

<u>No:</u>	BH2017/01259	<u>Ward:</u>	Patcham Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Sussex Police Sussex House Crowhurst Road Brighton BN1 8AF		
<u>Proposal:</u>	Change of Use of part of ground and first floor from general business (B1) to recreational use/immersive adventure experience. (D2)		
<u>Officer:</u>	Luke Austin, tel: 294495	<u>Valid Date:</u>	02.06.2017
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	01.09.2017
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Krona Design Ltd 50 Grand Parade Brighton BN2 9QA		
<u>Applicant:</u>	Mr Lambor Cambridge Cottage Brantridge Lane Balcombe RH17 6JR		

This application was deferred from Planning Committee on the 9 August 2017 to allow officers the opportunity to review and consider additional information that the applicant submitted.

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

A sustainable transport contribution of £20,000 is requested in order to fund the provision of bus stop improvements at stops adjacent to the site which may include:

- Accessible kerb at the northbound and/or southbound 'Crowhurst Road North' bus stops on Crowhurst Road; and/or
- Real time public transport information at the northbound and/or southbound 'Crowhurst North' bus stops on Crowhurst Road.

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 Plan	A.002		11 April 2017
Site Layout Plan	A.001		11 April 2017
Floor Plans Proposed	A.111		23 April 2017
Floor Plans Proposed	A.112		23 April 2017
Elevations Proposed	A.200		20 July 2017

- 2 The Use hereby permitted shall be discontinued and the land restored to its former use (Class B1) on or before the 11th of October 2027.
Reason: To retain the employment use of the premises and in line with the application, planning permission is granted for a time limited period only under Section 72 of the Town and Country Planning Act 1990 (as amended) and to comply with policies CP3 of the Brighton & Hove City Plan Part One.
- 3 The part of the building to which this permission relates shall only be used as an interactive immersive experience as described within the application submission and for no other purpose (including any other purpose in Class D2 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: To retain the employment use of the premises, having regard to the location of the premises, parking, traffic generation and residential amenity of the area, to comply with policies CP3, CP9 and QD27 of the Brighton & Hove Local Plan 2005.
- 4 The use hereby approved shall not operate other than within the proposed opening hours of 09:00 and 21:00.
Reason: To protect the amenity of the surrounding area and to comply with policies QD27 and SU10 of the Brighton and Hove Local Plan.
- 5 The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.
Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.
- 6 Prior to first occupation of the development hereby permitted, details of the car park layout to include disabled car parking provision for the occupants of, and visitors to, the development and retained office shall 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 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 policy TR18 of the Brighton & Hove Local Plan and SPD14 guidance.
- 7 Prior to first occupation of the development hereby permitted, details of works to narrow the site access points and provide dropped kerbs and tactile paving 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 pedestrians are provided and to comply with policies CP9 and CP7 of the Brighton & Hove City Plan Part One and TR7 of the Brighton & Hove Local Plan.

- 8 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.

- 9 Within three months of the date of first occupation, a Travel Plan for the development shall have been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of the shuttle bus service and shall thereafter be fully implemented in accordance with the approved details.

Reason: To ensure the promotion of safe, active and sustainable forms of travel and comply with policies TR4 of the Brighton & Hove Local Plan and CP9 of the City Plan Part One.

- 10 The separating ceilings, floors and walls between the sound effects and props themed rooms and the adjacent commercial units should be designed to achieve airborne sound insulation values of at least 5dB higher, and impact residual noise level values of at least 5dB lower than that required by Approved Document E performance standards.

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.

- 11 Unless otherwise agreed in writing by the Local Planning Authority, the development hereby approved shall not be occupied until an Energy Performance Certificate demonstrating a rating of 'C' 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 CP8 of the 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 to contact the Council's Streetworks team (permit.admin@brighton-hove.gov.uk 01273 290729) for necessary highway approval from the Highway Authority prior to any works commencing on the adopted highway to satisfy the requirements of condition 6.

