

<u>No:</u>	BH2017/01083	<u>Ward:</u>	Preston Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	City College 87 Preston Road Brighton BN1 4QG		
<u>Proposal:</u>	Change of use from education (D1) to 25no flats (C3) including roof conversion, insertion of mezzanine levels, installation of rooflights, replacement of windows, erection of rear infill extension at first floor level, demolition of existing building to rear of property and other associated works including cycle and bin store, new pedestrian access to the building, communal garden space and associated landscaping.		
<u>Officer:</u>	Sarah Collins, tel: 292232	<u>Valid Date:</u>	07.04.2017
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	07.07.2017
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	23.08.2017
<u>Agent:</u>	Yelo Architects Ltd Mr Chris Holt Olivier House 18 Marine Parade Brighton BN2 1TL		
<u>Applicant:</u>	Mrs Yvette Taylor Mrs Yvette Taylor 37 Riffel Road London NW2 4PB		

1. RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be **MINDED TO GRANT** planning permission subject to a s106 agreement and the following Conditions and Informatives:

S106 Heads of Terms

- Affordable Housing: On site provision of 5 no. affordable rent units and 5 no. shared ownership units, which represents 40% affordable. Schedule of allocated affordable units that are agreed is set out in Housing's further response above.
- Open Space - £58,706 to be spent towards improvements to Withdean Park and/or Preston Park and/or Dyke Road Park and/or Blakers Park.
- Indoor Sport - £11,074 to contribute towards improvements to Withdean Sports Complex
- Education: £52,755.80. This would be spent on local nursery provision, Stanford Infant and junior schools, St Bartholomew's CE Primary, Downs Infant and junior schools, St Bernadette's C E primary school and Dorothy Stringer and Varndean Schools.
- Local Employment Scheme - contribution of £8,300
- Training and Employment Strategy using minimum 20% local labour during demolition and construction phase
- Travel Plan

- Construction Environmental Management Plan

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location and block plan	Y0215-0001		29 March 2017
Block Plan Existing	Y0215-0002		29 March 2017
Existing Floor Plans	Y0215-0600		29 March 2017
Existing Floor Plans	Y0215-0610		29 March 2017
Existing Floor Plans	Y0215-0620		29 March 2017
Existing Elevations	Y0215-0700		29 March 2017
Existing Elevations	Y0215-0710		30 March 2017
Existing Elevations	Y0215-0720		29 March 2017
Existing Elevations	Y0215-0730		29 March 2017
Floor Plans Proposed	Y0215-1200	B	20 July 2017
Floor Plans Proposed	Y0215-1210	B	8 May 2017
Floor Plans Proposed	Y0215-1220	A	8 May 2017
Roof Plan Proposed	Y0215-1230	B	20 June 2017
Landscaping Proposed	Y0215-0011	B	20 June 2017
Elevations Proposed	Y0215-2000	C	20 June 2017
Elevations Proposed	Y0215-2001	B	20 June 2017
Elevations Proposed	Y0215-2002	C	20 June 2017
Elevations Proposed	Y0215-2003	C	20 June 2017
Window details	Y0215-2100	B	20 June 2017
Sections Proposed	Y0215-3000		20 June 2017

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

3. No development other than demolition works shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable)

:

- a) Samples of all brick, render and tiling (including details of the colour of render/paintwork to be used)
- b) Samples of all cladding to be used, including details of their treatment to protect against weathering
- c) Samples of all hard surfacing materials
- d) Samples of the proposed window, door and balcony treatments
- e) Samples of all other materials to be used externally

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

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD14 and HE10 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.

- 4 No works shall take place to the windows, doors, gates or railings until 1:10 or 1:20 scale elevational drawings and sections of the same have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and maintained and retained as such thereafter.

Reason: To ensure the satisfactory preservation of this locally listed building and to comply with policy HE10 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

- 5 No development other than demolition works shall commence on site until a scheme for the landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details of hard landscaping, planting plans, written specifications (including cultivation and other operations associated with tree, shrub, hedge or grass establishment), schedules of plants noting species, plant sizes and proposed numbers / densities and an implementation programme.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD15 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One.

6. No development or other operations shall commence on site until a scheme (hereinafter called the approved protection scheme) which provides for the retention and protection of the Wheatley Elm tree growing on the pavement outside the above property has been submitted to and approved in writing by the Local Planning Authority; no development or other operations shall take place except in complete accordance with the approved protection scheme. This includes the storage of materials or any construction activity within a 10m radius of the trees stem.

Protective hoarding around the stem shall be retained intact for the full duration of the development hereby approved, and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

Reason: As this matter is fundamental to protecting the Wheatley Elm tree which is to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies QD16 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One and SPD06: Trees and Development Sites.

- 7 The development hereby permitted shall not commence until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit.

Reason: This pre-commencement condition is imposed in order to allow the Traffic Regulation Order to be amended in a timely manner prior to first occupation to ensure that the development does not result in overspill parking

and to comply with policies TR7 & QD27 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.

- 8 Other than demolition works the development hereby permitted shall not be commenced until a surface water drainage scheme for the site, based on sustainable drainage principles has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: As this matter is fundamental to the acceptable delivery of the permission to prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with policy SU3 of the Brighton & Hove Local Plan.

- 9 Other than demolition works, no development shall take place until a drainage strategy detailing the proposed means of foul water disposal and an implementation timetable, has been submitted to and approved in writing by, the Local Planning Authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.

Reason: To ensure adequate foul sewage drainage/treatment is available prior to development commencing and to comply with policy SU5 of the Brighton & Hove Local Plan.

- 10 The development hereby permitted shall not be first occupied until a scheme to enhance the nature conservation interest of the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall accord with the standards described in Annex 6 of SPD 11 and shall be implemented in full prior to the first occupation of the development hereby approved and thereafter retained.

Reason: To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

- 11 The mitigation for the loss of potential roost opportunities for bats recommended in paragraph 5.6 of the bat report submitted in support of the application shall be implemented accordingly.

Reason: To safeguard these protected species from the impact of the development and ensure appropriate integration of new nature conservation and enhancement features in accordance with policies QD18 of the Brighton & Hove Local Plan and CP10 of the Brighton & Hove City Plan Part One and SPD11: Nature Conservation and Development.

