

|                                      |   |                            |                  |
|--------------------------------------|---|----------------------------|------------------|
| <b><u>No:</u></b>                    | <b>BH2011/03791</b>   | <b><u>Ward:</u></b>        | <b>HOVE PARK</b> |
| <b><u>App Type:</u></b>              | <b>Full Planning</b>  |                            |                  |
| <b><u>Address:</u></b>               | <b>Land adjoining Unit 5, 274 Old Shoreham Road, Hove</b>                       |                            |                  |
| <b><u>Proposal:</u></b>              | <b>Erection of new single storey non-food retail unit with mezzanine floor.</b> |                            |                  |
| <b><u>Officer:</u></b>               | Guy Everest, tel: 293334  | <b><u>Valid Date:</u></b>  | 16/12/2011       |
| <b><u>Con Area:</u></b>              | N/A   | <b><u>Expiry Date:</u></b> | 16 March 2012    |
| <b><u>Listed Building Grade:</u></b> |   |                            |                  |
| <b><u>Agent:</u></b>                 | Montagu Evans LLP, Clarges House, 6-12 Clarges Street, London                   |                            |                  |
| <b><u>Applicant:</u></b>             | Metric Property (Hove) Ltd, c/o Montagu Evans LLP                               |                            |                  |

## 1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in below and the policies and guidance in section 7 of this report and resolves it is **MINDED TO GRANT** planning permission subject to the completion of a S106 Agreement and the following Conditions and Informatives.

### S106 Heads of Terms

- A contribution of £11,150 towards the Local Employment Scheme;
- A commitment to achieve 15% on site Local Employment during construction.

### Regulatory Conditions:

- 1) 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.
- 2) The development hereby permitted shall be carried out in accordance with the approved drawings no. 9003 E 001 A, 9003 S 002 B, 9003 S 004, 9003 E 005 E, 9003 P 007 & 9003 P 008 received on 12<sup>th</sup> December 2011; and drawing nos. 9003 L 001 C, 9003 P 001 B & 9003 P 005 C received on 16<sup>th</sup> December 2011.  
**Reason:** For the avoidance of doubt and in the interests of proper planning.
- 3) Notwithstanding the provisions of Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, as amended (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) none of the following goods shall be sold from the retail store except where these items relate to use or consumption by or for animals (or unless such goods are ancillary to the main retail use):-
  - a) food and drink

- b) clothing, footwear, handbags, fashion accessories, or jewellery
- c) books, newspapers, magazines and stationary
- d) crockery, glassware, china and kitchenware
- e) toys
- f) sports equipment and clothing (including walking and climbing equipment)
- g) cosmetics, pharmaceuticals and toiletries
- h) videos, DVDs, CDs, audio cassettes and records

The total area devoted to goods ancillary to the main retail use shall not exceed 10% of the gross floor area.

**Reason:** To ensure that the unit remains suitable for the sale of bulky goods and does not harmfully compete with existing established shopping centres and to comply with policies SR1, SR2 and SR3 of the Brighton & Hove Local Plan.

- 4) No loading, unloading or deliveries shall be carried out on the site before 07.00 or after 19.00 hours Monday to Saturday and at no time on Sundays or Bank Holidays.

**Reason:** To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

- 5) The hereby approved mezzanine floor shall not exceed 279 sq metres and no further floorspace at mezzanine level shall thereafter be created without the specific grant of planning permission.

**Reason:** For the avoidance of doubt and to enable the Local Planning Authority to assess the impact of additional floorspace on the vitality and viability of existing centres, on existing highway and access conditions and on-site car parking availability, and to comply with policies SR2, SR3, TR1, TR7 and TR19 of the Brighton & Hove Local Plan.

- 6) The building, as shown on approved drawing no. 9003 P 007, shall remain as a single retail unit and at no time be sub-divided into smaller units.

**Reason:** To ensure that the unit remains suitable for the sale of bulky goods and does not harmfully compete with existing established shopping centres and to comply with policies SR1, SR2 and SR3 of the Brighton & Hove Local Plan.

