support the city's role as a sub-regional service and employment hub; and improve accessibility. The policy seeks to ensure developments promote and provide measures that will help to manage and improve mobility and lead to a transfer of people and freight onto sustainable forms of transport to reduce the impact of traffic and congestion, increase physical activity and therefore improve people's health, safety and quality of life.
- 9.85. Policy DM33 requires that new developments are designed in a way that is safe and accessible for all users and encourages the greatest possible use of sustainable and active forms of travel. DM35 sets out the standard and scale of information required in assessing highways impacts. DM36 sets standards for parking and servicing of new development.
- 9.86. Whilst highways impacts were fully assessed and mitigated in the original planning permission the nature of the residential use now proposed will operate in a different way to that of the consented care community and have a different

trip profile. The care community had a large undercroft car park whilst the proposed scheme includes very limited vehicular parking. In addition, the proposed residential use of 306 units would result in a materially higher number of occupiers in comparison to the consented scheme and as such the highways impacts require further assessment.

- 9.87. The application submission included a Transport Assessment (TA) by Paul Basham Associates. A further TA addendum was provided during the course of the application in response to concerns raised by the Local Highway Authority (LHA) and Active Travel England (ATE).
- 9.88. The scheme as proposed is largely 'car free' with the car parking provision focussed on disabled users. It would be accessed off the Sackville Road to the south of the site from the existing access road that serves the newly constructed Hove Central mixed-use scheme. Cycle parking would be provided within the building at ground floor level as well as in standalone shelters within the community amenity space.
- 9.89. As originally submitted, the LHA had concerns with the scheme and set out that the information in the TA was not adequate to properly assess the highways impacts of the scheme. The key concerns identified included overspill parking, a lack of permeability through the scheme and site, highway safety for cyclists, a lack of robust trip rates information, inadequate information on deliveries, dominance of cars within the public realm and the proposed refuse collection from the adjacent bus lane. ATE also raised concerns in respect of the sustainable travel credentials of the scheme.
- 9.90. The applicant subsequently provided a TA addendum which aimed to address the deficiencies and issues raised by the LHA and ATE. Further to the above, the applicant undertook a Road Safety Audit (RSA) on an improvement scheme for Sackville Road junction and also to a scheme for alterations to the bus layby adjacent to the western frontage of the proposed scheme.
- 9.91. The TA addendum sets out that in terms of vehicular trips, the largely car free nature of the scheme would result in less vehicular trips overall than the consented care community. There would though be a significant uplift in active travel trips (pedestrian and cyclist) and public transport trips. It is these trips that need to be safely accommodated within the locality.
- 9.92. Whilst the LHA still have some concerns about the highway's impacts of scheme, they are not formally objecting to the proposals subject to necessary conditions and obligations.
- 9.93. In terms of onsite parking the scheme would contain 31 parking spaces, including 3 car club spaces, 5 visitor spaces and 23 blue badge disabled spaces.

(15 for the wheelchair accessible units and 8 for ambulant disabled visitors). The disabled spaces hit the minimum policy complaint level provision, and the proposal is acceptable in this regard. Cycle parking for residents is policy complaint in terms of quantity and is accepted in principle. Whilst the visitor parking provision would be below the level set out in policy, a pragmatic approach has been taken which would secure an adequate level of visitor cycle parking without it completely dominating the communal amenity areas and the proposal is acceptable in this regard.

