

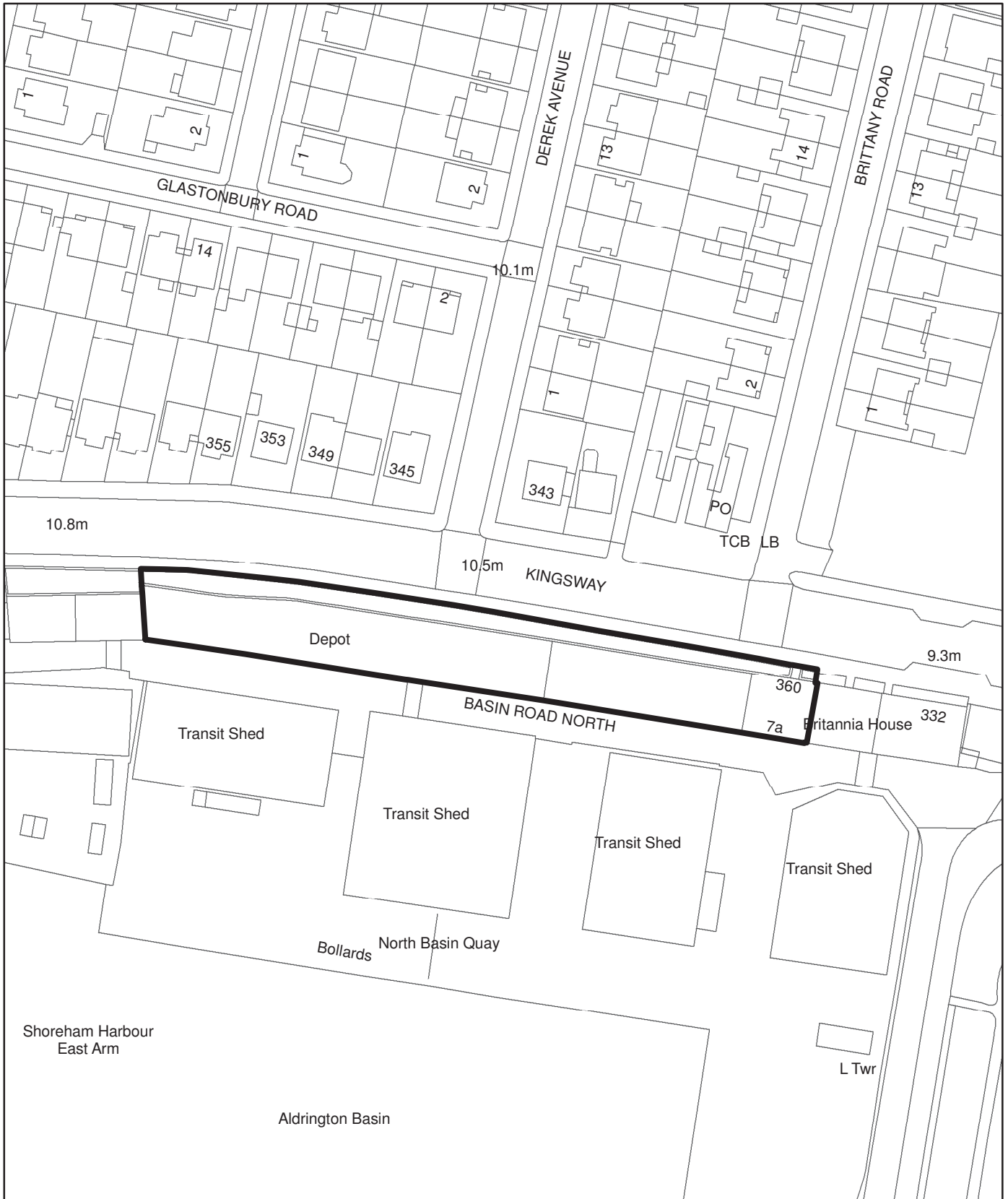
# **ITEM A**

**9-16 Aldrington Basin/Land South of  
Kingsway, Basin Road, North Portslade**

**BH2012/04044  
Full planning**

**30 OCTOBER 2013**

# BH2012/04044 9-16 Aldrington Basin/Land South of Kingsway, Basin Road, North Portslade



**Brighton & Hove  
City Council**



Scale : 1:1,250

<b><u>No:</u></b>	<b>BH2012/04044</b>	<b><u>Ward:</u></b>	<b>WISH</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>9-16 Aldrington Basin/Land South of Kingsway Basin Road North Portslade</b>		
<b><u>Proposal:</u></b>	<b>Demolition of business unit to east of Magnet showroom. Erection of new building ranging from 3no to 5no storeys at Kingsway Level and a further one and a half storeys of car parking beneath Kingsway ground floor accessed via Basin Road North. Development comprises mixed use commercial premises (A1, A3, B1, D1) with associated new access and 52 residential units in 6no blocks. Change of use of existing Magnet showroom at Basin Road North level to storage (B8) with associated service area, lorry delivery bay and car parking. (Amended plans and supporting information).</b>		
<b><u>Officer:</u></b>		<b><u>Valid Date:</u></b>	11/01/2013
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	12 April 2013
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	Lewis and Co Planning SE Ltd, 2 Port Hall Road, Brighton		
<b><u>Applicant:</u></b>	Harbour View Developments (Sussex) Ltd, Mr Colin Brace, The Paddock, London Road, Hassocks		

### 1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to be **MINDED TO GRANT** planning permission subject to the completion of a s106 agreement and the conditions and informatives set out in section 11.

### 2 SITE LOCATION & DESCRIPTION

- 2.2 The application site relates to a strip of land, approximately 18 metres x 15.5 metres, between the southern side of Kingsway and Basin Road North. The site forms part of Shoreham Harbour with commercial uses adjoining to the east, west and south. This is in contrast to the north of Kingsway which is characterised by 1930's residential development.
- 2.3 At Basin Road North level the majority of the site comprises a long single-storey commercial building which accommodates a storage / showroom use (currently occupied by Magnet) and adjoining surface car parking. The eastern section of the site comprises a three-storey building providing a reception / sales area at Kingsway level, with two levels of workshop space below fronting Basin Road North. These existing buildings are currently occupied.

### 3 RELEVANT HISTORY

#### Application Site:-

**BH2010/03739:** Demolition of business unit to east of Magnet showroom. Erection of new five and a half storey building at Kingsway level and a further one and half storeys of car parking beneath Kingsway ground floor accessed via Basin Road North. Development comprises mixed use commercial premises with associated new access and car parking at Kingsway level and 67 residential units in 6 blocks interlinked by five sets of vertical helical wind turbines. Change of use of existing Magnet showroom at Basin Road North level to storage with associated service area, lorry delivery bay and car parking. Refused 08/03/2012 for the following reasons:-

1. The applicant has failed to demonstrate that the site is an appropriate location for a tall building within the context of existing development to the north and south of the site, and emerging plans for future development at Aldrington Basin. The proposal is therefore contrary to policies QD1 and QD2 of the Brighton & Hove Local Plan, and to the provisions of Supplementary Planning Guidance Note 15, Tall Buildings.
2. The development by reason of its constant and unvarying height and massing would create a sense of bulk that would appear excessively out of scale and create a visually overbearing relationship with adjoining development to the north. The proposal is therefore contrary to policies QD1, QD2 and QD4 of the Brighton & Hove Local Plan, and to the provisions of Supplementary Planning Guidance Note 15, Tall Buildings.
3. The application is not accompanied by a robust background noise survey which identifies the appropriate nearest sensitive receptors or a comprehensive acoustic report outlining the noise impact on agreed receptors. The development, in the absence of this information and suitable mitigation measures, has significant potential to expose future residents of the proposed development and neighbouring properties to excessive and unreasonable levels of noise.
4. The proposal would therefore be detrimental to residential amenity and is contrary to advice contained within Planning Policy Guidance 24 (Planning and Noise), Planning Policy Statement 22 (Renewable Energy) and its Companion Guide (Planning for Renewable Energy), the principles outlined in ETSU-R 97, and policies SU10 and QD27 of the Brighton & Hove Local Plan.
5. The development, in the absence of sufficient justification for a development of this scale in this location, would result in a loss of light that would be both significant and harmful to living conditions for occupiers of neighbouring properties on Kingsway fronting the application site. The proposal is therefore contrary to policy QD27 of the Brighton & Hove Local Plan.

**M/18187/73:** Rebuilding of existing depot. Approved.

**Britannia House, Kingsway** (*adjoining site to the east*)

**BH2011/03300:** Application to extend time limit for implementation of previous approval BH2006/03628. Approved 08/11/2012.

