

<b><u>No:</u></b>	<b>BH2018/02749</b>	<b><u>Ward:</u></b>	<b>St. Peter's And North Laine Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>George Cooper House 20-22 Oxford Street Brighton BN1 4LA</b>		
<b><u>Proposal:</u></b>	<b>Change of use from office (B1) to create 10no residential units (C3), including the erection of an additional storey and partial demolition of rear ground floor and basement to create lightwell. Replacement of existing cladding.</b>		
<b><u>Officer:</u></b>	Wayne Nee, tel: 292132	<b><u>Valid Date:</u></b>	21.11.2018
<b><u>Con Area:</u></b>	Adjoining Valley Gardens	<b><u>Expiry Date:</u></b>	20.02.2019
<b><u>Listed Building Grade:</u></b>	<b><u>EOT:</u></b>		
<b><u>Agent:</u></b>	Yelo Architects Ltd Brighton BN2 1TL	First Floor Olivier House	18 Marine Parade
<b><u>Applicant:</u></b>	Mr Robert Nayan BN2 4QL	Housing Centre Eastergate Road	Brighton

## 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 as set out hereunder, **SAVE THAT** should the s106 Planning Obligation not be completed on or before the **2<sup>nd</sup> October 2019** the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 11 of this report.

### S106 Heads of Terms

- Affordable housing - On site provision of 3 no. affordable housing for rent (30% of site).
- Education contribution - £6,886.40 towards the cost of secondary school provision most likely to be spent at Varndean and Dorothy Stringer Schools;
- Recreation / open space contributions - £25,935 towards provision in the local area;
- Local Employment Scheme contribution - £3,000 towards the scheme to increase the employment and training opportunities for residents who wish to work in the construction industry;
- Training and Employment Strategy using minimum 20% local labour during demolition (where appropriate) and construction phase.

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.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Proposed Drawing	YO294-120	E	23 April 2019
Proposed Drawing	YO294-121	G	23 April 2019
Proposed Drawing	YO294-122	D	6 February 2019
Proposed Drawing	YO294-123	D	6 February 2019
Proposed Drawing	YO294-124	D	6 February 2019
Proposed Drawing	YO294-200	B	6 February 2019
Proposed Drawing	YO294-201	B	6 February 2019
Proposed Drawing	YO294-202	B	6 February 2019
Proposed Drawing	YO294-125		24 January 2019
Proposed Drawing	YO294-300	B	6 February 2019

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. The development hereby permitted shall not be first occupied until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods as per the recommendations of the Sustainable Drainage Report and Flood Risk Assessment received on 13 November 2018 has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design.

**Reason:** To ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policy SU3 of the Brighton & Hove Local Plan.

4. No development shall take place until a scheme for the soundproofing of the new residential units from traffic noise from Oxford Street has been submitted to and approved in writing by the Local Planning Authority. The measures shall include details of glazing specifications and alternative means of ventilation. The soundproofing scheme shall be designed to achieve a sound insulation value of 5dB better than Approved Document E performance standard. The development shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

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

5. The development hereby permitted shall not be first occupied until

- i) details of any external lighting, which shall include details of; levels of luminance, hours of use, predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors, hours of operation and details of maintenance have been submitted to and approved in writing by the Local Planning Authority.
- ii) the predicted illuminance levels have been tested by a competent person to ensure that the illuminance levels agreed in 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.

6. If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying and assessing the risk and proposing remediation measures, together with a programme for such works, shall be submitted to the Local Planning Authority for approval in writing. The remediation measures shall be carried out as approved and in accordance with the approved programme.

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

7.

- a) Prior to commencement, a full asbestos survey of the premises, undertaken by a suitably qualified specialist shall be submitted in writing to the local planning authority for approval. And if any asbestos containing materials are found, which present significant risk/s to the end user/s then:
- b) A report shall be submitted to the local planning authority in writing, containing evidence to show that all asbestos containing materials have been removed from the premises and taken to a suitably licensed waste deposit site.

The development shall be carried out as approved and in accordance with the approved details.

**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.

8. No development 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 HE6 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.

9. Within 6 months of commencement of the development hereby permitted or prior to occupation, whichever is the sooner, a scheme shall be submitted to the Local Planning Authority for approval 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. The approved scheme shall be implemented before occupation.

**Reason:** This 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 and SPD14: Parking Standards.

10. The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development 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 and SPD14: Parking Standards.