- 12 The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan and policy CP8 of the Brighton and Hove City Plan Part One.

- 13 Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

- 14 The development hereby permitted shall not be first occupied until

- i) Details of external lighting, which shall include details of; levels of luminance, predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors, hours of operation and details of maintenance have been submitted to and approved in writing by the Local Planning Authority.
- ii) The predicted illuminance levels have been tested by a competent person to ensure that the illuminance levels agreed in part 1 are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed in part i).

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

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

- 15 All bedroom windows within the proposed, as set out in Table 5.1 of Anderson Acoustics report dated the 12th December 2016, (Ref: 3056_001R_1-0_JB) must have:

- A glazing system with a minimum performance of 37dB Rw and 33 dB Rw + Ctr
- Acoustic ventilators with a minimum performance of 40dB Dn,e,w and 40 dB Dn,e,w + Ctr

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

- 16 Living rooms on the East and North facades, as set out in Table 5.1 of Anderson Acoustics report dated the 12th December 2016, (Ref: 3056_001R_1-0_JB) must have:

- Acoustic ventilators with a minimum performance of 40dB Dn,e,w and 40 dB Dn,e,w + Ctr

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

- 17 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for: a method statement to identify, risk assess and address the unidentified contaminants. The remediation measures shall be carried out as approved and in accordance with the approved programme.
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.
- 18 Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.
- 19 The development hereby permitted shall not be occupied until the railings shown on the approved plans have been painted black and shall thereafter be retained as such.
Reason: In the interests of the character and appearance of the development and the visual amenities of the area and to comply with policy HE10 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.
- 20 The conservation rooflights hereby approved shall have steel or cast metal frames fitted flush with the adjoining roof surface, shall have glazing bars as shown on the approved elevation drawings and shall not project above the plane of the roof.
Reason: To ensure the satisfactory preservation of this locally listed building and to comply with policy HE10 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.
- 21 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 locally listed building and the visual amenities of the locality and to comply with policy HE10 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.
- 22 Notwithstanding the drawings hereby approved, no development other than demolition works shall commence until details of roof level vent terminals have been submitted and approved in writing by the Local Planning Authority. The terminals shall be implemented and maintained accordingly.
Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policy HE10 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

- 23 No development other than demolition works shall commence until an Energy Assessment scoping renewable energy technologies including heat pump technology for heating the building and water, and scoping passive design measures, green walls or roofs, and provision for on-site composting, has been submitted and approved in writing by the Local Planning Authority. The approved measures shall be implemented and maintained accordingly thereafter.

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

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that the scheme required to be submitted by Condition 7 should include the registered address of the completed development; an invitation to the Council as Highway Authority (copied to the Council's Parking Team) to amend the Traffic Regulation Order; and details of arrangements to notify potential purchasers, purchasers and occupiers that the development is car-free.
3. A formal application for connection to the water supply and a formal agreement to provide the necessary sewerage infrastructure and to connect to the public sewerage system are required in order to service this development. Please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO212SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The site is located on the west side of Preston Road immediately north of a small car park owned by Network Rail and the grade II* listed London Road Railway Viaduct beyond. The corner site lies at the junction with Dyke Road Drive and opposite the junction with Springfield Road. To the west of the site is an office building (London Gate) and terraced houses beyond, to the southwest is a builders' yard, to the north on the opposite side of Dyke Road Drive are terraced houses and to the east on the opposite side of Preston Road are residential flats and terraced houses.
- 2.2 The site lies within City Plan Part One 'Development Area 4' but is not allocated for a specific use; partly within an Archaeological Notification Area (Preston Park Villa); partly within an Air Quality Management Area, and is a Locally Listed building ("Preston Road Annexe").

- 2.3 The application proposes the retention and conversion of the locally listed building from D1 education use into C3 residential use (25 flats in total). The flats are set over 2 or 3 floors with mezzanines within each. The mix proposed is 12 no. 1 bed, 9 no.2 bed and 4 no. 3 bed. The applicant proposes that 10 units (40%) are to be affordable, of which 5 are affordable rent and 5 are shared ownership, and allocates units 1 to 7 and 9 to 11 for affordable. The affordable mix would therefore be 7 no. 1 bed, 2 no. 2 bed and 1 no. 3 bed. Unit 4 is proposed as the wheelchair accessible unit and meets wheelchair requirements of Part M4(3).
- 2.4 The external works include a first floor rear infill extension with a flat roof; replacement windows and doors and the insertion of 22 conservation rooflights; boundary wall and railings to Preston Road and Dyke Road Drive frontages; reinstatement and repair of flint wall to the boundary with the adjacent office building; removal/demolition of the single storey building to the rear and landscaping works including an allotment garden and enclosed cycle store in the communal area to the rear. There would be no on-site car parking associated with the proposed development. The internal works include subdividing the existing two floors into five floors comprising ground floor plus mezzanine, first floor plus mezzanine, and top floor within the roofspace.

3. RELEVANT HISTORY

3.1 No relevant planning history.

3.2 Pre-Application advice

Pre-application consultation took place with officer earlier this year. The proposals are broadly similar to those discussed at pre-app stage and the advice given was that:

- The conversion of the building from D1 education use into C3 residential use would be acceptable in principle if the applicant is able to demonstrate compliance with retained Local Plan policy HO20.
- The reuse of the currently vacant locally listed building and the removal of the single storey building to the rear was welcomed by the Heritage Officer and the proposed internal and external changes were considered acceptable, subject to the detailed design of the new windows and doors and the landscaping and large scale drawings should be submitted with the application.
- The Highway Officer's preference was for a car-free development except for essential on-site disabled car parking (unless there are adequate opportunities for disabled parking in the local area) and would resist the intensification of the use of the existing adjacent car park given the awkward position of the existing access and lack of visibility.
- The Highway Officer advised that the development should be car free.
- The mix of unit sizes should reflect current need - 9x1bed, 12x2bed, and 4x3bed was considered to broadly meet the current need (based on the GL Hearn Objectively Assessed Need for Housing of June 2015) and therefore likely to be acceptable, given the constraints of the locally listed building and the central location.