**BH2006/03628:** Construction of 2 full floors and 1 half floor of nine new apartments over existing office building and change of use from A2 to B1 at ground floor. Approved 28/02/2007.

**Mackley's Wharf, Basin Road North** (*adjoining site to the south*)

**BH2010/02484:** Amendment to condition 1 of approval BH2002/01978/FP to extend the temporary B2 use of the site for a further 3 years until 30 September 2015. Approved 05/10/2010.

**BH2002/01978/FP:** Change of use of existing B1/B8 use (light industrial/storage) unit to B2 use (general industrial) involving welding and metal fabrication and open storage of industrial gases. Approved 03/09/2002.

#### **4 THE APPLICATION**

- 4.1 Planning permission is sought for redevelopment of the site and the creation of a new frontage to Kingsway. The proposal would create a two-storey base element fronting Basin Road North comprising warehousing, servicing facilities, a car park with spaces for up to 58 vehicles and a Class B1 workshop. At Kingsway level, a series of 6 detached buildings are proposed.
- 4.2 The proposed buildings are lozenge shaped, orientated on a south-west / north-east axis, and vary in height from 3 to 5-storeys (plus a mezzanine level). The 3-storey buildings would measure approximately 11.8 metres in height, the 4-storey buildings approximately 15 metres in height, and the 5-storey buildings approximately 17.8 metres in height. These heights are all taken from Kingsway level, with Basin Road North approximately 6 metres below Kingsway.
- 4.3 In general terms each building would comprise a commercial use at ground and mezzanine floor levels with residential accommodation at upper floor levels. The development would provide a total of 52 residential units, of which 20 would be affordable.
- 4.4 At Kingsway level outdoor recreation space and viewing areas would be provided between each building. This space would be covered by a canopy structure. The southern elevations and roof areas of each building would accommodate extensive areas of solar photovoltaics. The supporting information outlines that the development has been designed to achieve Code for Sustainable Homes Level 6.
- 4.5 Amendments have been received as part of the application to omit biomass from the proposal and increase the amount of photovoltaic panels to the roof. Neighbours have been re-consulted on these changes.

**5 PUBLICITY & CONSULTATIONS**

**External:**

5.1 **Neighbours:** Representations have been received from the following addresses:-

Basin Road North	Mackleys Wharf, Pennys Wharf, Maritime Atlantic (Maritime House)
Benett Drive	2
Brittany Road	20, 23, 24, 41 (x3)
Derek Avenue	2, 7, 10, 16, 31, 36, 55, 63
Errol Road	5
Glastonbury Road	2, 4, 6, 10, 18 (x2)
St Kenya Avenue	1, 6, 14, 15, 26, 28, 36
St Leonards Avenue	15, 33, 75
St Leonards Gardens	14
St Leonards Road	11, 25, 52, 65
Kingsway	313, 321 (flat 20), 331 - Vega Building (Southern Housing Group and flats 7, 30 & 35), 341, 343, 345, 347, 353, 355, 357, 359, 367, 375, 397, 399
Middleton Avenue	4, 19
New Church Road	Pembroke Court (flat 16)
Roman Road	2, 3, 20
St Leonards Road	81
Western Esplanade	2A
3 letters of no address	

Objecting to the proposal for the following reasons:-

*Design*

- The building heights are too high and would loom over neighbouring buildings. The proposals should match existing (single-storey) building heights south of Kingsway;
- The shortest buildings within the proposal exceed the height of the Vega Building (on the former Caffyns site);
- The heights of the development should be given in metres as well as storeys; the storey heights of the proposal are well in excess of the new Vega building;
- The development would be better sited to the south-western side of the harbour;
- The site is not suitable to accommodate tall buildings;
- Residents do not want a version of East Croyden-on-sea for the site;
- The buildings are too close to the pavement and would loom over Kingsway;
- The development would separate Shoreham Harbour from the residential area to the north, the two areas have always been integral to one another;
- Linking the buildings with PV canopies would cut off the harbour from Kingsway and adds to the oppressiveness of the development;

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- The design is unattractive, out of keeping with adjoining properties and would neither reflect nor enhance adjoining development to the north of Kingsway, including the recently completed Vega building;
- A tired art deco building would be better for the site as the lozenge shape is not necessary in the absence of helical wind turbines;
- The removal of wind turbines should trigger a redesign for development on the site;
- The scheme would present an overbearing and dominant façade to Basin Road North;
- The presence of south facing solar panels would prejudice future development on adjoining sites (to the south);
- Future potential access through the site to Aldrington Basin should be secured through condition and / or a legal agreement;
- The green wall (at Basin Road North level) would need to be carefully design due its location alongside a busy road and the maritime climate;

### *Amenity*

- There are significant discrepancies between the submitted assessments showing the impact of the refused application and the current application (whereby the current, lower, application is shown as having a greater impact than the, taller, refused application). At best this is professional incompetence;
- The impact on light would give rise to detrimental physical and mental health issues;
- Loss of light, particularly in the winter; there is very little difference between the impact of the previously refused application and the current proposal;
- The development would reduce the power generated by solar panels to adjoining properties by at least 75%;
- The site is too noisy for residential accommodation, with road traffic noise an issue for existing residents, and no measurements have been provided for the western part of the application site;
- Loss of privacy;
- Loss of view;
- The gaps between buildings, previously used to funnel wind, would act as a wind tunnel. There is no analysis of wind flow as part of the current application;
- The presence of development on the site and the proposed biomass would worsen local air quality and there is inadequate information on this aspect of the proposal;
- The developer proposes to construct the project one block at a time so residents would be expected to endure construction activity for 5 years or more;
- Loss of habitat.

### *Transport*

- The development would create more vehicular traffic than the area can tolerate;
- Additional demand for parking would spread onto surrounding roads. The submitted parking beat survey was prepared during the (2011) summer holiday and cannot be valid;
- There is no footway on Basin Road North for pedestrians;

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- The car park off Kingsway (connected to a commercial unit) is in a dangerous location;

*Other*

- Without the wind turbines it is not clear the development could be zero-carbon;
- The application pre-empts Shoreham Harbour development briefs, and is not in accordance with the consultation draft of the document;
- The development would prejudice development of adjoining sites within Shoreham Harbour;
- The development would set an undesirable precedent for future applications;
- The area does not need additional retail units or more social or private housing and the influx of people would be detrimental to the area;
- The community consultation has not taken into account the views of local residents;
- There would be no benefits to the local community;
- There is inadequate infrastructure provision in the surrounding area and the development would impose additional stress, in particular gas and water;
- Insufficient time in which to make comments;
- Loss of property value.

5.2 **16** representations have been received from the addresses listed below:-

Clarendon Villas	48 (FFF)
First Avenue	44 (flat C)
Gaymore Road	50 (Kidderminster)
Kingsway	349
St Michaels Road	12
Pembroke Court	2
Port Hall Road	41A
Richmond Terrace	Old College House (40)
Rochester Gardens	50
Ruskin Road	19
Saxon Road	22
Vernon Terrace	5B (x2), 17 (flat 2)
2 letters of no address	

Supporting the application for the following reasons:-

- The proposal is the type of development that should be encouraged in the City;
- The design is well thought out in terms of fitting in with other modern seafront development and would retain sight lines to the sea;
- The development is pioneering in terms of sustainability and should be encouraged;
- There is an urgent need for new housing in the City on brownfield sites;
- The visitor centre would encourage people to come to this part of the City;



- The newly completed Vega building finished the street scene and the area is already changing.
- 5.3 A representation has been received from **114 Holmes Avenue** commenting that a proportion of units are shown as 'shared ownership' but no housing association is associated with the development. The affordable units are in small blocks with lifts. Installing and maintaining the lifts would significantly increase costs and be a burden for occupants, these costs are incompatible with affordable housing. As a consequence it is unlikely that the scheme would deliver affordable housing, and there would be a later application to dispense with this provision.
- 5.4 **Cllr Peltzer-Dunn** objects – see attached letter.
- 5.5 **Cllr Pissaridou** objects – see attached letter.
- 5.6 **BRE (Buildings Research Establishment):** Comment. The closest dwellings are at 33-357 Kingsway (odd). Loss of daylight to all windows of these dwellings would meet BRE guidelines. Loss of sunlight to the windows would also meet the guidelines in every case.
- 5.7 Three of these houses have solar panels at roof level. Loss of solar radiation to these panels would be very small.
- 5.8 Although the BRE does not identify front gardens as having a specific requirement for sunlight the applicant has analysed loss of sun to the front gardens of houses in Kingsway, and shown that they would all easily meet BRE guidelines for sun on ground. There would be minimal loss of sunlight to the back gardens as the shadow of the new development would not reach them on March 21, the key date for assessment.
- 5.9 Loss of daylight and sunlight to other dwellings would be even less. The Vega building would be less affected as its opposite one end of the development, while houses in St Kenya Avenue, Derek Avenue, Brittany Road and Glastonbury Road are much further away.
- 5.10 **Brighton Society:** Object. The application goes some way towards addressing previous reservations about the wind turbines and the visual impact on the character and scale of residential areas to the north. The Draft Consultation Brief for Shoreham Harbour states that new buildings should be four storeys or less and should maintain the maritime atmosphere and ensure public access to views across the harbour. The proposed development is considerably higher than the stated maximum height and as gaps between blocks provide private entrances, which may be used for storage, views across the harbour may be minimal. There are concerns that the aims of the Brief would not be met by the proposals.
- 5.11 Recognise that the scheme is a serious attempt to create buildings which are genuinely sustainable and set new standards of energy use and low carbon performance. However, there are genuine concerns with regards the mass and height of the buildings. As the proposal does not comply with certain

aspects of the draft Brief it would be premature to make a decision, which could set a precedent before the final version of the Brief.