- 3 In regard to Condition 9, the applicant should contact the Highway Authority Access Team for advice and information at their earliest convenience to avoid delay (travel.planning@brighton-hove.gov.uk or telephone 01273 290729). The Travel Plan shall include such measures and commitments as are considered necessary to mitigate the expected travel impacts of the development and should include as a minimum the following initiatives and commitments:
- (i) Promote and enable increased use walking, cycling, public transport use, car sharing, and car clubs as alternatives to sole car use;
 - (ii) Details of planned shuttle bus service;
 - (iii) A commitment to reduce carbon emissions associated with business and commuter travel;
 - (iv) Increase awareness of and improve road safety and personal security;
 - (v) Undertake dialogue and consultation with adjacent/neighbouring tenants/businesses;
 - (vi) Identify targets focussed on reductions in the level of business and commuter car use;
 - (vii) Identify a monitoring framework, which shall include a commitment to undertake an annual staff travel survey utilising iTrace Travel Plan monitoring software, for at least five years, or until such time as the targets identified in section (vi) above are met, to enable the Travel Plan to be reviewed and updated as appropriate;
 - (viii) Following the annual staff survey, an annual review will be submitted to the Local Planning Authority to update on progress towards meeting targets;
 - (ix) Identify a nominated member of staff to act as Travel Plan Co-ordinator, and to become the individual contact for the Local Planning Authority relating to the Travel Plan.
- 4 In regard to Condition 11, the applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The application site relates to the former Sussex Police building located to the east of Crowhurst Road, to the eastern end of the Hollingbury Industrial Estate. The building is set on a section of Crowhurst Road with a moderately steep gradient which rises from south to north towards the A27. The surrounding buildings are of a commercial nature, varying in size and appearance. Hollingbury Industrial Estate is an identified employment site which is protected under Policy CP3.
- 2.2 The majority of the building is two storey with a flat roof and a projecting section above the main stair well. The site currently has two vehicular access routes to the west of the building from Crowhurst Road in addition to a number of parking

spaces to the front of the building. The site is bound by several commercial buildings including a storage facility to the north, a St Johns Ambulance facility to the south and a Police Custody Facility to the rear.

- 2.3 The building is currently vacant and was last occupied by Sussex Police in September 2016. This application relates to an 'L' shaped section of the building; covering two storeys to the north-east corner and measuring approximately 2098 sqm in area. The application seeks consent for a change of use of this section of the building from general business (B1) to a recreational use (D2). The remainder of the building will be retained as a general business use (B1) however internal alterations and refurbishment in addition to several external alterations including recladding will be carried out as approved under application BH2016/06504.

3. RELEVANT HISTORY

BH2017/03082 - Variation of Condition 1 of application BH2016/06504 (Alterations to layout and refurbishment of office space including removal of temporary central metal frame building to facilitate conversion to parking spaces, formation of new entrance to car park area, re-cladding of elevations associated works) to allow amendments to approved drawings. Received 13 September 2017, Under Consideration.

BH2016/06504 - Alterations to layout and refurbishment of office space including removal of temporary central metal frame building to facilitate conversion to parking spaces, formation of new entrance to car park area, re-cladding of elevations associated works. Approved 24.04.2017.

BH2010/00386 - Alteration to layout of front parking area to allow for the provision of 1 no. additional standard parking space and 1 no. additional disabled bay. Approved 29.04.2010.

BH2008/02062 - Construction of three industrial units with mezzanine floors for B1, B2 and B8 use and provision of associated parking. Approved 26.03.2009.

BH2000/03192/FP - Alterations to convert existing 2 storey industrial building with roof top car park to police custody facility with ancillary offices and vehicle inspection area including formation of 33 parking spaces on 1st floor, retention of 81 spaces on roof and formation of secure pedestrian accessing on re-aligned southern boundary (presently part of No.10 with bridge link to No.12. Approved 09.05.2001.

4. REPRESENTATIONS

- 4.1 No comments received.

5. CONSULTATIONS

- 5.1 **External**
County Ecology: Comment

Provided that the recommended mitigation measures are carried out, the proposed development is unlikely to have any significant impacts on biodiversity and can be supported from an ecological perspective. The site offers opportunities for enhancement that will help the Council address its duties and responsibilities under the NERC Act and NPPF.

5.2 Opportunities include, but are not limited to, the provision of a biodiverse roof and the provision of bird and/or bat boxes that target local species of conservation concern. 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.