- 9.94. The limited parking provision on site gives rise for the potential for overspill parking in the surrounding streets. The site is outside a Controlled Parking Zone (CPZ) and whilst it adjoins CPZs there are streets with uncontrolled parking to the north. The submitted parking survey shows that there would still be some capacity for parking overnight within a 15min walk of the scheme and whilst there is still the potential for overspill parking, the LHA is satisfied that this would not result in a severe highways impact in the terms set out in the NPPF. An extensive Travel Plan will be required by condition which will further help promote travel by sustainable modes, monitor vehicular trip rates and will further help to mitigate issues associated with what is a very low car scheme. Whilst a travel plan was submitted with the application it was not considered to adequately provide the necessary mitigation for the proposed scheme. It is suggested that a comprehensive a travel plan is secured by condition. It should set objectives, ensure that relevant surveys are undertaken during the travel plan period, choice of a sustainable travel incentive for first residents and outlines a range of other measures to promote sustainable and active travel. Three car club bays and an area safeguarded to provide for a bike docking station are to be secured by obligation to provide further mitigation to overspill parking concerns.
- 9.95. As set out previously the scheme will result in a significantly higher amount of pedestrian and cycling trips and as such access to and from the site is particularly important. The Sackville Road junction with Old Shoreham Road, which will be a key route for many journeys is a challenging junction for cyclists and some pedestrians. The applicant has presented a junction improvement scheme and agreed to provide a contribution to towards the design, modelling and partial costs of implementation of junction improvements, and this is considered to satisfaction approach to mitigate the cycling safety concerns.
- 9.96. In terms of the refuse strategy, whilst the majority of the bin stores would be serviced from the access road to the south, there would be two bin stores that would be serviced on Sackville Road, within the bus layby. Whilst the applicant has set out that collection from the south via these stores would not be possible due to building regulations requirements it has resulted in a very unsatisfactory situation with the potential for refuse vehicles to obstruct bus services. Brighton and Hove Buses object to the proposed arrangement. Notwithstanding the

above, a Road Safety Audit for the proposal did not show that there would be a significant highways safety impact and whilst the LHA consider the proposal to be highly undesirable, they have not raised an objection in principle. The necessary highway works to alter the bus layby and cage are to be secured within the s106 agreement.

- 9.97. A scheme for the shared use of the Sackville Road footway for cyclists and pedestrians is to be sought via a s278 agreement to be secured within the s106 agreement and this would ensure the safe access to and from the site.
- 9.98. Active Travel England (ATE) have also set out concerns with the scheme, and whilst they do not formally object to the proposals have set out that further information / revisions are required in terms of junction improvement and permeability and access before they can support the scheme. Junction improvements and a shared pedestrian / cycle access are to be secured via obligation and as such it is considered that ATE concerns have been satisfactorily addressed.
- 9.99. Subject to a Construction and Environmental Management Plan (CEMP) being secured by condition the proposal is not considered to raise any concerns in respect to construction traffic. Highway England have not objected to the scheme but have set out that details on proposed construction routes and how they are managed should be provided. This would be secured via the CEMP.
- 9.100. Whilst the scheme overall does still have some shortcomings in respect of its highways impacts, primarily caused by sticking closely to the general layout of the consented scheme it must be noted that the aim of being a very 'low car' scheme is strongly supported in sustainable transport terms. Whilst the LHA does raise concerns, including the proposal to service refuse in the bus layby it does not raise an objection, subject to the conditions and mitigations set out in this report.
- 9.101. Overall, subject to the suggested highway obligations the applicant has sufficiently demonstrated that the proposal would not result in a severe impact upon the highways network or on highways safety. Subject to the recommended travel plan and conditions it is considered that the site can be appropriately serviced and managed and would be acceptable in highways terms in accordance with CP9 of the Brighton and Hove City Plan Part One, DM33, DM35, DM36 of the Brighton and Hove City Plan Part Two and the requirements of the NPPF.

Sustainability

- 9.102. Policy CP8 in City Plan Part One City Plan sets out that new development should achieve high sustainability standards including water efficiency and energy

saving measures. Part Two Policy DM43 requires new build non-residential development to achieve a minimum Energy Performance Certificate (EPC) rating of 'B'. The proposal will meet these requirements and in addition will provide for solar panels on the flat roofs of the scheme. Conditions will be attached to secure the energy and water efficiency measures and to provide details of connection to any future energy heat network. The proposed scheme accords with the development plan in terms of sustainability in accordance with policy CP8 and DM43.

Land Contamination

- 9.103. Paragraph 124 of the NPPF sets out that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land. Paragraph 189 sets out that adequate site investigation shall be undertaken to assess the risk of contamination and after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990.
- 9.104. Paragraph 194 of the NPPF sets out that the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively.
- 9.105. The key local plan policy is DM41 - Polluted Sites, Hazardous Substances & Land Stability, which sets out that developments should not prejudice health, safety or the environment. Site investigations are required for sites with historic polluting uses. Any remediation required should address any hazardous substances and ensure any polluted sites are brought back into use with appropriate measures necessary to protect the environment, future users and surrounding occupants.
- 9.106. Ground contamination issues were fully considered in the original application and subject to conditions requiring further land contamination testing and analysis, any necessary remediation and specific details on piling was considered to be acceptable. Details of the previous desk top studies have been resubmitted with the current application. There are no relevant changes in respect of contamination on the site since the last application was granted and the Environmental Health Team is satisfied with the information submitted at this stage. A full land contamination condition is required should planning permission be granted.