- 7) If during development any visibly contaminated or odorous material is found, no further development shall take place until a method statement to identify, risk assess, and deal with the contaminant(s) has been submitted to and approved in writing by the Local Planning Authority. No further development shall take place except in accordance with the approved method statement.

**Reason:** To safeguard the health of future residents or occupiers of the site and to comply with policies SU3 and SU11 of the Brighton & Hove Local Plan.

- 8) All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which

within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.

**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

Pre-Commencement Conditions:

- 9) Unless otherwise agreed in writing by the Local Planning Authority, no development shall commence until:
- a) evidence that the development is registered with the Building Research Establishment (BRE) under BREEAM Retail Shell and Core and a Design Stage Assessment Report showing that the development will achieve an BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' for all non-residential development have been submitted to the Local Planning Authority; and
  - b) a BRE issued Design Stage Certificate demonstrating that the development has achieved a BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' for all cafe development has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

**Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

- 10) No development shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.

- 11) The development hereby permitted shall not be commenced until details of secure cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

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

- 12) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, and planting of the development.

**Reason:** To replace existing landscaping and enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

- 13) No development shall commence until details of surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and be maintained as such thereafter.

**Reason:** To safeguard the health of future residents or occupiers of the site and to comply with policy SU3 of the Brighton & Hove Local Plan.

- 14) (i) The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority:

(a) 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 BS10175; and, unless otherwise agreed in writing by the Local Planning Authority,

(b) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.

- (ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the Local Planning Authority verification by a competent person approved under the provisions of condition (i) (b) that any remediation scheme required and approved under the provisions of condition (i) (b) 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 such verification shall comprise:

a) built drawings of the implemented scheme;

b) photographs of the remediation works in progress;

c) certificates demonstrating that imported and/or material left *in situ* is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition (i) (b).

**Reason:** To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

Pre-Occupation Conditions:

- 15) Unless otherwise agreed in writing by the Local Planning Authority, none of the non-residential development hereby approved shall be occupied until a BREEAM Retail (fit-out) Design Stage Certificate and a Building

Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' has been submitted to, and approved in writing by, the Local Planning Authority.

**Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

- 16) A Staff Travel Plan shall be submitted to the Local Planning Authority within three months of the commencement of the use. The Travel Plan shall include a package of measures aimed at promoting sustainable travel choices and reducing reliance on the car and shall be implemented within a time frame as agreed with the Local Planning Authority and should be subject to annual review.

**Reason:** In order to promote sustainable choices and to reduce reliance on the private car to comply with policies SU2, TR1 and TR4 of the Brighton & Hove Local Plan.

Informatives:

1. This decision to grant Planning Permission has been taken:

- (i) having regard to the policies and proposals in the National Planning Policy Framework and the Brighton & Hove Local Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:

(Please see section 7 of the report for the full list); and

- (ii) for the following reasons:-

It has been demonstrated that there is a need for the development which cannot be met from a sequentially preferable site and the impact on surrounding established shopping centres would be limited. The additional car parking requirements resulting from the development can be accommodated within existing facilities and no harmful demand for travel will be created.

The development is of an appropriate height, scale, bulk and design having regard to the immediate surroundings and would not result in unacceptable harm to the amenity of neighbouring occupiers by reason of loss of light or increased noise and disturbance.

2. The applicant is advised that new legislation on Site Waste Management Plans (SWMP) was introduced on 6 April 2008 in the form of Site Waste Management Plans Regulations 2008. As a result, it is now a legal requirement for all construction projects in England over £300,000 (over 200 sq m new build non-residential floorspace) to have a SWMP, with a more detailed plan required for projects over £500,000. Further details can be found on the following websites: [www.netregs.gov.uk](http://www.netregs.gov.uk) and

[www.wrap.org.uk](http://www.wrap.org.uk).

3. The applicant is advised that in respect of condition 13 infiltration of surface water into the ground, if proposed, would only be permitted in parts of the site where it has been demonstrated that there is no resulting risk to controlled waters.

## 2 THE SITE

The application site relates to an out of town retail warehouse, and associated surface parking, on the southern side of Old Shoreham Road adjoining the Sussex House Industrial Area. The site comprises extensive hard landscaping with a service yard and turning area to the south-eastern corner secured from the remainder of the site. The nearest residential dwellings are located on Amherst Crescent and Old Shoreham Road.