5.2 **County Archaeology:** No objection

It is unlikely that any significant below ground archaeological remains would be affected by these proposals. For this reason I have no further recommendations to make in this instance.

5.3 **Sussex Police:** Comment

No concerns are raised regarding this application from a crime prevention perspective, however there are concerns regarding the physical security of the premises. Standard security measures are recommended.

5.5 **East Sussex Fire & Rescue Service:** No comment received.

5.6 **Internal:**

Planning Policy: Initial Comment (14/07/17) - Objection

5.7 The proposed use would be contrary to Policy CP3 Employment Land in the adopted City Plan Part 1. The site is allocated by the City Plan for B Class employment use; there is an existing and projected shortfall of B Class employment premises across the Plan period and it is therefore of importance that existing allocated sites be retained. The application submission fails to demonstrate that there is no reasonable prospect of the premises (which is undergoing refurbishment) being used for the allocated B Class employment use in accordance with paragraphs 18-22 of the National Planning Policy Framework (NPPF).

In addition to this in principle objection, the proposed D2 recreational/ immersive use is considered by the NPPF to be a main town centre use. Paragraph 24 of the NPPF requires local planning authorities to apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. The applicant has not demonstrated compliance with the sequential test in accordance with paragraphs 24 and 27 of the NPPF.

5.8 Second Comment (06/09/2017)

It is again noted that the proposed use would be contrary to Policy CP3 of the City Plan as the site is allocated for B Class employment use.

- 5.9 However a number of material considerations have been put forward by the applicant that on balance it is considered are relevant and a departure from the adopted policy could be considered given that:
- The propose change of use would not prejudice the B use class employment allocation of this site in its entirety, as it relates to only part of the ground floor and first floor of Sussex House and potentially – subject to further clarification - could enable the refurbishment of the remaining of the office building for modern office use.
 - The limited marketing provides some indication of the unsuitability of the current configuration of the floorspace for B1(a) office space, although it is less clear if it would be unsuitable for other B uses.
 - The proposed use has the potential to generate a level of employment similar to what might be expected by B Class uses (other than offices); the proposed use would include a number of skilled office/ managerial staff alongside leisure –related jobs.
- 5.10 The proposed D2 recreational/ immersive use is considered by the NPPF to be a main town centre use. Paragraph 24 of the NPPF requires local planning authorities to apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. A Sequential Assessment has been undertaken and following further clarifications by the applicant it is considered that on the basis of the information submitted and clarifications that the applicant has demonstrated that there are no other sites which are suitable, viable or likely to come forward within a reasonable timeframe which represent sequential preferable alternatives.
- 5.11 Policy CP5 Culture and Tourism states that new visitor attractions will be expected, where appropriate to comply with the requirements of national planning policy and be of a high environmental standard in terms of design, management and access; complement and build on the city’s distinct tourism offer; contribute to a sense of place; reduce seasonality; promote diversity; widen local access; support the regeneration for the city and benefit the city’s economy; and be accessible by public transport.
- 5.12 Subject to the comments of the Head of Tourism and the Economic Development Team, the proposed use would comply with the requirements of CP5 Culture and Tourism.
- 5.13 The supporting information and Planning Statement provides information on how travel demand arising from the proposed scheme will be managed and this should be assessed by the Transport Team, Policy CP9 Sustainable Transport applies.
- 5.14 **Public Art:** No artistic component sought in this case.