- It was agreed that it may not be feasible or desirable to provide private balconies given the local listing of the building, the local air quality and noise from Preston Road, and that a communal area should be provided at the rear of the building.
- A bat survey would be required to be submitted with an application.
- The following contributions would be likely to be requested:
 - 40% on-site Affordable Housing (10 no. units), which should be 3no.1bed, 4/5no.2bed and 2/3no.3 bed. Of these, 55% should be affordable rented and 45% intermediate affordable housing, and at least one affordable rented unit should be wheelchair accessible;
 - A financial contribution of £71,015.13 towards local open space and indoor sports facilities;
 - An education Dept. contribution of £55,880.60;
 - A Transport contribution;
 - Travel Plan;
 - S278 agreement, if required;
 - An Employment and Training Strategy;
 - A contribution of £8,300 towards the Local Employment Scheme;
 - An Artistic Component would be likely to be required, in order to contribute towards the enhancement of the urban realm in the vicinity of the site, and
 - CEMP (Construction Environmental Management Plan).

4. REPRESENTATIONS

- 4.1 **One (1)** letter has been received, objecting to the proposed development due to insufficient parking in the locality.
- 4.2 **One (1)** letter has been received, commenting on the proposed development, that there should be sufficient on-site parking provided for the flats proposed given the lack of parking for existing residents.
- 4.3 **One (1)** petition of supporters signed by **nine (9)** local businesses, supporting the proposed development due to the economic benefit to their businesses provided by the additional residents proposed.
- 4.4 **One (1)** petition of supporters signed by **nine (9)** local residents supporting the proposed development due to the additional participants in the community, the revival of a locally listed building and the prevention of crime or unwanted tenants that can result from vacant buildings.

5. CONSULTATIONS

- 5.1 **Air Quality:** No objection
 Impacts of the development on local air quality are predicted to be negligible. With 25 residential would expect heat to be met by gas boilers with low NOx emission.

- 5.2 It is recommended that the bicycle storage area has plug points for easy charging of battery assisted cycles.
- 5.3 **Brighton and Hove Archaeological Society: Comment**
The Brighton and Hove Archaeological Society do not believe that any archaeological deposits are likely to be affected by this development as there has been terracing in the past. However, the site is in the immediate vicinity of the Brighton Roman villa and it is possible that vestiges of the Roman landscape or associated buildings may remain. The Brighton and Hove Archaeological Society would suggest that you contact The County Archaeologist for his recommendations.
- 5.4 **City Regeneration: Comment**
City Regeneration supports this application. The D1 Class building has served its purpose for City College Brighton for many years as a traditional trades' training centre however due to the age of the building, the cost of maintenance and the college's need to compete for students by providing state of the art training facilities, the building has passed its usefulness.
- 5.5 The transfer of the teaching facility to the new trades' training centre in Wilson Avenue, has freed up the Preston Road site for the sympathetic redevelopment of this locally listed building into 25 no. flats (C3). The conversion will provide accommodation of mixed tenure and size and will contribute to addressing the city's challenging housing needs.
- 5.6 If this application is approved, an Employment and Training Strategy will be required which should include the developer's commitment to using an agreed percentage of local labour, in addition to training opportunities through the main contractor or their sub-contractors. It is proposed for this development that the minimum percentage of 20% local employment for the demolition (where appropriate) and construction phase, is required.
- 5.7 Also, if approved, in accordance with the council's *Developer Contributions Technical Guidance, City Regeneration requests a contribution of £8,300 through a S106 agreement, towards the delivery of the council's Local Employment Scheme. The contribution, in this instance, is based on the number and size of the residential dwellings.
- 5.8 **County Archaeology: No objection**
Although this application is situated within an Archaeological Notification Area, based on the information supplied, I do not believe that any significant below ground archaeological remains are likely to be affected by these proposals. For this reason I have no further recommendations to make in this instance.
- 5.9 **Ecology: Initial comment**
Insufficient information has been provided to assess the potential impacts of the proposed development on biodiversity, most notably bats. All species of bats are fully protected under the Wildlife and Countryside Act 1981, as amended, and the Conservation of Habitats and Species Regulations 2010, making them European Protected Species.

- 5.10 The main building (City College) has been assessed as having high bat roost potential and the outbuilding has been assessed as having low bat roost potential. The Victorian railway bridge adjacent to the site also has the potential to support roosting bats. Further surveys are therefore required, prior to planning permission being granted, to assess use of the site by bats and to inform appropriate mitigation, compensation and enhancement.
- 5.11 In addition to any mitigation measures that may be required for protected species, recommendations for enhancement of the site should be provided to help the Council address its duties and responsibilities under the NERC Act and NPPF. Opportunities include but are not limited to the provision of a biodiverse roof, green walls, and the use of species of known wildlife value within the landscape scheme. Advice on appropriate species can be found in the Council's SPD 11, Annex 7 Notes on Habitat Creation and Enhancement. Where possible, native species of local provenance should be used.
- 5.12 Further comment
Following the submission of a bat survey;
- 5.13 Surveys were carried out in accordance with best practice and are sufficient to inform appropriate mitigation, compensation and enhancement. No evidence of bat roosts was found in either of the buildings. As such, a licence will not be required for the works to be carried out. The buildings retain the potential to support bats, and a precautionary approach to roofing work is therefore recommended, as detailed in paragraph 5.5 of the bat survey report (PJC Consultancy, 19/06/17).
- 5.14 The mitigation for the loss of potential roost opportunities for bats recommended in paragraph 5.6 of the report are appropriate and should be implemented. Additional measures should be taken to enhance the site for biodiversity as recommended in my comments of 17/07/17.
- 5.15 In light of the above, provided the recommended mitigation measures are carried out, the proposed development is unlikely to have a significant impact on biodiversity and can be supported from an ecological perspective. The site offers opportunities for biodiversity enhancement that will help the Council address its duties and responsibilities under the NERC Act and NPPF.
- 5.16 **Education: Comment**
In this part of the city there is a demonstrable need in all phases of education, with the proposed residential development generating a financial contribution requirement of £52,755.80. This would be spent on local nursery provision, Stanford Infant and junior schools, St Bartholomew's CE Primary, Downs Infant and junior schools, St Bernadette's C E primary school and Dorothy Stringer and Varndean Schools.
- 5.17 **Environmental Health: No objection**
Recommend approval subject to conditions relating to window glazing system, acoustic ventilators and land contamination.