- 5.12 **East Sussex Fire & Rescue Service:** Comment. The submitted plans do not appear to indicate satisfactory access for fire appliances for fire fighting purposes where the Building Regulations require there should be a vehicle access for a pump appliance to blocks of flats to within 45 metres of all points within each dwelling; fire hydrant provision should also be shown on the plans. Recommend the installation of sprinkler systems.
- 5.13 **Environment Agency:** No objection, subject to conditions requiring details of surface water drainage and land contamination remediation, and conditions preventing infiltration of surface water drainage and piling of foundations.
- 5.14 **Kingsway and West Hove Residents Association (KAWHRA):** Object for the following reasons:-
- The height and massing of the development would create a sense of bulk that would appear out of scale in local street scenes and appear visually overbearing in relation to adjoining development to the north;
  - The development fails to have any regard to its adjoining context on the southern side of Kingsway;
  - The development would damagingly overshadow two-storey houses on Kingsway for an extensive period in winter;
  - The development would be inappropriate and incongruous to the local context, which is no longer considered an appropriate location for tall buildings;
  - The application does not accord with the Development Brief for the area;
  - The orientation of the blocks and structures and activities between them would preclude opportunities for views between buildings;
  - There is inadequate assessment of the effect of the development on sea winds;
  - There is no justification for reducing light to neighbouring properties;
  - The Transport Assessment is out of date;
  - The proposal attempt to cram too many uses onto a cramped site;
  - There has not been meaningful engagement with the local community.
- 5.15 **Regency Society:** Support. The proposal is in a long tradition of innovative and unusual buildings in Brighton & Hove, from the Royal Pavilion and the City's seafront squares to the piers, Embassy Court and Saltdean Lido. The curving, contemporary style echoes many of our Regency buildings and will be a fresh counterpoint to existing buildings in the immediate area. The development would provide 52 much needed homes, replacing redundant industrial buildings on a site few would consider. The proposal sets a positive example for future development that would help to address the City's housing shortage and pressing issues of energy conservation and sustainable design.
- 5.16 **Southern Water:** Comment. There are no surface water sewers in the area to serve the development, details of surface water drainage should be secured through condition. A water supply and foul sewerage disposal can be provided to service the development.

5.17 **Sussex Police:** Comment in relation to secure by design guidelines.

5.18 **UK Power Networks:** No objection.

**Internal:**

5.19 **Access Officer:** Comment. The development should provide 3 wheelchair accessible units; question whether units would be suitable for such a use due to space requirements. The scheme should meet Lifetime Home standards and amendments would be required to achieve this.

5.20 **Economic Development:** Support. The applicant has provided employment levels for the variety of commercial uses based on the offPAT employment densities however revised employment density figures have been released and these new figures increase the amount of employment generation from the proposal to 66 jobs which is again welcomed and supported.

5.21 A contribution through a S106 agreement for the payment of £48,175 towards the Local Employment Scheme (LES) is sought in accordance with the Developer Contributions Interim Guidance and the provision of an Employment and Training Strategy, with the developer committing to using 20% local employment during demolition and construction phases of the development.

5.22 **Education:** Comment. The closest primary school to the development is St Peters Community Infant School which currently has no surplus capacity. The next closest community primary schools are West Hove Infant and Junior Schools, St Marys RC Primary, Benfield School, St Nicolas C E Primary, Portslade Infant School and Peter Gladwin Primary School. It is expected by the DfE that we should maintain between 5% and 10% surplus places to allow for parental preference. Taking the most local primary schools mentioned above there are a total of 2,326 primary places available in this part of the city and currently there are 2,224 children on roll. This gives an overall surplus of just 4%. A development of 52 residential units will significantly eat into this surplus capacity leaving parents with no choice whatsoever. In terms of secondary schools this development is in the catchment area for Blatchington Mill and Hove Park Schools, both of these schools are full and oversubscribed.

5.23 It is therefore entirely appropriate to request a sum of money for primary and secondary education in respect of this development. A contribution of £103,873 is sought.

5.24 **Environmental Health:** No objection, subject to conditions relating to external lighting, soundproofing, land contamination, ventilation and rainwater harvesting.

5.25 **Housing Strategy:** Comment. Housing Strategy is committed to maximising the provision of affordable housing in the City. We therefore welcome this scheme as it will assist us to achieve our aims of achieving mixed, balanced and sustainable communities to deliver high quality affordable housing for

local people in housing need. We are pleased to see that the developer is offering 40% of the units for affordable housing which equates to 20 units.

- 5.26 We would expect that 2 of these units (10%) should be built to fully wheelchair accessible standards in line with our affordable housing brief. These units should be owned and managed by one of our Registered Providers of affordable housing.
- 5.27 Our affordable housing brief reflects the very pressing need for affordable homes in the City. We currently have over 12,000 people on the joint housing register waiting for affordable rented housing and 676 people waiting for low cost home ownership.
- 5.28 **Planning Policy: No objection.** The principle of a mixed use highly sustainable development in this location is welcome and consistent with the Council's regeneration aspirations for the area. The applicant has addressed the issues which resulted in the previous application for development of the site being rejected. The scheme is considered to be in conformity with the Strategic Objectives of the Development Brief for this area. The central blocks of the development are greater in height than the Vega building, contrary to an amendment to the Brief. The Brief is not a statutory planning document but is nonetheless a significant material consideration. Although it is recognised that the scheme does not accord with the height limit set out in the Brief, it is considered that the overall benefits of the scheme in contributing to the wider aims of the Brief, JAAP and City Plan justify an exception in this case.
- 5.29 **Sustainability: No objection.** All aspects of local sustainability policy set out in Local Plan SU2, SU16 and SPD08 have been addressed or are exceeded.
- 5.30 The scheme represents the first development in Brighton & Hove to seek Code for Sustainable Homes (CfSH) Level 6 for residential development, and the first non residential development to seek a BREEAM 'Outstanding' standard. These significantly exceed the expected standards of CfSH Level 4 and BREEAM 'Excellent' that would be expected under current local policy. The proposed standards would also meet those set out in the 'Submission City Plan Part 1' providing an exemplar scheme which has potential to significantly raise the bar for sustainable building in Brighton & Hove. The scheme embodies the City Plan's adopted One Planet principles and the 'PortZED Concentric Circles of Sustainability' philosophy embeds these principles within the design, construction and ongoing operation.
- 5.31 Positive aspects of the scheme include: zero carbon design target; advanced thermal fabric efficiency; passive solar design; significant renewable technology provision via a biomass fuelled district heating scheme, photovoltaic panels, solar thermal panels, air source heat pumps; climate adaptation including solar shading, passive ventilation, passive cooling e.g. via use of thermal mass; sustainable materials; water efficiency plus rainwater harvesting in each building; including intention for on site composting; ecological foot-printing approach informing resident, user and visitor engagement in behaviour change; ongoing energy and water

monitoring; visitor centre; sustainable transport; sustainability caretaker; and 135m2 'edible' green wall (herbs).

- 5.32 **Sustainable Transport: No objection.** The Transport impacts would be acceptable subject to a s106 contribution and conditions relating to a car park management plan; disabled parking provision; cycle parking facilities; a travel plan for future occupants; and the proposed crossover to Kingsway.

## **6 MATERIAL CONSIDERATIONS**

- 6.1 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."
- 6.2 The development plan is:
- Brighton & Hove Local Plan 2005 (saved policies post 2007);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
  - East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;
  - East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- 6.3 The National Planning Policy Framework (NPPF) was published on 27 March 2012 and is a material consideration.
- 6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.
- 6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.
- 6.6 All material considerations and any policy conflicts are identified in the "Considerations and Assessment" section of the report.