- 5.15 **Heritage:** No comment received.
- 5.16 **Sustainable Drainage:** No comment received.
- 5.17 **Sports Facilities and Development:** No comment received.
- 5.18 **City Clean:** No comment received.
- 5.19 **Sustainability Team:** Comment
Normally a BREEAM rating for conversions would be sought, but only for changes of use only where there are substantial internal works because BREEAM can be onerous, and if there are few changes to assess the requirement unreasonable is considered unreasonable.
- 5.20 Confirmation should be sought from the applicant of what the previous EPC rating was [N.B. now confirmed as rated D] and seek an improvement of that with a rating of C minimum.
- 5.21 **Environmental Health:** Initial Comment (02/05/17)
It is not clear from the application what the uses proposed for the ground floor or first floor are, therefore it is not possible to comment about any potential nuisance issues. There is no potentially contaminated land on the site.
- 5.22 Additional comments following the submission of additional details (19/07/07):
Please secure additional sound proofing by condition. Full details of sound proofing measures to be secured to follow.
- 5.23 **Tourism and Leisure:** No objection
The above application is welcomed as it would positively enhance the City's leisure facilities throughout the year both for residents and tourists. The proposed immersive adventure experience would enhance Brighton's reputation as a year round destination to visit, and would help attract and support tourism outside of the main season.
- 5.24 **Economic Development:** Initial Comment
The proposed change of use is for a re-designation from storage and office use to D2 Use Class and relates to a section of the ground floor and a section of the first floor of Sussex House. The proposed D2 Use Class will result in an immersive adventure experience.
- 5.25 Sussex House, which was formerly used by Sussex Police, has been vacant since Sussex Police vacated the unit in September 2016. The Planning Statement says the site has been actively marketed by Flude Commercial since the property became vacant. City Regeneration considers this is too short a time period to ascertain redundancy of use for the allocated employment use and in addition there is no evidence submitted by the applicant to demonstrate the marketing, albeit over a short time period, that has been undertaken.
- 5.26 The applicant indicates there would be 40 FTE job opportunities created by this scheme. City Regeneration supports inward investment and the principle of

bringing vacant commercial floorspace back into use for alternative employment generating purposes but only subject to evidence of extensive marketing of the property over a substantive time period for its allocated employment use and, in addition, subject to comments provided by the council's Planning Policy team.

5.27 Additional comments following the submission of additional details:

Awaiting comments.

5.28 **Sustainable Transport:** Initial Comment (13/07/17) - No objection

Recommended approval subject to inclusion of the necessary conditions securing a car park layout plan, site access works, cycle parking details, a travel plan and a S106 sustainable transport contribution of £20,000.

5.29 Clarification requested as to whether Sussex Police have fully vacated the site (or will be) and as such whether the designated police vehicle bays on Crowhurst Road require removal. If so, an additional condition would be recommended to secure the necessary works and revocation of the Traffic Regulation Order.

5.30 Second Comment Following Clarification of the Police Parking Bays (13/07/17):

No further action would be required.

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, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);

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

CP2 Sustainable economic development

- CP3 Employment land
- CP5 Culture and tourism
- CP7 Infrastructure and developer contributions
- CP8 Sustainable buildings
- CP9 Sustainable transport
- CP10 Biodiversity
- CP11 Flood risk
- CP12 Urban design
- CP17 Sports provision
- CP18 Healthy city

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

- TR4 Travel plans
- TR7 Safe Development
- TR14 Cycle access and parking
- SU9 Pollution and nuisance control
- SU10 Noise Nuisance
- QD18 Species protection
- QD27 Protection of amenity
- HO20 Retention of community facilities

Supplementary Planning Documents:

- SPD11 Nature Conservation & Development
- SPD12 Design Guide for Extensions and Alterations
- SPD14 Parking Standards

8. CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to the principle of the change of use, the amenity impacts, ecology, sustainable transport and sustainability.

8.2 Principal of Development:

8.3 Loss of the Existing Use

The building was previously occupied by Sussex Police as office and associated storage with a predominant office character (Use Class B1(a)) and has been vacant since September 2016. The application seeks consent for the change of use of a section of the site covering a portion of the ground and first floor to the northern end of the building equating to approximately 2098 sqm. The proposed use would be recreational (D2) and is described as an 'interactive immersive experience'.

8.4 The applicant states that the remaining floor space of the building would be retained as office use however it would be adapted and modernised with several external alterations as approved under BH2016/06504 (amendments now sought under application BH2017/03082). Alterations to the internal layout had begun at the time of the site visit including the clearing of a large proportion of the central section of the building. The central section of the building was being

marketed as a 'warehouse', the applicant has confirmed that this was an error and the remainder of the site is to remain as refurbished B1 use.