- 9.107. The site also sits above a Principal Aquifer and is located within Source Protection Zones 1 and 2 associated with the Goldstone Public Water Abstraction. This abstraction is located 640m North of the site and as such there is a concern that ground water could be impacted during the construction phase. The Environment Agency response sets out that further information is required before they are satisfied that development can commence in order to protect the integrity of the aquifer from potential contamination. The Environment Agency has not objected to the proposed development subject to this further information being submitted and agreed prior to commencement and as such relevant conditions are proposed to be attached to any grant of planning permission.
- 9.108. Southern Water has objected to the scheme, setting out further information is required, in the form of a Hydrogeological Risk Assessment (HRA), prior to the determination of the application. Given that Southern Water did not object on the original planning application and that there is an extant planning permission for a very similar scheme which could be built out at any time, it is not considered reasonable to require this further information prior to the determination of the application.
- 9.109. There is a condition requiring details to be agreed up front for any piling or other penetrative works to foundations before these works can be commenced and as such the LPA is satisfied that there are robust safeguards in place to ensure that the aquifer is protected during construction.
- 9.110. A Flood Risk and Drainage Impact Assessment by Brookbanks was submitted in support of the application. In addition, further information was submitted during the life of the application in response to consultation responses by relevant internal and external consultees.
- 9.111. The proposal would be served by attenuation tanks that would provide the necessary water storage during major storm conditions.
- 9.112. The Local Lead Flood Authority has set out that the proposal would not result in an unacceptable flood risk and is satisfied that the proposed drainage strategy is acceptable. A condition is suggested to ensure that the proposal is built out in accordance with the submitted drainage strategy.
- 9.113. Southern Water has confirmed that they can facilitate foul sewerage disposal to service the proposed development.

Ecology and Biodiversity:

- 9.114. Policies CP10 and DM37 as well as SPD11 set out that development should conserve existing biodiversity whilst providing net gains for biodiversity by providing green infrastructure an ecological enhancement.

- 9.115. The proposed development site is not designated for its nature conservation interest.
- 9.116. The submitted Ecological Assessment sets out details of ecological enhancement as well as an assessment of the site. The County Ecologist sets out in their response that they are disappointed that the ecological enhancements could have gone much further with green walls / roofs provided. Notwithstanding the above, they are satisfied that provided the recommended mitigation, compensation and enhancement measures are implemented, the proposed development can be permitted from an ecological perspective and would meet the statutory 10% improvement in BNG on site.
- 9.117. An Ecological Design Strategy (EDS), and also bird, bat and bee bricks are to be secured by condition.
- 9.118. Overall, the proposal is in accordance with policies CP10 and DM37 and would result in an ecological and biodiversity enhancement to the site.

Health Impact Assessment

- 9.119. A Health Impact Assessment has been submitted as required by City Plan Policy CP18 for strategic scale developments. The HIA has used a recognised methodology and as such the different dimensions expected to be assessed have been included. Based on the evidence submitted, it is noted that there are potential beneficial effects with regards to active travel including cycling facilities for residents and visitors, intergenerational connections and interactions, and opportunities for social cohesion, opportunities for food growing. Overall, it is considered the application scheme adequately addresses policy CP18.

Air Quality:

- 9.120. Policy CP9 sets out that air quality issues from vehicular trips is a key priority. Policy DM40 sets out that development should ensure a safe environment for future occupiers and should ensure development should ideally have a positive impact on nearby Air Quality Management Areas. The Environmental Health Team have assessed the Air Quality Assessment submitted with the scheme and consider the application would have an acceptable impact on air quality for both future and existing residents and the proposal is in accordance with the development plan in this regard.

Other Considerations:

- 9.121. The application is acceptable in respect to archaeology, arboriculture and flood risk, subject to the suggested conditions. There are no objections from the HSE, or the East Sussex Fire and Rescue service and the application is considered acceptable in respect of fire safety.