## 3 RELEVANT HISTORY

**BH2008/03894:** Erection of single storey non-food retail unit (A1). Approved 05/06/2009. This permission has not been commenced (with the permission lapsing on 05/06/2012).

**BH1998/01873/RM:** Revised Reserved Matters Application - regarding demolition of existing building and construction of a mixed use scheme for employment (B1(C), B2 and B8) uses and non-food retail warehouse development (A1) with new access road, associated parking and landscaping. Approved 23/11/1998.

**3/94/0762(O/L):** Outline application for mixed use scheme for employment (B1C, B2 & B8) uses and non-food retail warehouse development (A1) with new access road associated parking and landscaping. Approved 20/09/1996.

## 4 THE APPLICATION

Planning permission is sought for the erection of a single-storey double height non-food retail unit abutting the existing PC World retail unit. The proposed unit is of a comparable design to that existing with servicing to the south-eastern corner of the site. The development would result in a reduction of existing on-site parking provision with the resulting spaces shared between both units.

## 5 CONSULTATIONS

### External

**Neighbours:** 1 representation has been received from **64 Amherst Crescent** objecting to the application as the development would eliminate side access and dramatically increase noise and disturbance due to increased traffic on the shared access road adjacent to residential housing.

**East Sussex Fire & Rescue Service:** No objection. Recommend the installation of sprinkler systems.

**Environment Agency:** The site overlies a principal aquifer and is within groundwater Source Protection Zone 2 for the Goldstone public water supply

abstraction. The location is therefore extremely sensitive to pollution.

It is known that the site is in an area of former activities that may have resulted in contamination of the underlying soils and groundwater. There are concerns that pollution may be present beneath the site.

The submitted report provides only a qualitative risk assessment based on limited intrusive sampling and testing; it does confirm that there is no evidence of gross or widespread contamination. The development is unlikely to cause significant mobilisation of contamination. It must be noted though that surface water drainage may cause a risk to controlled waters if infiltration occurs through impacted soils.

Recommend conditions (*nos. 7 & 11 of the recommendation*).

**Southern Gas Networks:** There are gas mains in proximity to the site. No mechanical excavations should take place above or within 0.5 metres of the low and medium pressure system, and 3 metres of the intermediate system. The position of mains should be confirmed using hand dug trial holes.

**Southern Water:** A formal application for connection to the foul and surface water sewer would need to be made by the developer. If any sewer is found crossing the site during construction works an investigation of its condition, the number of properties served and potential means of access would be required.

**UK Power Networks:** No objection.

**Internal:**

**City Clean:** The development would not produce household waste and no collections would therefore be required. Separate bins should be provided for waste and recycling.

**Economic Development:** Supports the application. Requests a contribution of £11,150 towards the Local Employment Scheme and the provision of an Employment & Training Strategy, with the developer committing to using 15% local employment during the construction phase.

**Environmental Health:** Based on the submitted reports it is recommended that a phased contaminated land / site investigation report be required (minus the desk top study).

Due to the industrial history at and near to this site, as well as it being close to a historic landfill site which was once a railway cutting, a contaminated land discovery condition is recommended.

**Planning Policy:** The principle of a new retail unit of this size has been sufficiently demonstrated as acceptable in impact and capacity terms. A

significant amount of extra information based on trading format has been submitted in relation to flexibility of unit size.

The applicant has requested an amendment to the restriction of goods condition attached to BH2008/03894, this is considered to be unacceptable as it would cause harm to the vitality and viability of existing centres by increasing the amount on non-bulky comparison goods to be sold from the unit.

**Sustainable Transport:**

Parking: The proposal would reduce parking from 101 spaces (98 general + 3 disabled) to 90 spaces (85 general+ 5 disabled). These revised numbers are in compliance with SPG4. The applicants have also satisfactorily demonstrated using TRICS surveys and surveys of use of the existing car park that there are enough spare spaces to accommodate the small amount of extra parking which is likely.

Highways impact:

The TRICS work referred to above also demonstrates that the number of additional trips will be negligible.