## **7 RELEVANT POLICIES & GUIDANCE**

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR4	Travel Plans
TR7	Safe Development
TR8	Pedestrian routes
TR14	Cycle access and parking

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TR15	Cycle network
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU3	Water resources and their quality
SU4	Surface water run-off and flood risk
SU5	Surface water and foul sewage disposal infrastructure
SU7	Development within the coastal zone
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
QD1	Design - quality of development and design statements
QD2	Design - key principles for neighbourhoods
QD3	Design - efficient and effective use of sites
QD4	Design - strategic impact
QD5	Design - street frontages
QD17	Protection and integration of nature conservation features
QD25	External lighting
QD27	Protection of amenity
QD28	Planning Obligations
HO2	Affordable housing - 'windfall' sites
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO7	Car free housing
HO13	Accessible housing and lifetime homes
HO19	New community facilities
HO21	Provision of community facilities in residential and mixed use schemes
EM1	Identified employment sites (industry and business)
EM3	Retaining the best sites for industry
EM5	Release of redundant office floorspace and conversions to other uses
EM6	Small industrial, business units and warehouse units
EM7	Warehouses (B8)
EM9	Mixed uses and key mixed use sites
EM12	Shoreham Harbour - mixed uses
SR2	New retail development beyond the edge of existing established shopping centres
SR3	Retail warehouses

### Supplementary Planning Guidance

SPGBH4	Parking Standards
SPGBH9	A Guide for Residential Developers on the Provision of Outdoor Recreation Space (draft)
SPGBH15	Tall Buildings

### Supplementary Planning Documents

SPD03	Construction and Demolition Waste
SPD08	Sustainable Building Design
SPD11	Nature Conservation

Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in Favour of Sustainable Development
DA8	Shoreham Harbour

Shoreham Port Masterplan (2010)

Shoreham Port Authority has published a Port Masterplan, which the Department for Transport recommends for ports (in England and Wales) handling at least 1 million tonnes per annum. The Masterplan is not a statutory planning document. As such although of limited weight it represents the intentions of the Port Authority and should be considered as part of the planning application process.

Shoreham Harbour - Interim Planning Guidance (2011)

The Interim Planning Guidance provides a summary of the existing planning policy framework for the Harbour and an overview of the future development priorities for the Shoreham Harbour regeneration area during an interim period (2011-2013) whilst detailed policies are prepared and adopted.

South Portslade Industrial Estate and Aldrington Basin Development Brief (2013)

The Development Brief acts as guidance in relation to the policies that it is anticipated will eventually emerge in an adopted Joint Area Action Plan (JAAP) (as referenced in City Plan policy DA8). The brief is regarded as a significant material consideration and can be afforded weight in the determination of planning applications within the brief area.

## **8 CONSIDERATIONS & ASSESSMENT**

8.1 The key considerations in the determination of this application relate to:-

- i) Principle of development
- ii) Housing (type, size, mix and quality)
- iii) Design, Character and appearance
- iv) Impact on neighbouring amenity
- v) Transport
- vi) Sustainability

### **Principle of development**

8.2 The application site immediately adjoins Shoreham Harbour which includes local plan allocations for industrial and business use (policy EM1); a key site for major mixed use development (policy EM9); and a harbour specific policy which seeks to avoid development that would prejudice regeneration of the port area in anticipation of more detailed policy documents emerging in the future (policy EM12).

8.3 The City Plan Part One (submission document) identifies Shoreham Harbour, through Policy DA8, as a broad location for future development with potential to accommodate 400 new residential units and 7500 sq metres of

employment floorspace. The application site lies within the Aldrington Basin area of Shoreham Harbour where policy DA8 states that the balance of future land uses, including appropriately located mixed-use residential development, will be determined in accordance with a future development brief that will form part of a Joint Area Action Plan (JAAP).

- 8.4 The Development Brief for the South Portslade Industrial Area and Aldrington Basin identifies the application site as a residential-led redevelopment opportunity. The brief identifies that the site could be developed for employment uses at Basin Road North level with mixed employment / residential rising above the Kingsway level. The brief acknowledges that new residential development appropriately set-back from Kingsway will provide a key role in providing a more domestic scale and attractive character to the street, and states new residential development would only be considered acceptable above the Kingsway level subject to 'guiding principles' on design and form as set out within the brief.
- 8.5 The Brief's key guiding principles (on design and form) for Aldrington Basin are set out below:-

SO9: Place making and design quality, to promote high design quality and improve townscape.

- SPAB27: Development form  
"Mixed employment and residential uses with a dual frontage onto Kingsway (residential / mixed commercial activities up to four storeys above Kingsway) and Basin Road North (employment uses)."
- SPAB29: Building Height and townscape considerations  
"New development fronting the Kingsway will have a significant impact on the character of the local street scene and image of the entrance to the Harbour / Port. Building heights of up to four storeys above the Kingsway (six storeys above Basin Road North) are generally considered to be acceptable subject to high quality design and being suitably orientated to accommodate generous views between new buildings to maintain a sense of openness and promote views through wherever possible."

"Kingsway currently benefits from an open maritime brightness and the overall scale and mass of new proposals should respond to this. The scale of development should provide a positive impact on the street environment along Kingsway and in order to protect the amenity of the West Hove townscape any development shall not exceed the height of the recently built Vega flats."

(The Vega building, 331 Kingsway, measures approximately 11.5 metres in height above street level)

- 8.6 There is no objection to the principle of development on this site. The relationship between the Development Brief and the development proposed by this application will be revisited in the relevant sections of this report.

## **Housing**



- 8.7 The Development Brief for Aldrington Basin identifies the application site as being suitable for residential-led redevelopment, with the formation of new residential units contributing towards the 400 proposed by City Plan Policy DA8. The principal of residential-led development on the site is therefore acceptable and the delivery of additional housing in the City weighs in favour of the proposal.

Affordable Housing

- 8.8 Local plan policy HO2 refers to affordable housing on windfall sites and states 'where a proposal is made for residential development, capable of producing 10 or more dwellings, the local planning authority will negotiate with developers to secure a 40% element of affordable housing'. The development proposes 52 units of which 20 would be affordable, equating to 38% of the total accommodation. This level of provision is therefore in accordance with the level sought by policy HO2. The affordable housing provision could be secured through condition.

Housing mix and size

- 8.9 In its entirety the development would provide 14-1-bed units, 28x2-bed units and 10x3-bed units which would meet, or exceed, minimum internal space standards for affordable housing. The size and overall mix of units is therefore considered to be acceptable in relation to current housing requirements and adopted Local Plan policies HO3 and HO4. There are no reasons why the development could not be built to Lifetime Home standards and this is confirmed in the Planning Statement submitted with the application.

Living conditions

- 8.10 The application site is located between Kingsway and Old Shoreham Road and future residents would be exposed to both road traffic noise and operational noise from harbour based commercial activities, in addition to potential noise from the proposed ground floor uses. The applicant has submitted a noise assessment which outlines a series of measures to ensure future occupants are not exposed to unacceptable levels of noise or disturbance. These measures include triple and quadruple glazing and alternative means of ventilation (to provide air flow in the event of windows being shut), with soundproofing in excess of that required by Building Regulations between ground and first floor levels. The Environmental Health Team considers that these measures are sufficient to protect future residents against elevated levels of background noise. The proposal therefore complies with Local Plan policy SU10
- 8.11 Whilst there would be a degree of inter-visibility between balconies and roof terraces this would not be unusual for higher density schemes and would not lead to a poor standard of amenity for future occupants; particularly given the positive findings in respect of unit sizes.

Private amenity space

- 8.12 Local Plan policy HO5 requires the provision of private useable amenity space in new residential development where appropriate to the scale and character of the development. The scheme makes provision for the majority of units to have access to roof terraces or balconies. Whilst a number are

relatively small they would be of sufficient size to allow for outdoor seating and potential planting and any conflict with policy HO5 would not warrant refusal of the application.