- 8.5 Policy CP5 - Culture and Tourism seeks to maintain and enhance the cultural offer of the city to benefit residents and visitors through supporting the role of the arts, creative industries and sustainable tourism sector in creating a modern and exciting visitor destination with a range of high quality facilities, spaces, events and experiences. Whilst the proposed use would be in accordance with the objectives of CP5 by providing a positive tourist attraction, which would be non-seasonal, this must be weighed up against the issues identified below.
- 8.6 The site is located within the Hollingbury Industrial Estate which identified as a primary industrial estate within the City Plan Part One. Policy CP3 (Employment Land) recognises that sufficient employment sites and premises should be safeguarded in order to meet the needs of the city in order to support job creation, the needs of modern business and the attractiveness of the city as a business location.
- 8.7 Hollingbury Estate is identified as a primary industrial estate under Policy CP3 and as such is protected for business, manufacturing and warehouse use (B1, B2 and B8).
- 8.8 Policy CP3 does allow for Sui Generis uses on identified industrial estates provided these are: *'appropriate in nature to an industrial estate location will also be acceptable, provided that they generate employment which is quantitatively and qualitatively comparable to uses within B1- B8 Use Classes; do not harm the continuation of existing uses within those Classes'*.
- 8.9 Whilst policy CP3 does allow for redundancy of existing uses to be demonstrated and alternative uses would then be considered, this only covers secondary employment sites as indicated in CP3.5. The application site is a primary site and is allocated for long term retention as B Class employment. The rationale of this approach is set out in the supporting text of the policy at paragraph 4.32:
- 8.10 *The Employment Land Study Review 2012 assessed the city's stock of industrial estates/ business parks for their suitability for continued protection for employment use. The study found that these established areas remain popular, as demonstrated by high occupancy and low vacancy levels. With limited spare capacity in existing industrial floorspace supply it is therefore important to continue to protect these employment sites whilst encouraging new business investment and opportunities in order to facilitate renewal and growth.*
- 8.11 The protection of this industrial estate for B1, B2 and B8 uses is also guided by the forecast positive demand for employment floorspace over the Plan period (as set out in in table 4 in the City Plan Part 1). Further, as noted in paragraph 4.30 of the supporting text to Policy CP3, there is a shortfall of identified employment sites to meet the forecast demand for B use class employment floorspace over the plan period.

- 8.12 The principle of the policy is that existing B class uses should be safeguarded and should sites and premises come forward for redevelopment or renewal on these industrial estates the policy protects future use of the sites or premises for B1, B2 and B8 uses. The proposed D2 leisure use would therefore not comply with Policy CP3.3.
- 8.13 Notwithstanding these in principle concerns, in this case the applicant has provided supporting evidence in relation to several material considerations including the facilitation of the refurbishment of the building through the proposed change of use, the suitability of the existing site to policy compliant uses and the level of employment generated from the proposed use. The application was originally submitted with minimal supporting evidence. Since the original submission a planning statement has been submitted in addition to a further planning statement, marketing details and an assessment of other potential sites within the city in addition to several brief statements.
- 8.14 The applicant's supporting evidence indicates that the proposed leisure use will help facilitate the refurbishment of the rest of the building. The additional planning statement indicates that the applicant is investing £1m into the building and that without the change of use the refurbishment would not take place. The applicant has also provided a breakdown of the indicative costings of the development of a total of c. £900,000.
- 8.15 Whilst the costings of the total works and the scale of the proposed refurbishment that the applicant is proposing to undertake are acknowledged; a detailed statement of how the change of use will facilitate the wider refurbishment has not been provided. It would have been useful if the applicant had provided a statement exploring whether an appropriate policy compliant use (B1, B2 or B8) would be able to facilitate the wider refurbishment of the building as without the case put forward it is difficult to assess the comparison.
- 8.16 The planning statement submitted with the application considers that the majority of the ground floor and part of the first floor has very little natural light related to how the previous occupiers used the space. The applicant considers the space would not be considered suitable for use by other storage and office uses without significant investment. The planning statement further indicates that improving natural light to this area of the building would require demolition and other substantial works that would not be viable.
- 8.17 Several sections of the site do suffer from no outlook or natural light and are relatively industrial in character however several parts of the site, particularly at first floor level and to the rear at ground floor level are well lit and were laid out in an office fashion at the time of the site visit. It is acknowledged that poorly lit areas of the site could require upgrading in order to bring the space up to an adequate standard for an office use, however it has not been demonstrated whether the site would be able to facilitate other policy compliant uses in its current state such as storage or light industrial uses, or what works could be done in order to facilitate such uses.