11. 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, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

12. Access to the flat roof of the building 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:** To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One 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 details of external lighting required by the condition above should comply with the recommendations of the Institution of Lighting Engineers (ILE) 'Guidance Notes for the Reduction of Light Pollution (2011)' or similar guidance recognised by the council. A certificate of compliance signed by a competent person (such as a member of the Institution of Lighting Engineers) should be submitted with the details. Please contact the council's Pollution Team for further details. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP (telephone 01273 294490 email: ehlpollution@brighton-hove.gov.uk website: www.brighton-hove.gov.uk).
3. The applicant is advised that the parking permits scheme required to be submitted by Condition 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 of the restrictions upon the issuing of resident parking permits.
4. The applicant is advised by Southern Water that a formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk). Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.
5. The applicant is advised by Southern Water that detailed design of the proposed drainage system should take into account the possibility of surcharging within the public sewerage system in order to protect the development from potential flooding.

## **2. SITE LOCATION & APPLICATION DESCRIPTION**

- 2.1. The application site relates to a three storey (plus basement) 1960/70s end of terrace building situated on the northern side of Oxford Street.
- 2.2. The exterior consists of a flat roof, red brick walls, timber clad cantilevered bay windows on the upper floors, and a glazed shopfront on the ground floor.
- 2.3. The property has a planning use of B1 office, although it is currently vacant. When previously in use, offices were located on the ground, first and top floors. Part of the ground floor was in use by the Council as a housing office (Use Class A2), and the basement used as archive storage. The building has not been in use since 2014 and is currently boarded up.

- 2.4. The site is set within an area of an Article 4 Direction, which in 2014 removed the permitted development rights of the change of use from office (Use Class B1a) to residential (Use Class C3) in some central areas of the city, including the Central Brighton, New England Quarter and London Road area.
- 2.5. The wider area is of mixed residential and commercial development. The roads to the east of London Road comprise mostly of residential buildings as well as secondary retail units to compliment the main London Road shopping area. There are a mix of uses on Oxford Street comprising A1, A2, A3, A4, D1 and residential.
- 2.6. The adjacent building to the west is 17-19 Oxford Street which was originally the Lloyds TSB building, and has since been demolished and redeveloped into a residential block with commercial space on the ground floor (approved under BH2011/02903).
- 2.7. The site lies outside the prime frontage of the defined London Road Town Centre Shopping area. The site borders the Valley Gardens Conservation Area to the east. The northern part of Valley Gardens centres on The Level, the principle public open space, which is a locally listed heritage asset. Properties in Ditchling Road front onto the Level and comprise modest two and three storey bayed houses with a mixed roofline but mostly steep single pitched roofs, generally without parapets. Most have been converted to shops at ground floor level.
- 2.8. St Bartholomew's Church, which is grade 1 listed, is located beyond London Road on Ann Street to the west. The view from Ditchling Road looking west along Oxford Street is partially terminated by the tall nave and slate roof of the church. The significance of this church derives partly from its sheer scale and the height of the nave.
- 2.9. The redeveloped Open Market is located to the north. Student accommodation and housing have been developed nearby. Francis Street forms part of the wider development, and predominantly consists of residential flats.
- 2.10. In Oxford Street itself there are two locally listed buildings. Number 26 opposite the site is a two storey early 19th century terraced cottage with attic. It is cobble fronted with brick dressings and a gambrelled roof. Further west on the north side is the Oxford Street Chapel, dated 1890. The building is one double-height storey with a flat roof behind a parapet that rises to the ends and centre. The street elevation is a symmetrical rendered elevation with tall paired round- arched multi-paned windows flanking a central roundarched entrance. Both buildings have architectural, historic and townscape interest and contribute positively to the very mixed street scene.
- 2.11. Planning permission is sought for the change of use from office (B1) to create 10no residential units (C3), including the erection of an additional storey and

partial demolition of rear ground floor and basement to create lightwell. Replacement of existing cladding is also proposed.

- 2.12. During the application process, amended plans were submitted in relation to the further setback of the additional storey, reduction of no. of residential units from 12 to 10, alterations to the layouts of flats, rear fenestration alterations, and further submissions were made in relation to office viability and daylight/sunlight assessment.

### **3. RELEVANT HISTORY**

- 3.1. BH2011/02529 Installation of 41 photovoltaic solar panels to roof. - Approved 10/10/2011
- 3.2. BH2005/00725/FP Security shutters to the front façade - Approved 29/04/2005
- 3.3. 17-19 Oxford Street  
BH2011/02903 Demolition of existing building and erection of four storey building comprising 5no one bedroom flats, 4no two bedroom flats and 2no commercial units to be used as either Retail (A1), Financial and Professional Services (A2) or Restaurant and Cafe (A3) - Approved 02/12/2011