Outdoor recreation space

- 8.13 Policy HO6 requires the provision of suitable outdoor recreation space in housing schemes split appropriately between children's equipped play space, casual / informal play space and adult / youth outdoor sports facilities.
- 8.14 The proposed development includes approximately 239 sq metres of communal amenity space in the form of casual / informal play space between each building at Kingsway level. The outdoor space would be partly enclosed by a canopy structure (between each building) which the applicant has advised that this would be translucent. The submitted acoustic report indicates acoustic protection, in the form of 1.5 metre high clear screens, to the outdoor spaces and this has been accepted by the Environmental Health Team as providing sufficient noise attenuation.
- 8.15 The soundproofing measures and nature of the canopy structure would make the space as welcoming as is possible in this location, and it would be a matter of choice for future residents as to whether they choose to make use of the space. Whilst there are concerns that the space(s) would be sited between Kingsway, Shoreham Harbour and adjoining buildings the provision of on-site space is preferable to its omission. The impact of these spaces, and associated means of enclosure, on the character and appearance of the development is considered under a separate section of this report.
- 8.16 There is a shortfall in equipped play space, casual / informal play space and youth outdoor sports facilities and it is not feasible for this to be addressed on-site. The applicant proposes to address this shortfall through a contribution towards the improvement and enhancement of existing facilities in the locality of the site. This contribution, based on draft SPGBH9, would amount to £126,421 and would need to be secured through a s106 agreement.
- 8.17 It is considered that Hove Lagoon and to a lesser extent Wish Park would be well placed to provide for the needs of a range of future occupants, and not just the demand for equipped play. As such whilst there are concerns regarding the nature quality of on-site recreation space this could be overcome through contributions to fund improvements to suitable alternative sites.

**Commercial uses**

- 8.18 The application site incorporates two existing commercial buildings; a single-storey building at Basin Road North level (currently occupied by Magnet) comprising elements of retail, storage and distribution; and a three-storey building comprising a reception / sales area at Kingsway level with two levels of workshop space below to Basin Road North.
- 8.19 The proposed development would replace the existing Magnet unit at the westernmost part of the site with storage at Basin Road North level linked to a (retail) showroom, with ancillary office / staff facilities, at Kingsway level.

There is already an element of retail on the site and the proposal would essentially formalise this arrangement; the warehousing space would be attached to the retail element of the use and is considered acceptable on this basis. A condition would be needed to restrict the retail use to the sale of 'bulky goods' in order to protect the vitality and viability of established Shopping Centres.

- 8.20 To the east of the showroom each building incorporates a commercial use at Kingsway level, including a visitor centre, a café (Class A3), a retail unit (Class A1) and office (Class B1) / community use (Class D1) uses. The eastern section of the Basin Road North frontage would incorporate a two-storey workshop unit which would be appropriate to Shoreham Harbour and retain an employment generating Class B1 use on the site.
- 8.21 There is no objection to commercial uses at Kingsway level which would provide services for the local community and potentially create an active frontage to the development. The presence of commercial units at Kingsway level, with residential above, accords with the Development Brief, which identifies the site as suitable for residential-led redevelopment.

**Design, character and appearance**

- 8.22 The prevailing built form of the immediate surroundings comprises low-rise buildings of two to three storeys in height. Whilst within this there is some variation, such as Saxon Court and the Vega building (which are four-storey in height), the scale and form to the north of the application site is broadly consistent.
- 8.23 As previously stated, the recently adopted Shoreham Harbour South Portslade Industrial Estate and Aldrington Basin Development Brief sets out the following 'guiding principles':-

*"New development fronting the Kingsway will have a significant impact on the character of the local street scene and image of the entrance to the Harbour / Port. Building heights of up to four storeys above the Kingsway (six storeys above basin Road North) are generally considered to be acceptable subject to high quality design and being suitably orientated to accommodate generous views between new buildings to maintain a sense of openness and promote views through wherever possible."*

and:-

*"The Kingsway currently benefits from an open maritime brightness and the overall scale and mass of new proposals should respond to this. The scale of development should provide a positive impact on the street environment along Kingsway and in order to protect the amenity of the West Hove townscape, any development shall not exceed the height of the recently built Vega flats."*

- 8.24 The proposed 3 to 5-storey buildings would measure between 11.8 and 17.8 metres in height above Kingsway, and between 17.2 and 23.2 metres

in height above Basin Road North. The proposed height conflicts with the Development Brief.

- 8.25 A key issue is the townscape impact of the development on Kingsway and the immediate surroundings. This stretch of Kingsway provides a good opportunity for distinctive new buildings and this is a site where traditional design need not be replicated. In principle the creation of a new frontage along Kingsway is welcomed. The pavilion approach would retain the potential for viewing corridors to the south of Kingsway from adjoining streets to the north.
- 8.26 The applicant considers that the proposed development would form a positive feature with regard to the character and appearance of the surrounding area, and as a consequence the aims and objectives of the development brief are met.
- 8.27 It should though be noted that in respect of Shoreham Harbour SPG15 states that 'a further planning study will be required to clarify the capacity of the entire harbour area to absorb tall development'. However the Development Brief for the area had a different purpose and was not intended to meet this requirement. The Brief is founded on a desire to develop a viable and deliverable spatial plan that responds to the marine character of the area, that promotes high quality innovative design alongside high levels of sustainability and with careful consideration of environmental issues and infrastructure implications.
- 8.28 The proposed development, and primarily the central 4 and 5-storey buildings, would represent a significant change in height from adjoining development to the north of Kingsway. The brief, in addressing the need to improve streetscape, outlines a design approach which would provide a more attractive character along Kingsway. The visual impact of the central height would be softened by the variation in building height, which would provide transition from surrounding development. Nonetheless the proposed height of the development is a significant issue.
- 8.29 At the time of determining the preceding application it was considered that in views from the south the proposed scheme would be viewed as a stand alone development. This was not though considered to be detrimental to the visual amenities of the area, given the difference in levels between Kingsway and Basin Road North and the form and uses of existing development to the south. This view remains relevant to the current application. It is also noted that the Basin Road North frontage would incorporate an active workshop use which would contribute to the longer term employment within Aldrington Basin.
- 8.31 As envisaged by the emerging City Plan policy DA8 the Brief informs the balance of land uses within the Shoreham Harbour allocation, which includes the application site at Aldrington Basin. This residential-led development proposal complies with the intentions of policy DA8, the land uses outlined in the Development Brief, and would make a meaningful contribution towards the identified housing requirement for the area. Particular aspects of the Brief with which this scheme complies include:

- Strategic Objective SO1. Sustainable Development: To promote sustainable development;
- Strategic Objective SO4. Housing and Community: To provide new homes to address local needs: To address shortfalls in local housing provision through delivering new homes of a range of sizes, tenures and types, including affordable and family homes;
- The Brief proposes development on this site of mixed employment and residential uses with a dual frontage onto Kingsway (residential) and Basin Road North (employment);
- The intention of improving the streetscape along Kingsway A259 corridor;
- The encouragement of schemes with a variation of height and scale.

8.32 On balance, the general conformity between the application and policy allocation is, in this instance, considered to outweigh the one outstanding townscape issue which stems from the central height of the development. Whilst there would clearly be a visual impact on Kingsway and adjoining streets to the north the combination of the separation between buildings at upper floor levels together with the reduced height and scale to the east and west providing a transition with adjoining development.

#### **Impact on amenity**

8.30 It was considered as part of a previous application on the site (ref: BH2010/03739) that due to a lack of justification on the proposed scale and massing the resulting loss of light to adjoining properties was a cause of concern. This view acknowledged that whilst the majority of window openings to adjoining properties would continue to meet BRE guidelines the loss of light would be significant and harmful to the living conditions of neighbouring residents. The impact of the development on light to adjoining properties is therefore a key consideration of this current application.

#### Loss of light

8.31 The properties to the north of the site on Kingsway benefit from a largely unobstructed southerly aspect with high levels of natural light. The proposed development would clearly impact upon amenity for occupants of these neighbouring properties. In addition a number of adjoining properties have solar panels affixed to their front roof slopes (fronting the application site).

8.32 The applicant has submitted a Daylight & Sunlight Report assessing the impact of the proposed development. The report concludes that whilst the impact of the proposed development would be noticeable the overall level of light to affected properties / rooms remains good. These conclusions have been reviewed by the BRE.

8.33 The BRE have advised that loss of daylight and sunlight to adjoining windows would meet their guidelines in every case; loss of solar radiation to adjoining properties would be very small; and, the development would meet guidelines for sun on ground, with the shadow of the development not reaching rear gardens on March 21<sup>st</sup> (the key date for assessment).

- 8.34 It is acknowledged that the proposed development represents a significant change for adjoining properties to the north and that a reduction in light levels would result. The resulting levels of light would though continue to meet recognised guidelines set out by the BRE and widely used in the assessment of development proposals. On this basis it is considered that refusal of the application on the basis of loss of light would not be warranted and would be a difficult position to sustain at appeal. Whilst the development would result in a loss of light the impact on neighbouring amenity would not therefore be significant.
- 8.35 This view is consistent with a separate report prepared by the BRE as part of the Development Brief. This report advised that higher development heights could be achieved on land south of Kingsway, including the application site, if enough light came around the side of buildings.
- 8.36 It should be noted that an assessment on the impact of overshadowing from the development submitted as part of the preceding application on the site was inaccurate, and misrepresented the impact on adjoining properties. This has been resolved as part of the current application with the submission considered reflective of the likely impact of the development proposals.