8.18 Marketing information has been provided by Flude Commercial to address the concern expressed by the Planning Policy Team comments which indicated that there was insufficient information submitted by the applicant to conclude that there was no reasonable prospect of the continued use of this part of the building for an alternative B1, B2, B8 use in compliance with the policy. Flude Commercial indicates that following the sale, the new owners, Greenleaf Properties (Sussex) Ltd, instructed Flude Commercial to market the premises to let in January 2017 with the possibility of undertaking an extensive programme of refurbishment works. Flude Commercial indicate that during this six month period they were successful in generating some interest in large parts of the site for office use, however in respect of the ground floor element the feedback was negative and as follows:

- Lack of natural light and ventilation
- The limited provision of fenestration making the space unappealing as a work space
- The overall configuration making the premises unusable as work space

8.19 It was indicated however that the marketing had also generated some interest from D2 gym uses. The limited marketing provides some indication of the unsuitability of the current configuration for office space but is unclear if there was interest from other B uses.

8.20 Whilst it is noted that the applicants marketing details indicate a lack of interest from B1 users for the site it is unclear whether there has been any interest from B2 or B8 users in its current state nor what works would be required in order to generate interest. Therefore the application fails to demonstrate fully that the site would not present a viable option for all policy compliant uses. It is however acknowledged that the existing site would likely require investment in order to generate interest, given the current conditions.

8.21 The planning statement submitted with the application indicates that the proposed use would create 40 full time and part time jobs. As a comparison, applying the latest HCA/Offpat Employment Densities Guide 2015 using the applicant's net internal floorspace area the calculation for a general office use would have the potential for 166 jobs. It is acknowledged however that sections of the site in their current state potentially lend themselves to a more industrial use. A mixed B class maker space would have a potential for 50-133 jobs, B1c light industrial 47 jobs and B8 storage (final mile distribution centre) 28 jobs. The proposed use therefore has the potential to generate a level of employment similar to what might be expected in some B uses other than the existing office use, and the proposed use would include a number of skilled office/ managerial staff alongside leisure related jobs.

8.22 The Proposed Use

The facility would consist of 2 'adventure routes'; each route would have teams of 8 participating and teams would be set off round the course every 30 minutes. This concludes that each hour could see a footfall total of 32 people (8 teams x 2 routes x teams per hour). The proposed opening hours would be Monday to Saturday 9am to 9pm and Sunday 9am to 7pm.

- 8.23 The proposed D2 recreational use is considered by the NPPF to be a main town centre use. Paragraph 24 of the NPPF requires Local planning authorities to apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre.
- 8.24 The application was not originally submitted with any form of sequential assessment. An assessment of other potential sites within the city was later provided by the applicant and undertaken by Flude Commercial. The report sought to identify sites within approximately a 3.2 mile radius of the town centre. Each potential site was assessed against the NPPF requirements of suitability, availability and viability. The search requirements were for a D2 space with at least 2,000 sq m the majority over the ground floor; a frontage and ample parking spaces and a long lease (more than 15 years).
- 8.25 The potential sites identified 17 industrial estates/ business parks; hospitality options (including a number of hotels within the search area) and multi-storey office buildings (within the search area) which 'if available/ vacant' would be potentially large enough to accommodate the proposed occupier. The report concludes that the potential sites are not suitable or viable and there are currently no alternatives. The report concludes that a site has not been identified that is deemed available, suitable and viable nearer to Brighton Town centre than Sussex House.
- 8.26 It is considered on the basis of the information submitted and further clarifications that the applicant has demonstrated that there are no other sites which are suitable, viable or likely to come forward within a reasonable timeframe which represent sequential preferable alternatives.
- 8.27 The proposed conversion would result in a loss of B Class employment floorspace within a protected area and would introduce a town centre use in an inappropriate location. The applicant has not adequately demonstrated that the existing site could not accommodate a use appropriate for an identified primary industrial estate nor has the applicant provided a detailed analysis of possible options which could be carried out in order to attract appropriate uses.
- 8.28 It has been identified, however, that areas of the site do suffer from minimal outlook and natural light, particularly on the ground floor level and the marketing evidence submitted, although minimal, does indicate a lack of interest for B Class uses. Furthermore the change of use relates only to part of the overall site and would form part of a wider refurbishment of the entire building for B1 use.
- 8.29 The proposal would also introduce a non-seasonal leisure use within the city which could potentially generate employment levels similar to that of some B

Class uses and it has been demonstrated that there is a lack of appropriate sites closer to the city centre that would meet the applicant's requirements.