5.20 **Heritage:** Initial comment

The building's significance derives from its architectural and historic interest and it also has townscape interest, occupying a prominent corner site on one of the main routes into the city. Its gables and 2 tall chimneys are a notable feature of the skyline. It remains generally intact externally and later infill additions are clearly subservient, though it has lost its original front boundary treatment that included cast iron railings.

5.21 The Preston Road building is immediately adjacent to the grade II* listed London Road Railway Viaduct of 1846-46, which is built of similar brick, and it contributes positively to the setting of the viaduct. The Preston Park and Preston Village conservation areas are both c80m to the north east of the site and there is a degree of inter-visibility between the site and the conservation areas.

5.22 The retention and re-use of this locally listed building is welcomed and residential use is considered to be acceptable, but a section drawing through the building should be provided showing how the new mezzanine floors would relate to the front windows. The proposals would involve only modest change to the street elevations, principally through the insertion of rooflights and the replacement of the existing timber and steel windows in aluminium. Given the distinct and detached nature of the building, the proposed rooflights are considered to be acceptable in their siting, size and design (provided that they have the glazing bars shown on the elevations - the roof plan omits these).

5.23 However, the proposed replacement windows do not satisfactorily replicate the design and proportions of the existing windows. The existing windows have an overall vertical emphasis with subsidiary horizontal elements whereas the proposed windows have a much more horizontal emphasis and lack the refinement of the existing. In particular they lack the strong 'cross' design of the existing timber windows mullion and transom.

5.24 The proposed alterations to the rear elevation are considered acceptable, given that it is seen only in oblique views from Dyke Road Drive and in view of the past incremental alterations and additions here. The overall appearance would be improved, especially by the removal of the clutter of pipes and vents. The first floor infill and balcony (over the later 20th century infill) would not be readily seen from beyond the rear garden and is considered to be an acceptable contemporary intervention, subject to details of materials by condition.

5.25 With regard to services, a significant number of ventilation riser terminations have been shown on the amended roof plan but not on the elevations. It is not clear whether these are intended to be flush with the roof and what form they would take.

5.26 The single storey structure at the rear to be demolished is of no architectural or historic interest and its removal would enhance the setting of this listed building and would also enhance the setting of the viaduct as seen from Dyke Road Drive.

- 5.27 The general approach to the external works is considered to be acceptable subject to further details by condition, including the hard surfacing materials. The reinstatement of metal railings to the front boundary wall is very welcome. They should match the original railings as far as possible and large scale details should be required by condition. The proposed planting behind the railings is also welcome; such planting is evident on historic photographs. However, the proposals involve the loss of the remains of the original pillar at the south end on Preston Road and the significant widening of the existing unattractive opening. This would be a harmful alteration. Instead the new pedestrian entrance gate should be on the existing pavement boundary line and the remains of the pillar should be restored to match the original that adjoins the viaduct. The new rear boundary fences appear from the elevation drawings to be set on top of brick walls, which would be welcome. An elevation of these should be submitted.
- 5.28 Further comments following submission of revised plans
The revised plans have satisfactorily addressed the previous Heritage concerns, with the exception that is still not clear whether the roof level vent terminals are to be flush with the roof and what their appearance would be. The steeply pitched roof is a prominent feature of the building from the street and the vents on the front (north east) roof slope could potentially be intrusive additions and harmful to its appearance. If the vents are not to be flush then they should be omitted from the front roof slope. If they are to be flush then details of their appearance could be sought by condition if necessary.
- 5.29 Aside from that there are no outstanding Heritage concerns but pre-commencement conditions should be added to any permission to secure approval of materials and submission of 1:10 or 1:20 scale details of the new windows, doors, railings and gates. The standard conditions should also be added to cover: rooflights, rainwater goods (to be black), no cables, aerials, flues etc., and painting of the railings black.
- 5.30 **Housing:** Initial comment
CP20 requires 40% of properties to be developed as affordable housing in schemes of more than 15 units. This development proposes to provide 25 properties formed of : 11 x 1 beds; 10 x 2 beds and 4 x 3 beds. This equates to 10 flats. The Affordable Housing Brief requires a tenure mix of 55% Affordable rent and 45% Intermediate Housing (Shared Ownership), which would equate to 6 affordable rent and 4 intermediate units. A split of 5/5 would also be acceptable.
- 5.31 Within the affordable housing 10% should be wheelchair accessible which would equate to 1 property. As wheelchair units for shared ownership have previously proved difficult to sell, leading to their conversion to non-wheelchair units, the provision of wheelchair accessible housing as rented units would be particularly welcome. Provision of this unit would also then meet the requirement for 5% of all the housing meets this standard which would be 1 unit at this development. It is understood that meeting standards and creating suitable layouts can be harder with a refurbishment scheme - but a through floor lift is preferable to a stair lift for the wheelchair accessible unit.

- 5.32 To establish and sustain a mixed, stable and sustainable community and to make best use of the City's overall affordable housing stock a local lettings plan will be drawn up. Some of the rented units will be targeted at people freeing up larger family homes.
- 5.33 When the development is completed the City Council will be able to nominate people from the housing register to any rented properties, and will require a local connection for any properties purchased through shared ownership.
- 5.34 Further comment following submission of affordable allocation:
The scheme is a bit one bed heavy on the affordable offer - with 70% of the affordable offered as one beds against overall one beds of 44% in the scheme. A better mix would include at least 1 x 3 bed (Unit 1 would make sense). Suggest swapping a one bed unit for a three bed.
- 5.35 Not convinced re unit 4 as a wheelchair unit - the second bedroom is small and on a different floor so limits the options for a family with a wheelchair user. Unit 5 as a one bed might work better with a through floor lift where the store is shown on the ground floor.
- 5.36 Developer response:
Agreed to change flat 8 (1B2P) from affordable to flat 1 (3B5P). However, regarding the accessible unit, it will not be possible to make flat 5 comply with Part M4(2) whilst satisfying Part B with regard to fire rating, as the bedroom and bathroom necessary will mean that the mezzanine will exceed 50% of the ground floor area. Consequently we suggest changing unit 4 from being labelled a 2B to a 1B with study and so by designating it a 1 bed flat, with a separate study means the comments regarding the size of the second bedroom are not relevant.
- 5.37 Final comment:
The revised affordable housing offer is acceptable (as outlined in the schedule below). This is a total of ten flats and the proposal is that these will be provided 5 as Affordable Rent and 5 as Shared Ownership sale, through one of our partner Registered Provider partners.