#### Outlook

- 8.37 The scale of existing development on the application allows an unobstructed outlook from adjoining properties (on the northern side of Kingsway) over Aldrington Basin. Whilst the proposed development would clearly impact upon outlook this is not a reason to refuse the application provided amenity for adjoining residents is not materially harmed.
- 8.38 It is considered there would remain space around window openings to adjoining properties, the additional height at upper floor levels proposed by the application would not be so apparent from internal rooms as to appear oppressive or overbearing. Furthermore the separation between existing buildings and the proposed building line would ensure that the development, when viewed from within adjoining properties, would not appear oppressive or lead to a harmful sense of enclosure.
- 8.39 The loss of view is not a material planning consideration in the determination of this application.

#### Overlooking

- 8.40 The development would introduce new window openings and balconies to the Kingsway frontage, directly south of existing residential properties. It is though considered that the separation across Kingsway between building forms, which is a minimum of approximately 27 metres, would prevent any intrusive overlooking from the proposed development.

#### External lighting

- 8.41 The application is not accompanied by details of external lighting proposals. It is though considered unlikely that external lighting in this location would result in significant harm for occupants of adjoining properties. Further details of external lighting throughout the development could be secured through condition.

Adjoining Harbour uses

- 8.42 On the basis that the proposed residential units would incorporate adequate soundproofing (see para. 8.9) it is considered that the future operation of the port would not be prejudiced by the introduction of residential development on the application site. This view is supported by the Port Masterplan and the Shoreham Harbour Development Brief, both of which identify the application site as being suitable for residential development. Accordingly, there is considered to be no conflict with Local Plan policies which, in part, seek to protect existing activities within Shoreham Harbour.

Proposed commercial uses

- 8.43 If necessary conditions controlling opening hours, delivery times, permitted uses within each unit and soundproofing would adequately protect amenity for future occupants of the development and occupants of adjoining properties.

Construction activity

- 8.44 In recognition that the application site is in close proximity to both residential and commercial properties a Construction Management Environmental Plan (CEMP) is required as a head of term for the s106 agreement. The CEMP would ensure that suitable and sufficient risk assessments are undertaken with a view to limiting, where practicable problems such as noise, dust and vibration. This approach would minimise the potential for short-term disruption as a result of construction activity at the site.

**Transport**

- 8.45 Policy TR1 requires that development proposals provide for the demand for travel they create and maximise the use of public transport, walking and cycling.
- 8.46 The Sustainable Transport Team has advised that there are no significant existing problems in the local area and that the likely increased volume of traffic associated with the proposal, which would peak at 47 two-way journeys, would not be expected to cause congestion problems, even when the cumulative impact with neighbouring development is considered. It is also noted that signalised junctions along this section of the A259 have recently been improved by the installation of improved signalling (to increase capacity as part of the South Coast bus corridor scheme) and there are no local patterns of accidents which may be worsened by the extra movements.
- 8.47 The development would incorporate 58 parking spaces accessible from Basin Road North (below the level of Kingsway) of which 15 would be disabled accessible. This level of on-site parking is within the maximum standards outlined in SPGBH4 and is considered acceptable provided that no displaced parking problem to adjoining streets arises. A car park management plan, outlining how spaces would be allocated and shared between the proposed uses, and detailed disabled space layouts could be secured through condition.
- 8.48 There is potential for displaced parking to occur as this section of Kingsway, and associated residential streets to the north, are not within a Controlled

Parking Zone. The submitted Transport Statement (TS) incorporates an estimate of the amount of displaced parking which would result from the development proposals, with the maximum amount of displaced parking likely to peak at 40 vehicles. A parking survey of nearby residential streets accompanies the TS and indicates that within 5-6 minutes of the application site an average 309 on-street spaces were available overnight (5-6 am), with 348 available during the day (10-11 am). The methodology behind the displaced parking estimates has been accepted by the Council's Sustainable Transport Team and there is no evidence to suggest the parking beat surveys are unrepresentative of surrounding streets.

- 8.49 The development makes provision for 118 cycle parking places, within the car park and at Kingsway level, and this exceeds the minimum requirement of 96 as outlined in SPGBH4. The nature and layout of this provision could be secured through condition.
- 8.50 The applicants propose initiatives to promote sustainable modes of transport and discourage displaced parking, including a management plan for use of the on-site parking, the provision of a car club bay on Kingsway and a travel plan for future occupants. These measures could be secured through condition.
- 8.51 A S106 contribution of £19,650 for improvements to sustainable transport infrastructure has been requested by the Sustainable Transport Team. The contribution would provide a real time information sign for the Tandridge Road (eastbound) bus stop and improvements, to include dropped kerbs and tactile paving, to local footways. The contribution would need to be secured through a s106 agreement.

#### Conclusion

- 8.52 The proposed parking and cycling is acceptable in terms of standards outlined in SPGBH4. The development would not result in the harmful generation of vehicular movements to or from the site and displaced parking can be accommodated in surrounding streets without harm to existing residents. The development would not result in a harmful demand for travel.

#### **Sustainability**

- 8.53 Local Plan policy SU2 requires development proposals demonstrate a high standard of efficiency in the use of energy, water and materials.
- 8.54 Supplementary Planning Document 08, sustainable building design, requires a residential development of this scale to achieve Level 4 of the Code for Sustainable Homes (CfSH), zero net annual CO<sub>2</sub> from energy use and a feasibility study on rainwater harvesting and grey water recycling systems. The submitted energy strategy outlines an efficient airtight building fabric supplied with space and water heating from solar thermal with electricity generated renewably from photovoltaics. The development is aspiring to achieve CfSH Level 6; a CfSH pre-assessment has been submitted with the application outlining how this would be achieved. This is the highest level that can be achieved and reflects the predicted achievement of zero carbon residential development, with no net annual carbon emissions resulting from the development.



- 8.55 Supplementary Planning Document 08, sustainable building design, requires the commercial element of the proposal achieve BREEAM 'excellent' with 60% in the energy and water sections. It is though proposed that the commercial / non-residential elements of the scheme would be built to BREEAM 'outstanding'. Whilst no BREEAM pre-assessment has been submitted there would be considerably overlap with the CfSH methodology and this is sufficient to provide reassurance that the stated standard could be met.
- 8.56 The Council's Sustainability Officer has commented on the application and advised that the predicted performance is at a level of ambition not seen before in the City in a development of this scale; and the development, if approved and built, would raise the bar for sustainable development in the City.
- 8.57 The attainment of CfSH Level 6 and BREEAM 'outstanding' is a key component of the proposed development and a lower level would not necessarily fulfil the ambitions of either this application or the wider regeneration plans for Shoreham Harbour. It would therefore be reasonable and necessary to ensure the development achieves CfSH Level 6 through conditions.
- 8.58 The easternmost building would incorporate a temporary visitor centre / information hub which, the supporting information outlines, would provide exhibitions / displays and meeting space on sustainability and the proposed development. The proposed visitor centre would potentially create a focal point for the sustainable aspirations of the development and to promote sustainable practices elsewhere in the City.

#### **Flood Risk**

- 8.59 The Brighton & Hove Strategic Flood Risk Assessment indicates that the application site is within an area of potential flood risk (Flood Zone 3). In recognition a comprehensive assessment of flood risk assessment (FRA) has been submitted with the application. The FRA provides an adequate appraisal of the risks to the proposed development. The issue of safe dry access for residential and commercial occupants has been addressed via the main access points from Kingsway and there is a commitment to advise residents about the flood warning system and actions to take in the event of a flood. In the event of a flood a barrier across the Basin Road North entrance and exit lanes would prevent vehicles floating out into the harbour area.
- 8.60 The Environment Agency have raised no objections to the proposal and have recommended conditions relating to surface water drainage to prevent the risk of on-site and off-site flooding. It is considered that the proposed development meets the relevant tests in national planning policy regarding flood risk and avoiding vulnerable uses in high risk areas. The development is considered to meet the aims of local plan policies SU4 and SU7.

#### **Contaminated Land**

- 8.61 In recognition of the commercial use of the site a (Phase I) Contaminated Land Desk Study has been submitted with the application. The study concludes that further works are necessary to categorise the site for both gas and water monitoring. The Environmental Health Team has reviewed the study and advises that if planning permission is approved a scheme for further site investigation works (to determine any required appropriate remediation works) would need to be secured through condition. Similarly a scheme for the piling of foundations would need to be agreed, through condition, to prevent the mobilisation of any contaminants. This would ensure the proposal complies with Local Plan policies SU3, SU4 and SU11.