- 8.30 Overall therefore, the proposed change of use remains directly contrary to Policy CP3, and would result in a harmful loss of B Class employment floorspace. It is considered that such a change of use cannot be supported on a permanent basis, notwithstanding the case which has been put forward and considered in full.
- 8.31 It is however clear that there are extenuating circumstances in this case and the proposed use, whilst not ideally located, would in itself provide benefits. It is considered that these conflicting considerations could be appropriately addressed through the grant of a temporary 10 year consent, which would allow the proposed use to come forward and operate for a substantial period, during which a more suitable centrally located site could potentially be found for the use to relocate to. A temporary permission would also ensure that the long term use of the building for B Class use would not be compromised, as the use of the building would have to return to a B1 use after a maximum 10 year period, or at the least a further application for planning permission would have to be submitted and the proposal would be reconsidered in light of the circumstances at the time in respect of the market and the demands for various types of employment uses.
- 8.32 The applicant has confirmed in writing that they and the intended tenant are in agreement to a temporary 10 year consent if this restriction is considered to be necessary.
- 8.33 **Design and Appearance:**
The application does not propose any external alterations however it should be noted that refurbishment of the building; including recladding and associated alterations to the elevations, was recently approved under application BH2016/06504, and amendments to this scheme are now sought under application BH2017/03082.
- 8.34 **Impact on 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.
- 8.35 It is stated within the outline document provided that the proposed development will make use of a 'combination of lighting, audio, visuals, props and bespoke, theatrical staging and costumes' which is likely to generate noise impact in addition to disturbance associated with the general movements and activity from users of the site. The applicant has stated that the remaining section of the building shall remain as a B1 use. Although the use within the remaining section of the building would be of a commercial nature it is still considered that the potential noise impact of the proposed use should be taken into account. For example, an office use could be susceptible to disruptive noise disturbance.

- 8.36 The Environmental Health Officer has recommended that details of additional sound proofing, beyond what would be secured through building regulations, should be secured by condition in order to avoid noise impact on the adjacent uses within the building. A condition is recommended to secure these measures.
- 8.37 As the site is located within an industrial estate with no residential properties within close proximity, the proposed use is unlikely to result in any significant harm to residential amenity. Sussex Police have commented upon the application and have advised that they have no objections to the hours of use proposed. It is recommended that these hours be secured by planning condition, as the potential impacts of a late night / 24 hour use have not been considered or consulted upon under this application.
- 8.38 **Sustainable Transport:**
City Plan Part One policy CP9 sets out the Council's approach to sustainable transport and seeks, generally to further the use of sustainable forms of transport to reduce the impact of traffic and congestion and in the interests of health to increase physical activity.
- 8.39 The proposed development would result in additional trip generation in comparison to the existing use and therefore improvements to sustainable transport infrastructure in the immediate vicinity of the site are required to mitigate the impact of the proposed development. Further details of this are set out within the heads of terms and section 11 below.
- 8.40 The site is currently located within an accessible location, close to the A27 with bus routes to the city centre and other areas near to the site. The site is currently accessed via two entrances from Crowhurst Road which would remain unchanged as part of the proposal. The Sustainable Transport team, however, have identified that both accesses are currently wider than is necessary and have requested dropped kerbs and tactile paving to the northern access which shall be accessed by condition.
- 8.41 30 car parking spaces are proposed for the proposed D2 use which is considered to be appropriate to cater for the visitor capacity of 32 per hour and staff (40 people will be employed although not all would be on-site at any one time). This in particular takes into account the likelihood that visitors will arrive in groups. It is acknowledged that the applicant has outlined measures to encourage sustainable travel including a rail station pick-up service and car sharing by employees. However, to mitigate the impact of the development and ensure that trips generated as a result of the development are undertaken as sustainably as possible, it is recommended that a Travel Plan be secured by condition in accordance with Brighton & Hove Local Plan policy TR4
- 8.42 No information appears to be provided in relation to disabled parking. For D2 uses, SPD14 requires three bays as a minimum. It is noted that some disabled parking is provided to the front of the existing premises; however, it is unclear whether these would serve the retained B1 or proposed leisure use. Were approval to be recommended a car park layout plan identifying the allocation of

parking bays, including disabled parking, for the different uses be provided could be secured by planning condition.