Unit number	Type of unit	Size of units M2
1	3b 5p	88.8
2	1b2p	53
3	1b2p	47.8
4	1b2pW (+study)	65.4
5	1b2p	51
6	2b4p	62
7	1b2p	51.1
9	1b2p	46
10	1b2p	48.1
11	2b4p	89.3

- 5.38 **Planning Policy:** Comment

It has been confirmed by City College that, as part of an ongoing coordinated Estates Strategy, they have relocated the Construction and Trades Centre training facility from this site to a new facility at the City College East campus on Wilson Avenue campus. They indicate in an accompanying letter to the planning application that the new Centre will provide state of the art facilities. Further having considered the condition, age, layout and location of the 87 Preston Road building it was concluded that the site was no longer required for the purposes of further education provision or administration by City College. It is considered that the exception test of Policy HO20 has been demonstrated and the loss would not raise policy objection. Where an exception has been demonstrated, priority for reuse in the policy is attached to residential and mixed use schemes.

- 5.39 The site is identified as having potential for housing in the most recent SHLAA (note that it forms part of a larger site including the adjacent City Gate office building).
- 5.40 The site is located within the DA4 New England Quarter and London Road area where the priorities are to create a major new business quarter for Brighton & Hove consisting of high quality business accommodation but also to help meet local housing targets for the city by delivering 1,130 residential units over the plan period. The site is not one of those allocated in the City Plan Part 1 to deliver the 20,000 sq. m of additional new office floorspace post 2016 (this to be achieved through the sites listed in DA4.c.1 a – h).
- 5.41 Subject to the justification of loss of the D1 education use against the tests in retained Policy HO20, in principal a residential only scheme would not raise policy objection. The proposed scheme would contribute to meeting the City's housing requirements (CP1 Housing Delivery).
- 5.42 To accord with SA6 Sustainable Neighbourhoods and CP19 Housing Mix in particular part d) proposals will be required to demonstrate that they have had regard to housing mix considerations and provide for a mix of dwelling type and size in response to the city's housing needs.
- 5.43 Further guidance is set out in the supporting text to CP19 at 4.213 and within the latest objective assessment of housing need for Brighton & Hove (Objectively Assessed Need for Housing: Brighton & Hove, GL Hearn June 2015) this indicates that for market housing, most demand is likely to be for 2 and 3 bedroom properties (35% each) - although the analysis also suggests a notable need for both 1-bedroom and 4 or more bedroom homes. 70% of future needs are for 2 and 3 bedroom homes. This reflects continuing demand for housing from younger persons and young families. There may also be some demand for medium-sized properties (2 and 3 beds) from older households downsizing and looking to release equity in existing homes, but still retain flexibility for friends and family to come and stay.
- 5.44 The proposal indicates 10 x 1 bed (40%); 11 x 2 bed (44%) and 4 x 3 bed (16%). The Design and access statement indicates that 1 bed units are 2 persons flat. On balance it is considered that the housing mix would accord with Policy CP19.

- 5.45 The council encourages new housing development to meet the nationally described minimum space standards and it is intended to introduce these space standards through the City Plan Part Two. In terms of access standards, Policy HO13 in the 2005 Local Plan provides the policy base for requiring the higher optional access standards set out in Building Regulations Part M(4) Category 2 for accessible and adaptable and Category 3 for fully wheelchair accessible. All dwellings should meet the 'accessible and adaptable' access standard and % 5 overall and 10% of the affordable housing should meet the higher Part M4(3) Category 3 fully wheelchair accessible standard.
- 5.46 Working with existing locally listed, building and utilising full use of the height of the building including the roof space, the applicant has incorporated mezzanine levels in every unit. However it is noted that this has meant that the optional standard relating to 'accessible and adaptable' housing; Part M4 (2), and national space standards has not been met for some of the units. It would be helpful if the design and access statement had clarified how many flats they consider do not meet the standards. The heritage team should be consulted on this application.
- 5.47 It is noted that the 1 bedroom flats that fall below the recommendations are still considered by the applicant to be suitable for 1 bed, 2 person flats, due to the proposed open plan design and reduced non habitable/ circulation space. They also indicate the flexibility with the layouts to allow future alterations. One flat has been designed to meet M4(3) wheelchair accessible standards. The applicant has also proposed that a percentage of the dwellings should be conditioned to meet the optional standard M4(2) standard.
- 5.48 With respect to provision of affordable housing the expectation of CP20 is to achieve 40% affordable housing provision on sites of 15 more units. Evidence, referred to in paragraph 4.220 of the supporting text to CP20 Affordable Housing, indicates the significant need for affordable housing in the city. Paragraph 4.223 indicates that the council will seek the maximum reasonable amount of affordable housing when negotiating on individual schemes.
- 5.49 Whilst the planning statement at paragraph 4.12 indicates that affordable housing is proposed to be provided, no indication has been given as to the proportion of affordable housing to be provided. The planning statement (paragraph 4.14) indicates that the mix, tenure and amount will be negotiated as part of any section 106 agreement. For this proposal the council will seek to achieve 40% provision i.e 10 units. Any justification for a lower provision of affordable housing will need to address criteria i-v in the policy. This supporting information has not been submitted with the application in order to ensure compliance with CP20.
- 5.50 With respect to the unit size of affordable housing element of the proposal, Policy CP20 indicates the preferred mix of unit size across the city:- 30 % 1 bedroom, 45% 2 bedroom and 25% 3 bedroom units.