## **9 CONCLUSION**

- 9.1 The development would make effective and efficient use of land within the built up area and would provide key elements of employment and residential uses with 40% affordable housing. The proposed mix of uses is acceptable subject to conditions relating to the proposed floorspace.
- 9.2 The development would not cause significant harm to neighbouring amenity through loss of light, outlook, privacy or increased noise and disturbance. The development would make highly efficient use of resources and meets the demand it creates for infrastructure, including transport, education and open space.
- 9.3 The height and scale of the development would impact on the adjoining area. Although the proposed scheme is not in strict conformity with the Brief in this respect, the overall benefits of the scheme in contributing to the wider aims of the Brief, JAAP and City Plan are considered to outweigh the concerns over the height requirements within the brief and, on balance, justify an exception in this case. The reduced height and scale to the east and west of the site coupled with the separation between buildings would provide a transition with adjoining development. In this instance, and on balance, the proposed design is considered sufficient to address the local context.
- 9.4 Furthermore, early development of this site is highly desirable to provide a catalyst for further regeneration of the Aldrington Basin area in order to achieve the overarching aims of the Brief, in particular its aim of promoting “high quality innovative design alongside high levels of sustainability” and providing “a series of sustainable, mixed-use developments”.

## **10 EQUALITIES**

- 10.1 The development would be built to lifetime home standards and makes provision for wheelchair accessible housing.

## **11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES**

### Heads of terms

- 11.1 Section 106 agreement to secure:-

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- A contribution of £19,650 towards improving sustainable highway infrastructure in the area;
- A contribution of £103,873 towards educational improvements in the area;
- A contribution of £48,175 towards the Local Employment Scheme (LES);
- An employment strategy to secure at least 20% local labour during construction of the project;
- A contribution of £126,421 towards open space improvements in the area;
- A Construction Environmental Management Plan;

and subject to the following Conditions and Informatives:

### 11.2 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 listed below.  
**Reason:** For the avoidance of doubt and in the interests of proper planning.

<i>Drawing nos. to be updated on the Late List.</i>
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- 3) The affordable housing shall provided in accordance with the Affordable Housing Provision on drawing no. 150/4/135 Rev C which secures 20 affordable units.  
**Reason:** To ensure the provision and retention of an appropriate amount of affordable housing in accordance with policy HO2 of the Brighton & Hove Local Plan.
- 4) No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.  
**Reason:** To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies QD1 and QD27 of the Brighton & Hove Local Plan.
- 5) 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 and staff of and visitors to the development hereby approved.  
**Reason:** To ensure that adequate parking provision is retained and to comply with policy TR19 of the Brighton & Hove Local Plan.
- 6) The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained

thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

**Reason:** To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policy SU4 of the Brighton & Hove Local Plan.

- 7) No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

**Reason:** To prevent pollution of the water environment and to comply with policy SU3 of the Brighton & Hove Local Plan.

- 8) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

**Reason:** To prevent pollution of the water environment and to comply with policy SU3 of the Brighton & Hove Local Plan.

- 9) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) the ground floor of 'lozenge 1 & 2', as identified on drawing no. 150/1/100 Rev B & 150/2/200 B, shall not be used for the sale of any goods other than those within the following categories:-

- (i) Electrical goods and other domestic appliances;
- (ii) Bathroom suites – furniture and accessories; kitchen units - furniture and accessories, floor and wall tiles;
- (iii) DIY products, materials, tools and machinery for the repair, maintenance or improvement of the home, the garden and motor vehicles;
- (iv) Motor and cycle goods; and
- (v) Furniture, bedding, floor coverings, soft furnishings and textiles

**Reason:** To protect the vitality and viability of established shopping centres from significant harm, to ensure that the range of goods sold is appropriate for the site's location and layout and to control the character of the development and to comply with policies SR1, SR2, TR1 and QD27 of the Brighton & Hove Local Plan.

- 10) The ground floor of 'lozenge 1 & 2', as identified on drawing no. 150/1/100 Rev B & 150/2/200 B, 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.

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- 11) No additional floorspace shall be created within 'lozenge 1 & 2', as identified on drawing no. 150/1/100 Rev B & 150/2/200 B, by the insertion of a mezzanine floor without the specific grant of planning permission.  
**Reason:** 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.
- 12) The ground and mezzanine floors of 'lozenge 3', as identified on drawing no. 150/3/300 A & 150/3/300.1 A, shall only be used within Class A1 (retail) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).  
**Reason:** The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the amenities of the area in accordance with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.
- 13) The ground and mezzanine floors of 'lozenge 4', as identified on drawing no. 150/4/400 A & 150/4/400.1 A, shall only be used as a restaurant / café within Class A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).  
**Reason:** The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the amenities of the area in accordance with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.
- 14) The ground and mezzanine floors of 'lozenge 5', as identified on drawing nos. 150/5/500 B & 150/5/500.1 B, shall only be used for consulting rooms only and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).  
**Reason:** The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the amenities of the area in accordance with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.
- 15) The ground and mezzanine floors of 'lozenge 6', as identified on drawing nos. 150/6/600 B & 150/6/600.1 B, shall only be used for Class B1 use of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).  
**Reason:** The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests

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of safeguarding the amenities of the area in accordance with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

- 16) The ground and mezzanine commercial unit to the easternmost section of Basin Road North, as identified on drawing no. 150/4/100 H, shall only be used for purposes within Class B1 use of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).  
**Reason:** The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the amenities of the area in accordance with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.
- 17) No commercial deliveries or waste collection shall occur at Kingsway level except between the hours of 08:00 and 19:00 on Monday to Fridays and 09:00 and 17:00 on Saturdays, Sundays, Bank or Public Holidays.  
**Reason:** To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 18) The uses hereby approved at Kingsway level (including the associated mezzanine level) shall not be open or in use except between the hours of 08:00 to 19:00 Monday to Fridays and 09:00 and 17:00 on Saturdays, Sundays, Bank or Public Holidays.  
**Reason:** To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

### Pre-Commencement Conditions:

- 19) No development shall commence until a scheme for the details of the provision of affordable housing, as part of the development, has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme which shall include:
- i. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
  - ii. the arrangements for the transfer of the affordable housing to an affordable housing provider;
  - iii. the arrangements to ensure that the affordable housing remains as affordable housing for both first and subsequent occupiers of the affordable housing; and
  - iv. the occupancy criteria shall be agreed by Brighton & Hove City Council Housing Team
- For the purposes of this condition 'affordable housing' has the meaning ascribed to it by the National Planning Policy Framework.  
**Reason:** To ensure the provision and retention of an appropriate amount of affordable housing in accordance with policy HO2 of the Brighton & Hove Local Plan.
- 20) Two units shall be built to wheelchair housing standards. No development shall commence until details of the wheelchair accessible units have been submitted to and approved by the Local Planning

Authority in writing. The scheme shall be implemented in accordance with the agreed details and thereafter retained as such.

**Reason:** To ensure satisfactory provision of homes for people with disabilities and to comply with policy HO13 of the Brighton & Hove Local Plan.

- 21) 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.
- 22) No development shall commence until elevations and sections at a scale of 1:20 of the balconies and associated balustrading, windows and their reveals, solar panels and their method of fixing, the canopy and its method of fixing and the roof detail have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details and be maintained as such thereafter.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with policies QD1 and QD2 of the Brighton & Hove Local Plan.
- 23) No development shall commence until elevations and sections of the Basin Road North frontage, below the level of Kingsway, have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details and be maintained as such thereafter.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with policies QD1 and QD2 of the Brighton & Hove Local Plan.
- 24) No development shall take place until drawings at a scale of 1:20 of the shopfronts to ground and mezzanine floor commercial units at Kingsway level have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with policies QD1, QD5 and QD10 of the Brighton & Hove Local Plan.
- 25) No development shall take place until details of external lighting have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and thereby retained as such unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority.

**Reason:** To safeguard the amenities of future occupants of the development and occupiers of adjoining properties and to comply with policies QD25 and QD27 of the Brighton & Hove Local Plan.

- 26) No development shall commence until details of screening to outdoor amenity space at Kingsway level, as identified on approved drawing no. 150/4/140 C, has been submitted to and approved in writing by the Local Planning Authority. The screening shall be erected in accordance with the approved details prior to first occupation of the development.

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

- 27) No development shall commence until a scheme for sound insulation between ground and first floor level to each building has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until construction has been completed in accordance with the agreed details. The development shall be retained as such thereafter.