Sustainable modes:

It is proposed to provide an extra 2 Sheffield stands as well as relocating the existing 6. This number complies with SPG4 but the applicants have not provided details and these should be required by condition.

Local sustainable modes provision is reviewed in the Transport Statement but there are no positive proposals to improve it as part of the application. A sustainable modes contribution of £25,000 should be required to comply with TR1. This amount would fund accessibility works at the Amherst Crescent bus stops and dropped kerbs at a number of local pedestrian crossing points.

Travel Plan:

The applicants propose to provide a staff travel plan and have provided a satisfactory framework for this. This is positive and complies with policy TR4. This travel plan provision should be secured by condition.

**6 MATERIAL CONSIDERATIONS**

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

The development plan is:

- The Regional Spatial Strategy, The South East Plan (6 May 2009);
- East Sussex and Brighton & Hove Minerals Local Plan (November 1999);
- East Sussex and Brighton & Hove Waste Local Plan (February 2006);



- Brighton and Hove Local Plan 2005 (saved policies post 2004).

The National Planning Policy Framework (NPPF) was published on 27 March 2012 and is a material consideration which applies with immediate effect.

Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF. At the heart of the NPPF is a presumption in favour of sustainable development.

All material considerations and any policy conflicts are identified in the considerations and assessment section of the report.

## **7 RELEVANT POLICIES & GUIDANCE**

### Brighton & Hove Local Plan:

|      |   |
|------|---|
| TR1  | Development and the demand for travel   |
| TR7  | Safe development  |
| TR14 | Cycle access and parking  |
| TR19 | Parking standards   |
| SU2  | Efficiency of development in the use of energy, water and materials               |
| SU10 | Noise nuisance  |
| SU13 | Minimisation and re-use of construction industry waste                            |
| QD1  | Design - quality of development and design statements                             |
| QD2  | Design - key principles for neighbourhoods  |
| QD14 | Extensions and alterations  |
| QD15 | Landscape design  |
| QD16 | Trees and hedgerows   |
| QD25 | External lighting   |
| QD27 | Protection of Amenity   |
| QD28 | Planning Obligations  |
| SR1  | New retail development within or on the edge of existing defined shopping centres |
| SR2  | New retail development beyond the edge of existing established shopping centres   |
| SR3  | Retail Warehouses   |

### Supplementary Planning Guidance:

SPGBH4 Parking Standards

### Supplementary Planning Documents:

|       |                                   |
|-------|-----------------------------------|
| SPD03 | Construction & Demolition Waste   |
| SPD08 | Sustainable Building Design       |
| SPD11 | Nature Conservation & Development |

### The National Planning Policy Framework (NPPF)

## **8 CONSIDERATIONS**

The main issues of consideration in the determination of this application is

whether the proposed retail unit would be likely to harm the vitality and viability, or attractiveness, of the Brighton Regional Shopping Centre and the Hove Town Centre; its impact on neighbouring amenity and highway safety; and sustainability issues.

**Impact on existing retail centres**

An existing planning permission on the site, which could still be implemented, permitted a 981 sq m non-retail unit. The current application seeks to provide an additional 134 sq m, over and above that previously approved under the 2008 application. The additional floorspace would be created through the formation of a mezzanine level (as the ground floor footprint is to be decreased).

Local plan policy SR2 relates to new retail development beyond the edge of existing established shopping centres and cross-references policy SR1 (with the exception of criteria b). The policy essentially states that new retail development will be permitted provided no detriment to the vitality or viability of existing established shopping centres and parades in Brighton & Hove will result; that there is a need for the development and that no suitable site can be identified within the existing centre.

The Brighton & Hove Retail Study Update (dated September 2011) outlines current retail capacity across the city and confirms that, when taking into account existing commitments, there is no capacity for additional comparison goods floorspace until 2016. The study does though take into account the existing consent for the site and therefore only the additional floorspace (i.e. 134 sq m) needs to be considered.

A full Retail Impact Assessment has been provided with the application demonstrating the impact of the proposal on the existing centres within the catchment area, and these are primarily the Brighton Regional Centre and the Hove Town Centre. The Retail Impact Assessment confirms that the additional floorspace has a marginal impact on expenditure. This combined with the limited floorspace and expenditure would ensure that there would be no discernable impact on the vitality or viability of the existing retail centres, and thus is acceptable.