### **4. REPRESENTATIONS**

- 4.1. Cllr Pete West objects to the application, a copy is attached to the report.
- 4.2. Ten (10) letters have been received objecting to the proposed development for the following reasons:
- Loss of light and overshadowing to residents on Ditchling Road and rear of Oxford Street
  - Residents already suffer from loss of light and overshadowing, and this is not a reason for further reduction to be acceptable.
  - Loss of privacy and overlooking, due to change of use from office to residential which is occupied 24hr
  - Loss of views
  - The loss of office use has not been justified
  - The provision of social housing does not outweigh the harm
  - Inappropriate location for social housing
  - Overconcentration of occupants
  - Poor design
  - Confused pallet of materials
  - Should include employment space
  - Unclear how construction traffic will be managed
  - Lack of renewables
  - Applicant has failed to carry out adequate consultation

## 5. CONSULTATIONS

### 5.1. Conservation Advisory Group: Objection

#### Original scheme

There was a lack of clarity in the application whether the proposed new storey will be set back sufficiently or not so as to not affect the view of the Grade I S.Bartholomews Church. When seen from the Level, within the Valley Gardens CA, the church forms a towering backdrop to the vista along the unusually wide Oxford Street. The additional storey is likely to significantly block and interrupt the view of the church and will detract from the setting of that iconic building.

### 5.2. Heritage: Comment

#### Revised scheme

The amended plans show that the proposed additional storey would be set back on the same line as the top storey to the adjoining building at numbers 17-19. The drawings also now show the parapet raised, in brick, to match the adjoining parapet line, which would help to screen the additional storey and disguise its bulk. On this basis, having reviewed the impact on views from the junction with Ditchling Road, it is considered that the proposal would cause no harm the setting of St Bartholomew's Church or to the setting of Valley Gardens conservation area.

#### Original scheme

5.3. The existing unattractive building detracts from the setting of the conservation area when seen from the wide junction with Ditchling Road, but its parapet line does at least line through comfortably in oblique views up and down Oxford Street. The additional storey would make this unattractive building more prominent from this viewpoint, unduly drawing the viewer's eye away from the Victorian buildings on the corners within Valley Gardens. This would cause some harm to the setting of the conservation area. This undue prominence in this viewpoint would also impact on the view towards the grade I listed St Bartholomew's Church, the significance of which lies partly in its sheer scale and prominence as a landmark; the setting of the church is therefore wide. The proposal would diminish this sense of scale and prominence to some extent and would therefore cause some harm to the setting of the church.

5.4. It is not considered that the proposal would cause any harm to the settings of the two locally listed buildings in Oxford Street, due to the significance of those buildings, the existing mixed context of the street and, in the case of the Chapel, the lack of inter-visibility between the two sites. 3 In each case the harm to the conservation area and the harm to the setting of the listed building are considered to be less than substantial under the terms of the NPPF but, in accordance with paragraph 193, great weight must be given to the assets' conservation. There are no heritage benefits to the proposal that may be weighed against that harm under paragraph 196.



- 5.5. It may be possible to overcome the identified harm in each case by setting the new storey back further from the front elevation by about 1metre.
- 5.6. **County Archaeology: Comment**  
This application is not situated within an Archaeological Notification Area and based on the information supplied it is not considered that any significant archaeological remains are likely to be affected by these proposals. For this reason there are no further recommendations to make in this instance.
- 5.7. **Children and Young Peoples Trust: No objection**  
Revised scheme  
In this instance the team will not be seeking a contribution in respect of primary education places as there are sufficient primary places in this part of the city and the city overall. The calculation of the developer contribution shows that we will be seeking a contribution of £6,886.40 towards the cost of secondary provision if this development was to proceed.
- 5.8. With regard to the secondary provision, the development is in the catchment area for Varndean and Dorothy Stringer Schools. At the present time there is no surplus capacity in this catchment area. Secondary pupil numbers in the city are currently rising and it is anticipated that all secondary schools will be full in a few years' time, any funding secured for secondary education in the city will be spent at either Varndean and Dorothy Stringer Schools.
- Original scheme
- 5.9. In this instance the team will not be seeking a contribution in respect of primary education places as there are sufficient primary places in this part of the city and the city overall. The calculation of the developer contribution shows that we will be seeking a contribution of £5,632.80 towards the cost of secondary provision if this development was to proceed.
- 5.10. **Sussex Police: No objection**  
The National Planning Policy Framework demonstrates the government's aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. With the level of crime and anti-social behaviour in Brighton district being above average when compared with the rest of Sussex, Sussex Police have no major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends should be considered.
- 5.11. Sussex Police have concerns regarding privacy and noise for a potential disabled resident who may be allocated the front apartment and would recommend triple glazing for the noise level and privacy screening for the windows, although it does not prevent members of the public in bus queues or passing by leaning on the windows or banging against them. Reconfiguring the layout of the apartment may assist slightly.
- 5.12. The application is located within the parameter of the late night economy of the city and as such it experiences large amounts of footfall, noise, litter and

acts of antisocial behaviour at the start and end of the day. Due to its busy location and immediate proximity to the pavement bus stops, plus potential heavy use by residents, a higher level of security should be applied to the front access doors and windows.