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

- 28) No development shall commence until a scheme for the soundproofing of the building, as recommended by the submitted 7<sup>th</sup> Wave Acoustics report (dated 24<sup>th</sup> July 2012 and received on the 20<sup>th</sup> December 2012), has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

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

- 29) No development shall commence until details of the ventilation strategy for the development, including details of heat exchanger units to be fitted to each residential unit, has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

**Reason:** To safeguard the amenities of the occupiers of future occupants of the development, ensure the efficient use of resources and to comply with policies SU2, SU10 and QD27 of the Brighton & Hove Local Plan.

- 30) Notwithstanding the submitted plans no development shall commence until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved 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.

- 31) The new crossover and access to Kingsway shall be constructed prior to the first occupation of the development hereby permitted and in accordance with a specification that has been approved in writing by the Local Planning Authority.

**Reason:** In the interests of highway safety and to comply with policies TR1 and TR7 of the Brighton & Hove Local Plan.

- 32) No development shall commence until a Scheme of Management of the vehicle parking has been submitted to and been approved in writing by the Local Planning Authority. The submitted scheme shall include details of how each car parking space will be allocated and any necessary measures to ensure that each car parking space is secured for the use of its allocated owner. The approved scheme shall be implemented prior to the first occupation of the building and thereafter retained at all times.

**Reason:** To ensure the development maintains a sustainable transport strategy and to comply with policies TR1 and TR19 of the Brighton & Hove Local Plan.

- 33) Notwithstanding the submitted plans no development shall commence until details of disabled car parking provision for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented and made available for use prior to the first occupation of the development hereby permitted and shall thereafter be retained for use at all times.

**Reason:** To ensure the development provides for the needs of disabled staff and visitors to the site and to comply with Local Plan policy TR18 and SPG4.

- 34) Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development achieves a Code for Sustainable Homes rating of Code level 6 for all residential units 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.

- 35) No non-residential development shall commence until a BRE issued Interim/Design Stage Certificate demonstrating that the development has achieved a minimum BREEAM rating of 'Outstanding' for all non-

residential 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.

- 36) Notwithstanding the submitted plans no development shall commence until details of compliance with Lifetime Homes standards have been submitted to and approved prior to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall be retained as such thereafter.

**Reason:** To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.

- 37) No development shall take place until details of the proposed green walling and maintenance and irrigation programme have been submitted to and approved in writing by the Local Planning Authority. The walls shall thereafter be constructed, maintained and irrigated in accordance with the approved details.

**Reason:** To ensure that the development contributes to ecological enhancement on the site and in accordance with policy QD17 of the Brighton & Hove Local Plan.

- 38) (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 BS10175:2001;

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 the 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 the competent person approved under the provisions of (i) (b) above that any remediation scheme required and approved under the provisions of (i) (b) above has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise:

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- a) as built drawings of the implemented scheme;
- b) photographs of the remediation works in progress; and
- 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 (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.

- 39) No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that surface water run-off generated up to and including the 1 in 100 year critical storm would not exceed the run-off from the underdeveloped site following the corresponding rainfall event. The drainage works shall be completed in accordance with the details and timetable agreed.

**Reason:** 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 policy SU3 of the Brighton & Hove Local Plan.

- 40) No development shall commence until details of the rainwater harvesting system have been submitted to and approved in writing by the Local Planning Authority. The details shall include which properties the system will serve, any associated treatment and a maintenance and monitoring plan. The system shall be installed in accordance with the agreed details and be maintained as such thereafter.

**Reason:** To ensure safeguards are in place to protect public health and to comply with policy QD27 of the Brighton & Hove Local Plan.

- 41) No development shall take place until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton & Hove Local Plan.

Pre-Occupation Conditions:

- 42) Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a timetable for the submission of a Final / Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes

rating of Code level 6 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.

- 43) None of the non-residential development hereby approved shall be occupied until a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM rating of 'Outstanding' 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.

- 44) A Travel Plan shall be submitted to the Local Planning Authority within three months of the first occupation of the development. The Travel Plan shall be agreed in writing by the Local Planning Authority and include a package of measures, proportionate to the scale of the approved development, aimed at promoting sustainable travel choices and reducing reliance on the car. The measures 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. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) 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. 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 Development 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:-  
The development would make effective and efficient use of land within the built up area and would provide key elements of employment and residential uses with 40% affordable housing. The proposed mix of uses is acceptable subject to conditions relating to the proposed floorspace.

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- (iii) The development would not cause significant harm to neighbouring amenity through loss of light, outlook, privacy or increased noise and disturbance. The development would make highly efficient use of resources and meets the demand it creates for infrastructure, including transport, education and open space.
  - (iv) The height and scale of the development would impact on the adjoining area. On balance the general conformity between the application and policy allocation is though considered to outweigh the townscape concerns. The reduced height and scale to the east and west of the site coupled with the separation between buildings would provide some form of transition with adjoining development.
3. The applicant is advised in respect of condition 27 that soundproofing between ground and first floor levels should be at least 5dB greater than that specified in Approved Document E of the Building Regulations.
  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)' for Zone E 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](mailto:ehlpollution@brighton-hove.gov.uk) website: [www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)).
  5. The planning permission granted includes a vehicle crossover which requires alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The crossover is required to be constructed under licence from the Highways Operations Manager. The applicant must contact the Network Co-ordination Team (01273 293 366) prior to any works commencing on the public highway.
  6. The applicant is advised that this planning permission does not override the need to obtain a licence under the Licensing Act 2003. Please contact the Council's Licensing team for further information. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton BN1 1JP (telephone: 01273

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294429, email: [ehl.safety@brighton-hove.gov.uk](mailto:ehl.safety@brighton-hove.gov.uk), website:  
[www.brighton-hove.gov.uk/licensing](http://www.brighton-hove.gov.uk/licensing)).



**Brighton & Hove  
City Council**

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COUNCILLOR REPRESENTATION

In giving my views I have taken into consideration the changes which have been made in respect of height, numbers of units and the removal of the wind turbines contained within a previous application. With regards to the current application I am of the view that the density of units within such a limited site is too great. I consider the heights of the centre pairs of block to be too high. They will dominate the street scene and in my view would present significant shadowing problems for the properties sited to the north of the Kingsway opposite the site in question. This in turn could result not only in loss of amenity for the residents but a substantial negative effect upon sustainable fuel solutions at present in some of the properties.

I am not satisfied that serious problems will arise within the neighbouring roads due to the proposed commercial/residential user proposed within the application. I am of the view that the likely traffic generation of the proposal has at best been understated. I am of the view that the design of the buildings will encourage substantial wind speeds (through the gaps between the blocks) which could lead in this exposed elevated site to possible dangers for users of the A259. I consider that there could well be a substantial danger to cyclists (there is no dedicated path at this point). If and when this application is considered by the Planning Committee I would wish to use my rights to address the Committee in person. Can this request be logged and placed before the Chairman when appropriate.

Thank you.

Councillor Garry Peltzer-Dunn

Planning Reference: BH2012/04044

11<sup>th</sup> February 2013.

Dear Mr Everest

Objection to the latest application for “PORTZED”

I would like to place on record my objection to the above planning application. In my opinion this application does not overcome the reasons that the first application was refused permission to develop.

Reasons for refusal. “No 1The applicant has failed to demonstrate that the site is an appropriate location for a tall building...”

- The height of the lowest buildings will be similar to the height of the new Vega building on the north side of Kingsway (around 12 metres). This is significantly higher than the low density two-storey houses immediately to the north, the Blue Lagoon pub to the east and the one-storey buildings of Pets Corner, Woodies Diner and Ocean Sports to the west. The three and a half storeys of PortZED are thus equivalent to the four storeys of Vega, but will appear even higher as they will not be set back from the pavement as Vega is, but will loom over it. The extra height of the PortZED buildings, due to the extra height of the ground floor, means that the highest buildings will appear more like six-storey buildings. The development is out of keeping with the area; it will completely overpower the existing houses and buildings in the neighbourhood.
- The existing structure, schools, traffic (parking) will not support the influx of people, cars, lorries, etc the development will bring.
- The technology, i.e biomass boilers, involved is untried and its effects on health, noise, emissions etc are not known.

Reason for refusal no. 4. “The development, in the absence of sufficient justification for a development of this scale in this area, would result in a loss of

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Labour & Co-Operative Member for Wish Ward  
and Labour Lead Spokesperson for Adult Social Care



light that would be both significant and harmful to living conditions for occupiers of neighbouring properties on Kingsway fronting the application site. Despite the modification of the plans this will not change the scale and size sufficiently to avoid this adverse effect on the residents".

- The quality of life of the people living on Kingsway and the adjacent roads will be adversely affected by loss of light and sunlight and over shadowing.
- The development is completely out of character for the area, and will have a dominating effect.

The Kingsway and West Hove Residents Association have entered detailed reasons why they object to the proposed development which I endorse

Yours sincerely

Anne Pissaridou