The submitted Retail Impact Assessment identifies the range of units within the existing centres that are vacant. The majority of these units are significantly below the required floorspace of the proposed occupier, and thus have been discounted. The applicant has submitted additional information on the proposed trading format and this provides some justification for the size of retail unit required. This is considered acceptable and it has been demonstrated that there are no sequentially preferable premises within existing town centres and it is not possible to reduce the floorspace requirements of the proposed tenant.

The existing planning permission permits a relatively flexible range of goods

that could be sold from the unit. Planning Policy has advised that any further relaxation of the range of goods and percentage of non-bulky goods to be sold from the unit would cause harm to the viability and vitality of the Hove and Brighton Town Centres. The proposed occupant is a comparison arts and crafts retailer which the applicant considers could operate under the existing consent. It is recommended that the condition applied to application BH2008/03894 is re-attached to the current application (no. 3).

### **Transport**

The existing PC World retail unit has surface parking for up to 101 vehicles, with 3 disabled accessible spaces. A Transport Assessment (TA) has been submitted which indicates the existing car park has a maximum occupancy of approximately 42% in the weekday peak period, 45% on a Saturday peak period and 53% on a peak Sunday period. At its busiest the car park therefore has 47 free spaces available at any one time.

The proposed development would result in a reduction of 11 car parking spaces, with a total of 90 retained of which 5 would be disabled accessible spaces. The TA assesses the likely trip generation of the proposed development and indicates that the reduced level of on-site parking would be sufficient to accommodate demand from the existing and proposed retail units.

The methodology and findings of the TA are accepted as robust and there are no reasons to take a different view. On the basis of the available information the proposed car park would be able to operate well within capacity and would not result in displaced parking or cause harm to highway safety. The proposed level of disabled parking accords with adopted guidance on parking standards.

The TA indicates that the proposed development would result in a negligible number of additional trips to and from the site and this takes into account existing trips to the adjoining (PC World) unit and existing trips on the wider highway network. The TA also indicates that the proposal would result in fewer trips than would result from the existing planning permission on the site (ref: BH2008/03894) due to the revised internal configuration (which incorporates a reduced ground floor footprint and an additional mezzanine floor). The TA is considered sufficient to demonstrate that there would be no detrimental impact on the local highway network.

The existing planning permission for a retail unit on the site included a contribution of £25,000 towards sustainable transport infrastructure. The Transport Planning Team has recommended this contribution be sought as part of the current application. The Council's Transport Planning Team have though accepted the findings of the TA and consider the increased demand for travel would be negligible and there would be no unacceptable impact on transport. As a result no remedial measures to the highway network have been identified as necessary to accommodate the development.

A contribution towards sustainable modes of transport could not therefore be directly related to the proposed development and would not be necessary to make the development acceptable in planning terms. For these reasons, and taking into account changes to planning legislation relating to planning obligations (in the form of the Community Infrastructure Levy Regulations), it is considered that the absence of a contribution should not warrant refusal of the application and would be a difficult position to sustain at appeal.

The application creates an opportunity to introduce a Staff Travel Plan to make staff aware of their travel choices and encourage the use of public transport, walking and cycling. A framework for the Travel Plan has been submitted with the application and includes measures to encourage cycle ownership and use and monitoring of travel modes and patterns. This is acceptable in principle and further details are secured through a recommended condition.

The existing retail unit includes the provision of 6 cycle stands which would be relocated as part of the proposal. The revised siting remains in an accessible location to the front of the unit and 2 additional cycle stands are also proposed. This provision would exceed the minimum standards outlined in SPGBH4 and is secured through condition.

### **Design**

The existing retail unit adjoining the application site is approximately 8 metres in height and features a curved roof form. The proposed retail unit would abut the existing building and incorporate a curved roof approximately 1 metre higher than the adjoining building. The considerable visual separation around the site would minimise the impact of the proposed scale and it is considered that there is no need for the proposed building to replicate the existing. The proposal would create a single building, with a taller narrower element adjoining a shorter wider element, with a continuity of materials and building lines. This is considered an appropriate response to the site would not harm the prevailing character or appearance of the wider surrounding area.