- 5.51 To accord with CP20, affordable housing provision should incorporate a mix of tenures. The council's Affordable Housing Brief 2015 has a tenure preference for 55:45 in favour of affordable rent. The exact tenure split on each site will be a matter for negotiation and should be informed by up to date assessments of local housing need and individual site and/or neighbourhood characteristics.
- 5.52 With respect to Policy HO5, it is acknowledged that there is limited space on the site. Private Amenity space is to be provided in the form of private rear garden areas for the 5 ground floor flats and a communal garden area.
- 5.53 Separate to private amenity space and ancillary landscaping City Plan Policy CP16 (part 2) states that "new development will be required to contribute to the provision of and improve the quality, quantity, variety and accessibility of public open space to meet the needs it generates". Policy CP17 (part 5) sets a similar requirement for sport provision, stating that there is a requirement for new development to contribute to the provision and improvement of the quality, quantity and accessibility of sports services, facilities and spaces to meet the needs it generates. Open space should be provided either physically or via financial contributions towards off-site provision/capacity enhancements. Based on the development of 25 residential units (10 x 1bed, 11 x 2 bed and 4 x 3 bed) the proposal is calculated to generate a demand for approximately 2,857 sq m of open space which equates to a financial contribution of £58,706 and also a financial contribution of £11,074 for indoor sport provision. When seeking a financial contribution regard is to be given to on-site provision that meets the standards and can be secured via condition.
- 5.54 **Southern Water: Comment**
The results of an initial desk top study indicates that Southern Water currently cannot accommodate the needs of this application without the development providing additional local infrastructure. Request a drainage strategy condition.
- 5.55 **Sussex Police: Comment**
External doors, flat front doors and ground floor along with any easily accessible windows are to be accredited to PAS 024-2012 or its equivalent. I note that the development is a listed building and as such I understand that it would be difficult to source bespoke accredited items to satisfy SBD requirements. I would like to point out that SBD Homes 2016 now has a Bronze element within it that accepts this problem and as such have introduced the Bronze element that can accommodate bespoke products, providing they meet the requirements within Section 2B of SBD Homes 2016.
- 5.56 There is very good defensible space proposed to the front of the development in the form of iron railings. It may also be necessary to protect the access route to the rear of the development.
- 5.57 Postal arrangements will be a big consideration. This will assist in increasing the security of the development by reducing unnecessary access to the development and I recommend the applicant considers, through the wall or external secure post boxes. I strongly urge the applicant not to consider letter apertures within the flats' front doors. The absence of the letter aperture

removes the opportunity for lock manipulation, fishing and arson attack and has the potential to reduce unnecessary access to the block.

- 5.58 The applicant is proposing an open fronted 3 sided external cycle store. I recommend that this design is changed to incorporate a gated frontage into its design. This would increase protection to the cycles stored here given that this is a proposed care free development and the majority of the residents will be using cycling as a means of transport. There is limited surveillance over the cycle store, which give the existing store an element of vulnerability.
- 5.59 I recommend that a controlled gate is incorporated at the corner of the building line on the same elevation as the pedestrian access off Preston Road. This will restrict access to the rear of the property.
- 5.60 **Sustainable Transport:** No objection
Pedestrian access would utilise the existing entrances from Dyke Road Drive and Preston Road to the south with the latter including the partial removal of the existing boundary wall adjacent to the current vehicle access. No objections are raised in this respect.
- 5.61 It is understood that the current vehicle access and parking area is not within the applicant's ownership and consequently has been omitted from the proposals which are for car free development.
- 5.62 Given the nature of Preston Road with high traffic volumes as well as the adjacent cycle path, it would have been preferable for space to be retained on-site for deliveries to take place without obstructing the public highway. There are however parking bays in close proximity whilst short-term loading would be permissible from Dyke Road Drive. Given that the proposed use is residential and the frequency of deliveries is likely to be limited and using smaller vehicles, no objections are raised in this instance.
- 5.63 The Transport Statement states that the proposal is for "car free development". This is within the maximum permitted by SPD14 which would allow up to 27 spaces as follows:
- 0.5 space per 1-2 bed unit = 10.5 spaces (based on 21 units);
 - 1 space per 3+ bed unit = 4 spaces (based on 4 units), and
 - 1 space per 2 units for visitors = 12.5 spaces (based on 25 units).
- 5.64 As outlined in SPD14, car free development is acceptable where the site has good accessibility by sustainable modes and is within an area with on-street car parking controls, as is the case with 87 Preston Road. Furthermore, SPD14 states that access to on-street permits may be restricted when taking account of the size of the development, existing demand for on-street parking and alternatives to private car use. On this basis, the Highway Authority would recommend that the car free condition is attached which the Transport Statement notes would be agreeable.
- 5.65 Brighton & Hove Local Plan policy TR18 requires developments to provide appropriate levels of disabled car parking with SPD14 requiring a minimum of

one per wheelchair accessible unit plus 50%. Therefore, a minimum of 1-2 spaces would be required in this instance. None is proposed which is not ideal and it would have been beneficial were current vehicle access rights and provision of a disabled parking space to have been retained. However, given the level of the short-fall and fact that there is good accessibility to public transport within close proximity to the site, the Highway Authority would not wish to recommend refusal on these grounds in this instance. Future residents with blue badges would also be exempt from the car free condition restricting access to on-street parking permits.

5.66 SPD14 requires a minimum of 38 cycle parking spaces as follows:

- 1 space per 1-2 bed unit = 21 spaces (based on 21 units);
- 2 spaces per 3+ bed unit = 8 spaces (based on 4 units);
- 1 space per 3 units for visitors = 9 spaces (based on 25 units).

5.67 The applicant has proposed a communal cycle store to the rear of the flats together with individual stores for four of the flats with private gardens (eight spaces), though these are not generally the larger units. In total therefore, the communal store would be required to accommodate 31 spaces (excluding visitor requirement for garden flats for which on-plot provision is included). 32 spaces are provided in the external store by means of Sheffield stands with acceptable spacing. The plans and Design and Access Statement also show that the store will be covered and accessible via a hard surface. This is therefore considered to be compliant with Brighton & Hove Local Plan Policy TR14 which requires secure, convenient and covered storage. Details of the individual cycle stores and how cycles will be secured is however unclear. Further details are therefore requested by condition.

5.68 The submitted Transport Statement does not include a full trip generation exercise though does argue that the impact of the development would be neutral. The Highway Authority has therefore undertaken its own calculations for comparison.