- 9.122. The Office for the Police and Crime Commissioner (PCC) for Sussex has set out that they object to the scheme if a contribution of £30,000 is not secured for crime prevention measures in the wider locality. The LPA do not consider that requiring such a contribution is reasonable or necessary to make the scheme acceptable and thus would not meet the strict tests needed for a planning obligation.
- 9.123. An artistic component contribution for the wider site was secured on the previous planning permission and has been secured and as such no contribution will be sought on this scheme.

10. CONCLUSION AND PLANNING BALANCE:

- 10.1. Paragraph 11 of the NPPF makes it clear that planning application decisions should apply a presumption in favour of sustainable development. Furthermore, it sets out that where relevant development policies are out-of-date planning permission should be granted unless either the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 10.2. As set out previously, the Council is currently unable to demonstrate a 5-year housing supply and as such the relevant planning policies relating to housing delivery are considered out-of-date and the tilted balance of paragraph 11 must be applied.
- 10.3. Paragraph 125 c) *sets out that planning policies and decision should ‘...give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused...’*
- 10.4. Whilst this is a standalone application it is acknowledged that there is an extant scheme for a care community building on the same site which could be built out at any time and as such the assessment must consider the proposal in comparison with the consented scheme.
- 10.5. When assessing the scheme overall, and comparing with the consented scheme, in applying the planning balance, there are a number of factors that weigh both for and against the scheme.
- 10.6. Weighing against the scheme, it is noted that by providing residential units at the lower levels, where there was previously communal space in the care community has resulted in some units that have poor levels of sunlight and daylight and a greater number of residential frontages which are in close

proximity to the communal courtyards and accesses with resulting impacts on outlook and privacy.

- 10.7. In terms of landscaping and public realm the removal of the undercroft parking area has resulted in a reduction of the size of the eastern courtyard and has resulted in additional surface car parking and a more cluttered entrance and amenity space. Notwithstanding that there are some shortcomings in the standard of accommodation and the community amenity spaces, the densification of the scheme and removal of the undercroft parking must be considered in the context of the need to maximise the development on the site to achieve a viable and deliverable scheme, on what is an allocated brownfield site and overall the proposal would provide acceptable living conditions for future occupiers.
- 10.8. In terms of the elevational appearance, the Urban Designer has raised some concerns in relation to the detailing and materiality of the scheme, whilst these are noted there are a number of robust conditions requiring further information on materials and façade detailing and treatment which will ensure a satisfactory built appearance and there is no overall objection raised in this regard.
- 10.9. In terms of highways impacts, keeping closely to the consented layout has resulted in issues in respect of refuse strategy and limited the ability to improve permeability through the site. Whilst the proposal would result in some increase in overspill parking, the principle of a low car scheme is strongly supported in planning policy terms and travel plan measures would help support sustainable transport and active travel. Notwithstanding the issues identified, there is no objection from the LHA, and subject to the suggested conditions and obligations the proposal would be acceptable in terms of its transport impacts.
- 10.10. Outlining the positives of the scheme, the public benefits include the remediation of a vacant brownfield site, and the contribution of 306 much-needed residential units towards the city's housing target, in a development area (DA6) and a specific development site (SSA4) that has been allocated through the development plan for higher density, mixed use regeneration and in accordance with the strategic policies of the Hove Station Neighbourhood Plan.
- 10.11. The proposed residential use (C3) aligns with the requirements of policy SSA4 more closely than the consented care community (C2) and would include an additional 46 units of much needed housing.
- 10.12. The care community scheme, whilst predominantly consisting of 2 bed units would have catered mainly for single occupants. Whilst the proposed housing mix does not align completely with the level housing of need, as set out in CP19 it is a substantial improvement over and above the consented scheme and

overall has the potential to house a significantly higher number of occupants which would include families with children.