The development would entail the loss of soft landscaping planted in association with construction of the existing retail unit. Whilst the loss of this landscaping is regrettable it is not worthy of protection and there is no objection in principle to its loss subject to replacement landscaping of a comparable size / standard. It is recommended that replacement planting on the site be secured through conditions.

For the reasons outlined the proposal is considered to comply with local plan policies QD1, QD2, QD14 and QD15. It should be noted that the design, scale and siting of the proposed development is the same as that approved as part of BH2008/03894. This permission could still be implemented.

### **Impact on amenity**

The application site is immediately adjoined by various commercial / industrial

units and service yard areas the future use of which would not be materially affected by the proposed development.

The nearest residential properties to the site are on Amherst Crescent, approximately 25 metres to the east with the most likely cause of disturbance from deliveries to the proposed unit. A condition is recommended to restrict delivery times to between 07.00 and 19.00 Monday to Saturday and at no times on Sundays or Bank Holidays. This is consistent with the permitted delivery times for the (existing) adjoining retail unit, where there is no history of noise complaints, and the existing planning permission on the site (ref: BH2008/03894). This condition is considered sufficient to prevent any material harm to occupiers of adjoining residential properties. The application does not propose any plant or machinery.

### **Sustainability**

The applicant has advised that the development is for a retail unit which would initially be delivered to shell standard. It would then be for the eventual tenant to complete the building internals: the energy, heating, lighting and cooling strategies have not therefore been determined at this stage in the process.

Policy SU2 requires proposals demonstrate a high standard of efficiency in the use of energy, water and materials. Further guidance within Supplementary Planning Document 08 'Sustainable Building Design' recommends that new-build development of this scale should achieve 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent'.

It is acknowledged that there needs to be a degree of flexibility in applying the required standards in relation to shell and core buildings as there are limitations on the influence of the applicant (as opposed to the eventual tenant) in the final, fitted out, performance of the building. As such it may not be possible to demonstrate full compliance with some of the BREEAM criteria at the pre-commencement stage. It is though possible to assess non-fitted 'shell and core' buildings using BREEAM Retail at a design stage and for a further assessment to then take place at 'fit out' stage. This phased approach would provide a level of robustness in assessing the scheme and demonstrate compliance from a shell and core perspective and the eventual BREEAM rating. The final BREEAM rating of the building could therefore be satisfactorily secured through condition without conflict with the requirements of SPD08.

The Site Waste Management Plans Regulation (SWMP) 2008 was introduced on 6 April 2008. As a result it is now a legal requirement for all construction projects in England over £300,000 to have a SWMP, with a more detailed plan required for projects over £500,000. The proposal represents a major development and is therefore required under the regulations to have a SWMP. An informative is recommended to advise the applicant.

### **Contaminated Land**

The site overlies a principle aquifer and is within groundwater Source Protection Zone 2 for the Goldstone public water supply abstraction. The location is therefore extremely sensitive to pollution. As a result an Environmental Risk Assessment has been submitted to establish potential contamination and pollutant linkages at the site. The assessment concludes that the made ground represents a low risk to human health and further monitoring of ground gases (due to historic landfill on the north-eastern boundary of the site) should take place prior to construction.

A condition is recommended to secure further monitoring and if necessary appropriate remediation works. A contaminated land discovery condition is also recommended due to the history of industrial activity at and near the application site. The recommended conditions would minimise risk of contamination to controlled waters and comply with local plan policies SU3 and SU11.