5.69 The applicant has stated that the site when last in use as a college (May 2016) had approximately 10 staff and 150 students. Assuming each make one two-way trip per day would equate to approximately 320 trips. Using the rate used in the Council's Technical Guidance for Developer Contributions in turn based on sites from the TRICS national trip rate database (six daily trips per unit) would estimate approximately 150 daily person trips for the proposed development. It is therefore reasonable to expect that there would be a limited impact on surrounding highway and transport networks in this instance. This in particular takes account of the Applicant's commitment to provide a scheme of residential Travel Plan measures designed to limit the impact of the proposed development. It is recommended that these be secured as part of any S106 agreement or by condition in accordance with Brighton & Hove City Plan Part One Policy CP9 and Local Plan Policy TR4.

- 5.70 Recommendation: Approve, subject to the following conditions or s106 commitments requiring a travel plan, car free housing and cycle parking scheme.
- 5.71 The approved scheme shall be fully implemented and made available prior to first occupation of the development.
- 5.72 **Sustainability: Comment**
Adopted Brighton and Hove City Plan Part One 2016, Policy CP8 requires that all development incorporate sustainable design features to avoid expansion of the city's ecological footprint, radical reductions in greenhouse gas emissions and mitigate against and adapt to climate change.
- 5.73 There are no specific minimum building standards for new residential dwellings in existing buildings. The minimum standards apply to new build dwellings and to non-residential buildings only.
- 5.74 City Plan Policy DA4 - 'New England Quarter and London Road' states that local priority 11 is that:
'Development within this area will be expected to incorporate infrastructure to support low and zero carbon decentralised energy and in particular heat networks subject to viability'
- 5.75 The scheme proposes to improve the energy efficiency of the building through installation of new glazing into existing openings, increasing thermal performance of the envelope, and improving its air tightness. Services will also assist in reducing heat losses from the dwellings: mechanical extract ventilation with heat recovery and use of LED lighting. These are welcomed and assist in addressing Policy CP8 requirements for energy efficiency. Proposals for an allotment garden are welcomed, but the scheme could be improved by addressing other aspects of policy CP8; for example through inclusion renewable energy technologies; passive design measures; green walls or roofs; biodiversity habitats; provision for composting on site.
- 5.76 The scheme is proposing use of electric boilers for water and space heating. Whilst electric provision of heating has the advantage of no local NOx emissions, they are likely to be significantly more expensive than either electric storage heaters or heating provide by gas boilers. Electric heating is also currently a high carbon form of heating. Given the layout of some of the units, with high ceilings over mezzanines, the heating costs for residents during the heating season where the heating strategy is based on an electric system may be prohibitively expensive. Alternatively, heating provided by heat pump technology, whilst using grid electricity, is a low carbon since it increases efficiency; would provide lower cost heat; and is also considered a renewable technology.
- 5.77 In summary, Sustainability Officer requires the submission and approval of an energy assessment to meet policy CP8 prior to commencement and incorporation of findings, including installation of renewable energy

technologies. And a minimum Energy Performance Certificate (EPC) standard should be agreed with the applicant and secured by condition.

5.78 **Tree Officer:** No objection

Overall, the Arboricultural Section has had no objection to the proposals in this planning application and welcomes the additional planting being secured. Landscaping conditions are recommended.

6. MATERIAL CONSIDERATIONS

6.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report.

6.2 The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016)
- Brighton & Hove Local Plan 2005 (retained policies March 2016);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
- 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 Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

- SS1 Presumption in Favour of Sustainable Development
- DA4 New England Quarter and London Road Area
- SA6 Sustainable Communities
- CP1 Housing delivery
- CP7 Infrastructure and developer contributions
- CP8 Sustainable buildings
- CP9 Sustainable transport
- CP10 Biodiversity
- CP12 Urban design
- CP13 Public streets and spaces
- CP14 Housing density
- CP15 Heritage
- CP16 Open space
- CP17 Sports provision
- CP18 Healthy city
- CP19 Housing mix

CP20 Affordable housing

Brighton and Hove Local Plan (retained policies March 2016):

TR4 Travel plans
TR7 Safe Development
TR14 Cycle access and parking
TR18 Parking for people with a mobility related disability
SU5 Surface water and foul sewage disposal infrastructure
SU9 Pollution and nuisance control
SU10 Noise Nuisance
QD14 Extensions and alterations
QD15 Landscape design
QD16 Trees and hedgerows
QD18 Species protection
QD25 External lighting
QD27 Protection of amenity
HO5 Provision of private amenity space in residential development
HO13 Accessible housing and lifetime homes
HO20 Retention of community facilities
HE10 Buildings of local interest

Supplementary Planning Guidance:

SPD14 Parking Standards

Supplementary Planning Documents:

SPD06 Trees & Development Sites
SPD09 Architectural Features
SPD12 Design Guide for Extensions and Alterations

8. CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to the principle of the conversion of the building from D1 education use into C3 residential use, the impact of the development on the locally listed building, the amenity levels of the future residents, and the impact of the development on the local highway network and infrastructure.

8.2 Principle of the Residential Use of the Building:

The Policy comments confirm that the conversion of the building from D1 education to C3 residential use meets the requirements of retained Local Plan policy HO20 and that the development is policy compliant in this respect. The scheme proposes 40% affordable housing (7 x 1 bed, 2 x 2 bed and 1 x 3 bed) to an acceptable 50/50 tenure mix.

8.3 Housing provision

The scheme would provide 104 new residential units. The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually. The most

recent land supply position was published in the 2016 SHLAA Update (February 2017) which demonstrates a 5.6 year supply position. The Council can therefore demonstrate an up to date housing supply position in accordance with the NPPF.

8.4 Impact of the development on the Locally Listed building:

The Heritage comments confirm that, following amendments to the plans and details of fenestration and boundary treatments, the proposed development would be acceptable and would improve the appearance of the building and external spaces around the site, however conditions are required to ensure that the roof level vent terminals are flush with the roof, and to require further details of external materials to be submitted.

8.5 Residential Amenity:

Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

8.6 The conversion of the building for residential use, the first floor rear infill extension and the removal of the single storey building at the rear, would not affect the amenity of neighbouring properties.