- 8.43 No cycle parking appears to be provided on site. Details of such provision shall be secured by condition.
- 8.44 **Sustainability:**
Policy CP8 required that all new development incorporate sustainable design features unless it can be demonstrated that doing so is not technically feasible and/or would make the scheme unviable.
- 8.45 Policy CP8 seeks for conversions over 1000sqm to achieve a BREEAM standard of Excellent. As the proposal relates to a change of use and will make use of the existing building with the majority of the layout retained it is considered that securing a BREEAM standard would be overly onerous in this case. Discussions with the applicant have confirmed that the existing building has an Energy Performance Certificate Rating of D. It is therefore recommended that an Energy Performance Certificate rating of C be secured by condition in order to meet the requirements of CP8. The applicant has agreed to this approach.
- 8.46 **Trees, Landscaping & Ecology:**
As no external alterations or landscaping works are proposed on site the proposed change of use would not result in any direct harm to trees and ecology.
- 8.47 The County Ecologist recommends that that these requirements could be met through the securing of nature conservation measures including the provision of bird and/or bat boxes that target local species of conservation concern. The county Ecologist has recommended that if protected species are encountered during the development, works should stop and advice should be sought on how to proceed from a suitably qualified and experienced ecologist.
- 8.48 Whilst is acknowledged that the NPPF, policy CP10 and the guidance set out in SPD11 and its annex requires that all development delivers a 'net gain' in biodiversity terms, given that no external alternations or provision of additional floor space is proposed, the requested measures are not considered reasonable or necessary in this case.

9. CONCLUSION

- 9.1 The proposal would result in the loss of B class employment floorspace protected by policy CP3 of the Brighton & Hove City Plan. The level of marketing provided, the lack of clarity regarding the prospect of appropriate B class tenants or the work required to bring the space up to standard in addition to the lack of explanation of how the proposed leisure use would facilitate the wider refurbishment of the building has not justified a full departure from the policy. It is considered that such a change of use cannot be supported on a permanent basis, notwithstanding the case which has been put forward and considered in full.

- 9.2 The proposed leisure use would comply with policy CP5 creating a non-seasonal attraction. The proposal would bring the vacant site into beneficial use whilst retaining a large proportion of B class employment use on site. On balance therefore it is recommended that a temporary use of 10 years be granted, which would allow the use to occupy the building temporarily while more suitable centrally located premises could potentially be identified, and would ensure that the long term B Class employment use of the site would be protected.
- 9.3 The Highway Authority raises no objection to the proposal. The forecast trip generation would be significantly more in comparison to the existing use class and therefore a financial contribution shall be secured via a legal agreement. Travel plan measures including details of the shuttle bus service in addition to details in relation to a parking layout, disabled parking facilities and cycle parking shall be secured by condition.
- 9.4 It is considered that the proposed use by virtue of its nature and hours of operation proposed, and location on an established industrial estate, would not cause harm to residential amenity. A soundproofing condition is recommended in respect of potential noise disturbance to the adjacent uses within the site.

10. EQUALITIES

- 10.1 No changes are proposed to the access to this section of the building which is suitable for wheelchair access. As detailed above full details of disabled parking provision shall be secured by condition.

11. DEVELOPER CONTRIBUTIONS

- 11.1 A sustainable transport contribution of £20,000 is also requested in order to fund the provision of bus stop improvements at stops adjacent to the site:
- Accessible kerb at the northbound and/or southbound 'Crowhurst Road North' bus stops on Crowhurst Road; and/or
 - Real time public transport information at the northbound and/or southbound 'Crowhurst North' bus stops on Crowhurst Road.