- 5.13. Recessed doorways and deep passages can obstruct surveillance, collect windblown litter, and attract street drinkers, rough sleepers and antisocial behaviour. Sussex Police recommend where possible recessed doorways should be avoided, or if unavoidable, secure doors should be utilised.
- 5.14. As the plant room doors next to the main entrance also meet the pavement, and the internal door of that room also gives access to the dwellings, Sussex Police recommend the external double doors meet the same specification as the main front door or are fit for purpose with the internal door set certificated. Given that the proposed plant room has double doors, a door closer is to be fitted along with spring loaded automatic shoot bolts to the unlocked door to ensure it closes first. The door must have controlled access.
- 5.15. From a crime prevention perspective, it will be imperative that access control is implemented into the design and layout to ensure control of entry is for authorised persons only. Sussex Police recommends that all communal dwellings with more than 10 dwellings or bedrooms should have visitor door entry system or access control system to enable management oversight of the security of the building i.e. to control access to the building via the management of a recognised electronic key system. It should also incorporate a remote release of the primary entrance door set and have audio visual communication between the occupant and the visitor. Door sets that are fitted with electronic locks or electronic staples must form part of the manufacturers certified range of door sets.
- 5.16. Sussex Police also recommend that compartmentalisation is to be utilised to protect the amenity of the residents. This will control the access from the stairwells where each resident is assigned access to the floor on which their dwelling is located via the use of a proximity reader, swipe card or key or door sets on each landing and can prevent unauthorised access to the corridor where their flat is located.
- 5.17. The main front stairwell appears to be the only exit from the building, although the north elevation plan indicates a possible doorway not marked on the other plans. Any fire doors should be devoid of external door furniture and be fitted with an alarm with remote access to enable residents to be alerted that the door has been opened.
- 5.18. Sussex Police recommend the postal arrangements for the flats are through the wall, external or lobby mounted secure post boxes. The team 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.

- 5.19. The internal foyer, stair well, stair case and corridors should be fitted with 24 hour movement activated switched lighting. In critical movement areas, such as the lobby corridors and staircase, the use of two stage lighting (a constant low level lighting level supplemented but activity switched lighting mode) may be utilized to provide safety and security. External lighting should be fitted to every entrance giving access to the building. Sussex Police recommend, using low energy LED vandal resistant dusk to dawn switched lighting.
- 5.20. Chapter 24.1 of SBD Homes 2016 advises that the security of a development can be severely compromised if light weight framed walls do not offer sufficient resilience to withstand criminal attack (as recognised by Document Q) and gives recommendations regarding appropriate measures to ensure individual flats are secure in relation to wall systems. Annexe 3.1 states, 'It is expected that the wall construction is still of a robust nature and satisfactorily 'sound proofed'.
- 5.21. It is noted that the bike store is located on the lower ground floor integrated with the laundry area. A further internal door leads from the bike store to a plant room. Sussex Police recommend the internal bike store on the lower ground floor level must be fitted with a secure door meeting specifications of either LPS 1175 Issue 7 SR:2 or STS 202 Issue 3:BR2, with controlled access and is completely segregated from the laundry facility. These specifications will better cater for the hard use of bicycles being constantly pushed through the door and knocked against it. The bike store should only be accessible by residents and the locking system must be operable from the inner face by using a thumb turn to ensure residents are not accidentally locked in. A further lock on the plant room should also be fitted with an internal release mechanism to prevent accident locking in.
- 5.22. Bicycles will need to be carried up a flight of stairs to ground floor level, negotiating a 180 degree turn in the stairs which may prove difficult to do. The cycle store must also be illuminated with low level variable lighting to allow a view into the room before accessing it and then with movement activated lighting to illuminate the room fully on entry. The entry door should have a small glazed panel or door viewer to allow a view into the store before entry. If the cycle store is combined with the laundry room, there should be adequate ventilation for the escape of steam and water vapour.
- 5.23. The application states arrangements are in hand for residents to use an external refuse bin already in situ for street resident use nearby. There is no indication of the distance residents will have travel to carry refuse to that facility.
- 5.24. Any CCTV equipment must be commensurate with the lighting. If any proposed CCTV system is a stand-alone system with images recording onto a solitary monitoring device, there must be regular maintenance of the device which should have restricted access to nominated operators and be kept in a secure location. Alternatively Sussex Police would recommend 24 hr monitoring, with the CCTV system linked to a remote monitoring station.