- 10.13. The most significant benefit over and above the previously consented scheme would be the provision of affordable housing, which would not otherwise be realised in the care community scheme. Overall, 40% affordable housing, with an appropriate mix of units would be secured, and this is a significant public benefit. There is also the expectation that the remaining 60% of units would also be built out as affordable housing should the necessary grant funding be secured.
- 10.14. The quality of the accommodation is considered acceptable overall, with almost every unit now having its own private balcony or amenity area as well as access to the communal gardens. The scheme is considered to have good sustainability credentials throughout.
- 10.15. The densification of the site, with an additional 46 units would still provide a scheme of acceptable design quality and would maximise the development potential of the site, in accordance with policy DM19.
- 10.16. Other factors including impacts relating to ecology, arboriculture, archaeology, landscaping, flood risk, land contamination, wind and air quality have been assessed and have been considered acceptable.
- 10.17. In terms of townscape impact, in comparison to the consented scheme there would be no material difference in how the scheme would be appreciated in mid-range and longer views. The proposal would be viewed against the backdrop of the Hove Central development and in heritage terms there would be no discernible difference in its impact on the setting of heritage assets in comparison to the consented scheme and the proposal is acceptable in this regard. Subject to suggested conditions the proposal would be acceptable in terms of the quality of the design.
- 10.18. To conclude, it is considered that the public benefits of the scheme overall, which includes the provision of a significant amount of housing (including affordable housing) are such that they clearly outweigh any shortcomings in terms of the standard of accommodation and the communal amenity / public realm resulting from the densification of the scheme and the identified highways issues.
- 10.19. The proposed development will make a significant contribution towards sustainable development in the city and thus complies with the NPPF and contributes towards meeting the objectives of City Plan 1 and 2 and approval of planning permission is therefore recommended subject to the completion of a s106 planning legal agreement and to the conditions recommended above.

11. EQUALITIES

11.1. 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.

11.2. 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 an unacceptable material impact on individuals or identifiable groups with protected characteristics.

11.3. Access to the site for disabled and less mobile users has been accommodated. Wheelchair accessible housing (5%) and disabled car parking is to be incorporated throughout the scheme.

12. COMMUNITY INFRASTRUCTURE LEVY

12.1. 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 application site sits within the wider Sackville Trading Estate and Coal Yard development area. For CIL purposes the site is located within one of the four specific areas within the city that are defined as NIL rated for CIL.

13. S106 AGREEMENT

13.1. In the event that the S106 agreement has not been signed by all parties by the date set out above, the application shall be refused for the following reasons:

Transport:

1. The proposed development fails to provide a mechanism (via a Section 106 legal agreement) to ensure the provision of necessary transport and highway works to satisfactorily mitigate its impacts or meet the travel demand created by the development. Without a section 106 agreement the necessary highway works could not be secured to ensure safe access to and egress from the site or the promotion of use of sustainable modes of transport including walking, cycling or the provision of a public route through the site. In addition, there would not be a mechanism to ensure the proposed highway works are carried out in a timely way or are safely designed. The proposal is therefore contrary to policies SS1,

DA6, SA6, CP7, CP8, CP9, CP12, CP13, CP18 and CP19 of the Brighton and Hove City Plan Part One, SSA4, DM33, DM35 and DM36 of the Brighton and Hove City Plan Part Two, the Council's Developer Contributions Technical Guidance and the NPPF.

Employment and training scheme:

2. The proposal fails to provide a mechanism (via a Section 106 legal agreement) to secure 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 SS1, SA6, CP2, CP7 and DA6 of the Brighton & Hove City Plan Part One, SSA4 of Brighton & Hove City Plan Part Two and the Council's Developer Contributions Technical Guidance.

BNG monitoring

3. The proposal fails to provide a mechanism (via a Section 106 legal agreement) to secure a financial contribution to ensure timely monitoring of BNG measures associated with the scheme over a 30 year period and ensure effective implementation of relevant Development Plan policies, and to ensure timely delivery of the scheme, contrary to policy SS1, CP7, CP10 and DA6 of the Brighton & Hove City Plan Part One, DM37 of Brighton & Hove City Plan Part Two and the Council's Developer Contributions Technical Guidance.

Monitoring:

4. The proposal fails to provide a mechanism (via a Section 106 legal agreement) to secure a financial contribution to ensure timely monitoring of the s106 agreement, including the Public Art Strategy and also the Travel Plan associated with the scheme and ensure effective implementation of relevant Development Plan policies, and to ensure timely delivery of the scheme, contrary to policy SS1, SA6, CP7, CP9, CP13 and DA6 of the Brighton & Hove City Plan Part One and the Council's Developer Contributions Technical Guidance.