## **9 CONCLUSION**

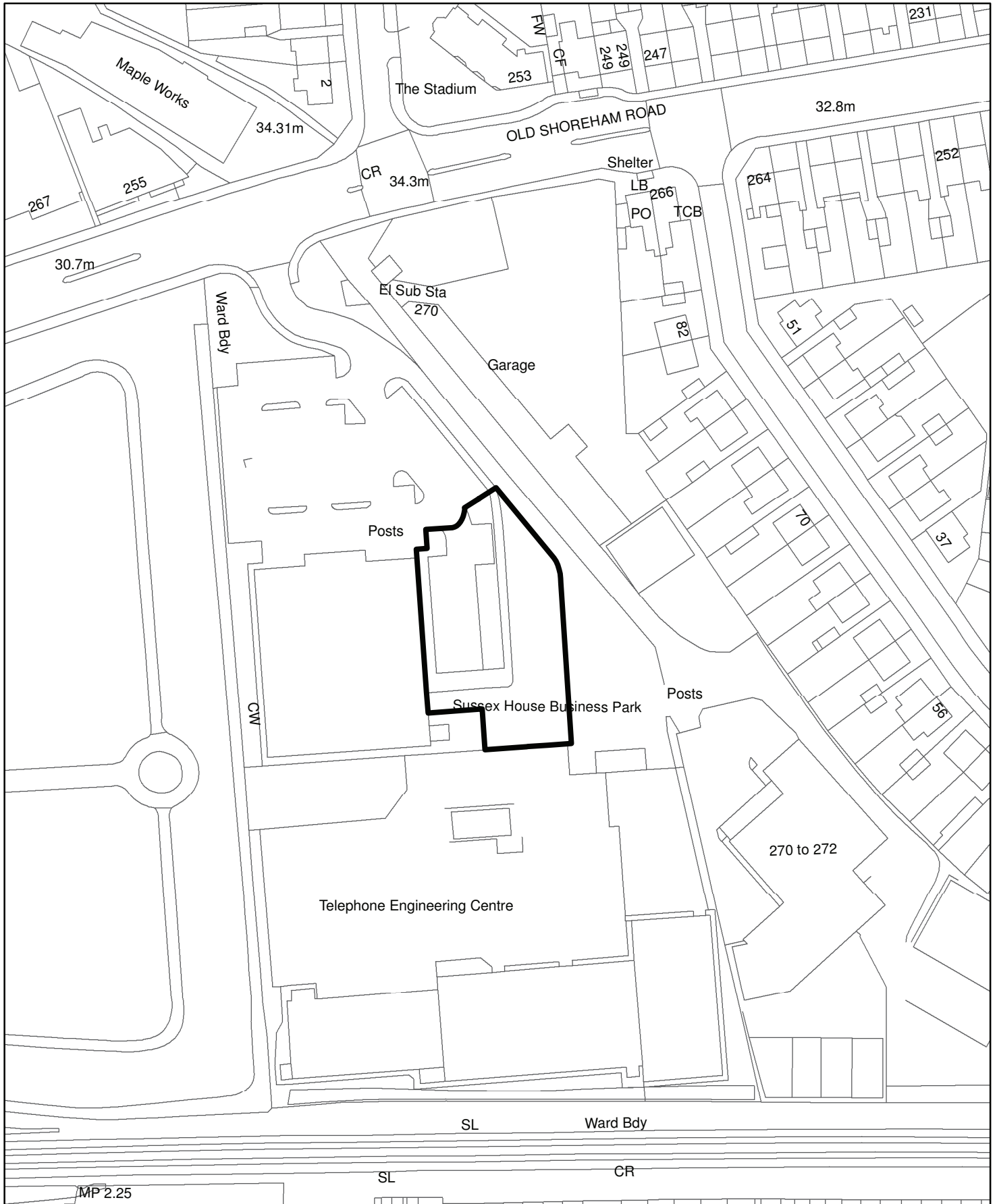
It has been demonstrated that there is a need for the development which cannot be met from a sequentially preferable site and the impact on surrounding established shopping centres would be limited. The additional car parking requirements resulting from the development can be accommodated within existing facilities and no harmful demand for travel will be created.

The development is of an appropriate height, scale, bulk and design having regard to the immediate surroundings and would not result in unacceptable harm to the amenity of neighbouring occupiers by reason of loss of light or increased noise and disturbance.

## **10 EQUALITIES IMPLICATIONS**

The development makes provision for disabled parking, in accordance with adopted parking standards, and incorporates an accessible main entrance.

# BH2011/03791 Land adj. Unit 5, 274 Old Shoreham Rd, Hove.



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