- 5.25. Finally, Sussex Police would question the purpose of the height of the external rear wall of the light well. Sussex Police recommend that the solid wall is reduced in height to one metre above ground level. To provide protection the top of the wall can be fitted with trellis which will still allow more light into the lower ground floor and ground floor bedrooms, rather than through into an otherwise deep recess.
- 5.26. **Private Sector Housing: Comment**  
Revised scheme  
The issue of travelling through high risk rooms has been resolved
- Original scheme
- 5.27. The bedroom in unit 8 is an inner rooms; you have to go through the kitchen/ living room (high risk rooms) to escape should there be a fire. There should either be a means of escape from the bedroom without going through high risk rooms or escape windows in the bedrooms.
- 5.28. **County Ecologist: No objection**  
The Biodiversity Checklist submitted with the application was negative. From an assessment of the available information, including photographs and local biodiversity records, the ecological value of the site is likely to be low.
- 5.29. The site is not subject to any nature conservation designations. Given the nature, scale and location of the proposed development, there are unlikely to be any impacts on sites designated for their nature conservation interest.
- 5.30. The site is unlikely to support any notable or protected species. If protected species, or signs of their presence, are encountered during development, work should stop and advice should be sought on how to proceed from a suitably qualified and experienced ecologist.
- 5.31. In summary, the proposed development is unlikely to have an impact on biodiversity and can be supported from an ecological perspective.
- 5.32. **Southern Water: Comment**  
Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.
- 5.33. It is the responsibility of the developer to make suitable provision for the disposal of surface water. Part H3 of the Building Regulations prioritises the means of surface water disposal in the order:  
a. Adequate soakaway or infiltration system  
b. Water course  
c. Where neither of the above is practicable sewer
- 5.34. Southern Water supports this stance and seeks through appropriate Planning Conditions to ensure that suitable means of surface water disposal are proposed for each development. It is important that discharge to sewer occurs only where this is necessary and where adequate capacity exists to

serve the development. When it is proposed to connect to a public sewer the prior approval of Southern Water is required.

- 5.35. The application details for this development indicate that the proposed means of surface water drainage for the site is via a watercourse. The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse.
- 5.36. The detailed design for the proposed basement should take into account the possibility of the surcharging of the public sewers.
- 5.37. Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers, it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.
- 5.38. **Environmental Health:** Comment  
It is understood at least 7 bus routes use Oxford Street in each direction so air quality and noise intrusion are a concern. Conditions are recommended.
- 5.39. **City Regeneration:** Comment  
Revised scheme  
City Regeneration supports this application from the viewpoint that the proposals will provide 10 much needed residential dwellings for people on Brighton & Hove City Council's Housing Register which will make a contribution to the council's challenging housing situation and bring a redundant and outdated office building back into use.
- 5.40. Modern and high quality employment space is in short supply in the City. The loss of B1 class premises is regrettable as there is an ongoing demand from businesses looking for office floorspace in the City however there are a unique set of circumstances regarding this site, as outlined in the Planning Statement.
- 5.41. City Regeneration notes that the building had served its purpose as an employment space for many years, most recently for the council as a housing office, however following the restructuring of the council's property portfolio, the site has been vacant since 2014 when the Housing Office relocated. This combined with its designation as being in an unsafe condition has resulted in the building being redundant.
- 5.42. City Regeneration also notes the site is located in an Article 4 area whereby Permitted Development does not apply. However, despite the loss of employment floorspace to the city proposed in this application, City Regeneration welcomes the fact that, if the application is approved, the site will have the potential to provide employment and training to local residents during construction.

- 5.43. In summary, from a City Regeneration perspective, the potential loss of B1 employment space of this size is not taken lightly but on consideration of the unique set of circumstances, City Regeneration support the application.
- 5.44. Balancing the potential loss of employment floorspace along with the prospect of George Cooper House lying empty and suffering further deterioration to its fabric, against the urgent need for additional dwellings for the city, we support this application. The creation of 10no residential dwellings would make a contribution to the city's challenging housing situation and that the accommodation will cater for people on Brighton & Hove City Council's Housing Register.
- 5.45. Should this application be approved there will be a requirement for the submission of an employment & training strategy to demonstrate how the developer, through its main contractors and / or their sub-contractors, will deliver these opportunities.
- 5.46. The strategy should be submitted no later than 1 month prior to formal site commencement.
- 5.47. In addition, in accordance with the council's Technical Guidance for Developer Contributions, if approved, City Regeneration requests a contribution through a S106 agreement for the payment of £3,000 towards the delivery of the council's Local Employment Scheme. This should be submitted prior to formal site commencement.
- 5.48. **Housing Strategy: Comment**  
Revised scheme  
 This application is for 10 flats being developed by the council to meet housing need in the city. All the properties will be affordable which exceeds the policy (CP20) position which requires 30% of properties to be affordable in developments of between 10 and 14 units.
- 5.49. Policy HO13 requires 10% of the affordable housing (5% of all the housing) to be provided as wheelchair accessible in schemes of more ten units. This scheme includes 1 wheelchair accessible home on the ground floor which equals 10% of the housing and is therefore in excess to the policy position.
- 5.50. This application is supported by Housing as currently proposed
- 5.51. **Transport: Objection**  
Revised scheme  
Pedestrian & Mobility Impaired Access:  
 There is proposed level access to the ground floor accessible unit and some of the cycle parking. The site also benefits from accessible bus stops on Oxford Road and London Road.
- Cycle parking:

- 5.52. The amended plans indicate that 14 spaces are being proposed. This amount is in line with Parking Standards SPD14 and comprises of 8 on the ground level and 6 on the lower ground floor. The lower ground floor space is accessed via steps and this is not usually acceptable however it is noted that the site is constrained and the minimum amount required by Parking Standards SPD14 (14) is unlikely to be achievable on ground level. The applicant has submitted a manufacturers' specification brochure that suggests these facilities will be two-tier racks. When assessing the measurements and the site plans and section drawing their use does not appear to be appropriate due to:
- There being insufficient ceiling height, stand and aisle width for these stands to be accommodated. This would mean that some of the stands would be inconvenient to use and some unusable.
  - Two tier racks must not comprise of more than 50% of a site's submission. It is welcomed that a cycle parking store is now being proposed that can be accessed directly from the street however appropriately spaced, policy compliant stands must be provided.

- 5.53. It is acknowledged that all 14 spaces may be unachievable within the confines of the site. However a small reduction in provision is preferable to inconvenient and unusable spaced stands (such as the two-tier proposal). The Highway Authority therefore requires further details. These can be submitted via condition but must include the externally accessed (level) store in any future submission.

Disabled Parking:

- 5.54. The application includes an accessible unit however does not propose a disabled space on site as per Parking Standards SPD14. However it is noted that the site is constrained and there are several disabled user bays that are accessible via dropped kerbs. Blue badge holders can also park on double yellow lines for up to 3 hours if not causing an obstruction. The LHA therefore does not wish to object on these grounds.

Car/Permit-Free housing:

- 5.55. The Highway Authority deems that the proposed development has good access and is near local services and public transport and is within a controlled parking zone; therefore, to accord with the City Council's City Plan Part One, requests that a condition and informative be attached to prohibit residents from being eligible for parking permits and encourage the development and surrounding area to be genuinely car-free.

Refuse and Recycling collection/ disposal arrangements:

- 5.56. Road side communal bins are being provided on Ditchling Road. This is acceptable in this instance as it is acknowledged that the site's adjacent street is constrained by the nearby bus stop and other highway infrastructure.

Trip Generation:

- 5.57. The change of use of B1 office to residential is unlikely to generate an increase in trips to the site and no developer contributions are requested in this instance.

Original scheme

5.58. The Highway Authority is unable to recommend approval of this application for the following reasons:

- The Cycle Parking provision does not comply with CP9 of the City Plan Part One, retained Local plan policy TR14 and Parking Standards SPD14 as:
  - Residents would have to carry their cycles up and down the stairs. This provision would be inconvenient for all and unusable for some residents, including those with mobility impairments. It is also noted that the existing basement staircase is narrow, measuring only 90cm in width on the drawing.
  - The applicant is proposing 8 spaces. Parking Standards SPD14 minimum standards require 14 (1 per flat and 1 per 3 flats for visitors or part thereof). This is a shortfall of 6.
- It is unclear where Refuse and Recycling is to be collected/ disposed of associated with this development. There is concern regarding where a communal refuse/ recycling bin would be located on Oxford Street as the street is constrained by the nearby bus stop and other highway infrastructure. For the Highway Authority to be able to recommend approval further details are required of:
  - Cycle Parking: This must have level access and should meet at least the minimum amount of cycle parking spaces as per SPD14. In order to be in line with Policy TR14 of the Brighton & Hove Local Plan 2005 cycle parking must be secure, convenient, well lit, well signed and wherever practical, sheltered. The Highway Authority's preference is for the use of Sheffield type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22. The applicant is reconfiguring the ground floor and therefore from a transport perspective this is achievable.
  - Refuse and Recycling collection/ disposal arrangements: The Highway Authority requires further information regarding the location of any bin collection/ disposal point associated with this proposal. This must be agreed with City Clean and the Highway Authority prior to determination.