8.7 A daylight/sunlight report was submitted with the application to assess levels of daylight and sunlight likely to be received at the proposed flats. The report findings show that the building has generally good daylighting along the north-eastern façade (fronting on to Preston Road) with only a small number of windows (Nos. 1 to 4 and 11) falling marginally below the recommended vertical sky component levels of 27%. However, these relate to living rooms that have additional windows serving them. On the north-western façade which fronts onto Dyke Road Drive, three windows to flat 6 which will be located underneath the set-back archway, fall below 27%. However, the living room and the bedroom in the mezzanine benefit from a large window on the south west façade which would receive more than adequate sunlight. To the rear of the property (south-western façade) a number of windows at the northern end are below the recommended levels of daylight due to the proximity of the London Gate office building on Dyke Road Drive. However, all these windows benefit from adequate levels of sunlight due to their orientation which helps to compensate for the lack of daylight.

8.8 In terms of sunlight received to the proposed flats, the report demonstrates that all but three of the windows within the building facing SE or SW will receive adequate levels of sunlight. The windows which do not meet the recommended levels are Nos. 56, 91 and 92. No. 56 and 91 are entrances to the flats and 92 is one of the windows that serves the living room to flat 7. However, this room has two other windows on the NE elevation.

8.9 It is therefore considered that whilst some of the individual windows within the proposed flats do not meet the BRE minimum standards, this is compensated

for by either additional windows serving the living rooms or adequate sunlight predicted at these windows. As such, it is considered that there would be adequate sunlight/daylight within the proposed development.

- 8.10 Retained policy HO13 requires new dwellings to be built to a lifetime homes standard and the Policy response indicates that some of the units do not meet the nationally described minimum space standards. However, the proposed development is a conversion not a new build and the building is locally listed; the internal layouts are open plan with minimal use of corridors and there are double height ceilings which create a sense of space. The Design & Access statement confirms that not all the units meet the optional standard relating to accessible and adaptable housing in part M4(2), due to the physical constraints of the locally listed building and the location of structural walls. However, one unit is to be wheelchair accessible (unit 4) in accordance with HO13. It is therefore considered that the proposed development is acceptable given the particular characteristics of the scheme.
- 8.11 Whilst retained Local Plan policy HO5 encourages private outdoor amenity space in residential development, this is only where appropriate to the scale and character of the development. In this case, the external fabric of the building is to remain largely intact, which is supported by Heritage given its locally listed status and the importance of the exterior facades, and therefore private balconies to the flats would not be appropriate. Only one balcony is proposed to flat no.17, which is the rear infill extension and this balcony is inset and does not extend beyond the rear façade, which is considered appropriate.
- 8.12 However, some private gardens and communal gardens are proposed to the rear of the building, achieved through the demolition of the single storey building, and this arrangement was accepted as appropriate at pre-application stage. Whilst small in size, the communal garden proposed would provide an attractive and useable outdoor space, with seating areas, trees and allotment gardens/vegetable patch included.
- 8.13 To the Preston Road frontage, the area is to be landscaped with gravel and hedging and the front boundary wall is to be retained and new railings added (also on the Dyke Road Drive frontage), which is welcomed by Heritage.
- 8.14 The new dwellings generate a demand for open space and recreation and the Policy response calculates the proposed development to require a financial contribution of £69,780, which the applicant has agreed to.
- 8.15 In terms of noise and air quality, Environmental Health consider the residential use of the building to be acceptable and propose conditions to be attached to a consent in order to protect air quality and the amenity of the future residents.
- 8.16 Impact on Transport:
Pedestrian access would utilise the existing entrances from Dyke Road Drive and Preston Road to the south with the latter including the partial removal of the existing boundary wall adjacent to the current vehicle access. No objections are raised in this respect from Sustainable Transport.

- 8.17 The application proposes a car-free development, which is considered acceptable by Sustainable Transport as it is in accordance with SPD14, being in an accessible location and within an area with on-street car parking controls. SPD14 states that access to on-street permits may be restricted when taking account of the size of the development, existing demand for on-street parking and alternatives to private car use. On this basis, the Highway Authority would recommend that the car free condition is attached which the Transport Statement notes would be agreeable.
- 8.18 A minimum of 1-2 disabled parking spaces would be required for this development. None is proposed which is not ideal, however, given the level of the short-fall and fact that there is good accessibility to public transport within close proximity to the site, the Highway Authority would not wish to recommend refusal on these grounds in this instance. Future residents with blue badges would also be exempt from the car free condition restricting access to on-street parking permits.
- 8.19 The cycle parking facilities proposed on site are considered to be compliant with retained Local Plan policy TR14 which requires secure, convenient and covered storage. Details of the individual cycle stores and how cycles will be secured shall be secured by condition on a consent.
- 8.20 Sustainable Transport recommend that a Travel Plan is required as part of any S106 agreement or by condition in accordance with Brighton & Hove City Plan Part One Policy CP9 and Local Plan Policy TR4.
- 8.21 The applicant proposes to use a private waste collection service, and the proposed bin stores are considered to adequately accommodate the likely waste requirements.
- 8.22 Landscaping:
The Tree Officer has no objection to the proposals, subject to suggested conditions and welcomes the additional planting being secured.
- 8.23 Ecology:
Following receipt of a bat survey, the County Ecologist considers that provided the recommended mitigation measures are carried out, the proposed development is unlikely to have a significant impact on biodiversity and can be supported from an ecological perspective, and suggests conditions for protecting and enhancing biodiversity.
- 8.24 Sustainability:
Sustainability welcomes the elements of the scheme that comply with policy CP8, but considers the scheme could be improved by addressing other aspects of policy CP8; for example through inclusion of renewable energy technologies; passive design measures; green walls or roofs; biodiversity habitats, and provision for composting on site.

8.25 Sustainability Officer recommends a condition to submit an Energy Assessment to scope the potential for the inclusion of these measures in the scheme, and advises the applicant to consider heating provided by heat pump technology.

9. EQUALITIES

9.1 Disabled access is not provided to all units. This is due largely to the constraints of the locally listed building, the external facades of which and many of the internal features remain largely intact. This is fully set out within the Design & Access statement, the Planning Statement and in the letter dated 12th June. An exception to access standards has therefore been demonstrated and as such the proposed development accords with the Development Plan.