5.59. **Planning Policy:** Comment

The site has been allocated in the emerging City Plan Part 2 for 13 residential units. Although limited weight is given to the emerging plan, it shows alignment with the current thinking about the office block that has been lying vacant for the last 4 years. Whilst the loss of office space will be a missed opportunity, the scheme will lead to creation of affordable residential units for temporary accommodation purposes towards which the Council has a duty. It makes an important contribution, albeit small, towards the City Plan targets. 100% affordable housing will bring a significant social gain. The site is situated within the AQMA and suffers from high road noise levels.

5.60. **Sustainable Drainage:** Comment

The applicant should be made aware their report neglected areas deemed at a low risk of surface water flooding in their mapping.



- 5.61. It is agreed the site is at high risk from groundwater flooding. Given there is a change of use of the basement from storage to dwellings, user vulnerability has been increased. The applicant should be made aware that our mapping indicates GW levels are between 0.5m and 5m below the ground surface (Sustainable Drainage Systems Supplementary Planning Document, Nov 18). A borehole ~50m away which the applicant refers to recorded groundwater at 14mAOD which is 1.89m below the lower ground level indicated on the elevation drawing (12.89mAOD). The applicant is required to carry out investigations to determine GW level to ascertain risk at site. Potential floatation of the proposed storage crates and risk to basement dwellings should be addressed.
- 5.62. The applicant should be made aware of a flooding incident that was reported approximate 80m west from the site. The cause of the incident is unknown.
- 5.63. The proposed is a mix of green roof, blue roof and permeable paving underlain with storage crates and connection to combined sewer. The applicant is required to submit proof the critical duration is at 0.5 hours given an outflow of 2l/s. They are to demonstrate the surface water drainage system is designed so that flooding does not occur on any part of the site for a 1 in 30 year rainfall event, and so that flooding does not occur during a 1 in 100 (+40% allowance for climate change) year event in any part of a building or in any utility plant susceptible to water. Confirmation is required on who is responsible for maintenance of SuDs outlined in the maintenance plan they have submitted.

## **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 Two (Draft)

H1	Housing and Mixed Use Sites
DM1	Housing Quality Choice and Mix

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
DA4	New England Quarter and London Road
CP1	Housing delivery
CP2	Sustainable economic development
CP3	Employment land
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP12	Urban design
CP14	Housing density
CP15	Heritage
CP16	Open Space Provision
CP17	Sports Provision
CP19	Housing Mix
CP20	Affordable housing

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
QD5	Design - street frontages
QD14	Extensions and alterations
QD27	Protection of amenity
SR5	Town and district shopping centres
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD14	Parking Standards

**8. CONSIDERATIONS & ASSESSMENT**

- 8.1. The main considerations in the determination of this application relate to the principle of the loss of the existing use, the principle of a proposed residential use, the impact on the character and appearance of the existing building and the setting of the adjacent Valley Gardens Conservation Area, its impact on

future occupiers and neighbouring amenity, sustainability and transport issues.

**Planning Policy:**

- 8.2. The Draft City Plan Part 2 (CPP2) was published for consultation for 8 weeks over the Summer of 2018. Although CPP2 carries limited weight at this stage of the planning process it does indicate the Council's aspirations and the direction of policy for the future development of the site for comprehensive residential-led mixed use development.
- 8.3. The site is allocated for housing within Policy H1 of CPP2. Policy H1 states that planning permission will be granted for proposals that accord with the Development Plan and which provide minimum indicative amounts of development set out in the policy.
- 8.4. The site forms part of the New England Quarter and London Road Area and is set within the development area boundary of Policy DA4 of City Plan Part One. The strategy for this development area is to revitalise the London Road shopping area, and to create a major new business quarter for Brighton & Hove consisting of high quality business accommodation connecting London Road with the New England Quarter. The policy supports various uses, including residential and student housing, as well as offices.

Loss of Existing office B1a Use

- 8.5. The proposed development would result in the loss of approximately 495sqm office space (611sqm when including basement storage). The property is currently vacant, however was previously in use by the Council as a housing office. Since 2014, the services have been relocated to various other housing offices across the city, including a new housing centre in Moulsecoomb.
- 8.6. Brighton & Hove Employment Land Study 2012 identifies a shortfall of high quality office accommodation over the plan period and strongest demand for accommodation up to 460sqm in size. A lack of office space will constrain the city's ability to retain its businesses as they grow and expand. Protecting existing office space is therefore important to help meet future business needs and supplement the delivery of new office space.
- 8.7. Part 5 of Policy CP3 Employment Land of the adopted City Plan Part 1 allows the loss of office space when it can be demonstrated to be redundant and incapable of meeting the need of alternative employment uses. Paragraph 4.39 sets out the consideration for assessing whether the site is redundant and unsuitable for modern employment uses. (Use Classes B1-B8). The applicant has submitted a supporting statement that seeks to address the requirements of CP3.5 which sets out the consideration for assessing whether the site is redundant and unsuitable for modern employment uses.
- 8.8. With respect to location of the site, the submitted briefing note suggests that whilst high quality office space is in high demand, this is a less attractive site as the building's location is outside the prime office locations. It is also stated

that significant amount of office floorspace emerging at other sites (most notably the former Amex site and Circus Street) has lessen demand for offices in locations such as the application site.

- 8.9. In terms of accessibility and proximity to transport links, the site is appropriate for employment use. As set out above, the site is within the development area boundary of Policy DA4 New England Quarter and London Road Area. However this site is located on the edge of this boundary. The prime office location is to the west of London Road, and closer to Brighton Station and Queens Road. The context of the other uses within Oxford Street should also be considered as it does not appear as a recognised office location. The general character is retail/business units on the ground floor with residential above. As well as this, on the south side of the street there is a public house, a two storey medical centre, and a large retail unit fronting onto London Road. On the north side along with the application site, there is a chapel, residential terraced houses, and the development at 17-19 which has a massage and therapy centre on the ground floor and residential above. Therefore an alternative use other than office would reflect the character of uses in Oxford Street.
- 8.10. With respect to the quality of buildings, the application sets out that in 2014, a Health and Safety audit found that the building was unsafe to work from due to structural problems and was therefore shut down. It is claimed that the building is uninhabitable. The submitted briefing note refers to Cluttons' Valuation report dated December 2015 which reported the building as being in poor condition.
- 8.11. With respect to site/floor layout, the submitted briefing note highlights that there is more of a demand for smaller units than this site which is considered outdated to modern office requirements. It was purposely built as offices however now the whole building specification is dated. The submitted briefing note refers to the potential cost of refurbishment sets against its future value for employment uses. It states that even if in moderate repair, the site would be un-lettable without upgrading but even then demand would be limited unless the rent was heavily discounted to the market in general.
- 8.12. In terms of length of vacancy in this instance, the offices have been empty due to its poor condition since 2014. In terms marketing activity, the premises have not been marketed since it was vacated. The submitted briefing note highlights that if it had been, it would have proved to be unlettable and uninhabitable due to its poor condition. It would require major expenditure to restore it to office use, and the returns from a scheme to reuse/redevelop would be high risk.
- 8.13. The proposed loss of B1 offices would be regrettable, and without marketing to suggest otherwise, there is limited evidence as to whether the site could be viable as a continued office use. However the following material considerations should be considered. The premises have been lying vacant for more than four years, and evidence has been submitted that the building has been in a poor state of repair. The City Regeneration Team support the

proposal highlighting that the office building is redundant and outdated. The applicant has submitted location based evidence supporting the suitability of the site for a non-office use, and the neighbourhood uses in the street would align with this. Although currently of limited weight, the site is allocated for housing within Policy H1 of CPP2 and this plan aligns with current market view. Also weight should be given to the proposed type of housing that is proposed, and the need this would serve (see Affordable Housing section of the report below).

- 8.14. Overall, on balance it is considered that it has been sufficiently demonstrated that the premises is unsuitable for modern employment use in accordance with Policy CP3 Employment Land, and the loss of office space is therefore considered acceptable in this instance.

Loss of existing Housing office A2 use:

- 8.15. The application site lies outside the prime frontage of the London Road Centre where Local Plan policy SR5 states that changes of use from retail (Class A1) would be permitted where a healthy balance and mix of uses is retained and concentrations of uses other than A1 are avoided. This policy does not though relate to existing A2 uses or seek to retain them. In any case, the A2 element of the use is considered to have been ancillary to the overall B1 office use. As such the proposed change of use would not significantly alter the existing composition of the centre, which is predominantly retail across the primary and secondary frontages. The loss of the existing A2 use is therefore acceptable in this instance.

Principle of Proposed Housing:

- 8.16. 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.
- 8.17. The Council's most recent housing land supply position is published in the SHLAA Update 2018 (February 2019). The figures presented in the SHLAA reflect the results of the Government's 2018 Housing Delivery Test which was published in February 2019. The Housing Delivery Test shows that housing delivery in Brighton & Hove over the past three years (2015-2018) has totalled only 77% of the City Plan annualised housing target. Since housing delivery has been below 85%, the NPPF requires that a 20% buffer is applied to the five year housing supply figures. This results in a five year housing shortfall of 576 net dwellings (4.5 years supply). In this situation, when considering the planning balance in the determination of planning applications, increased weight should be given to housing delivery in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 8.18. The council's own informal assessment is that housing delivery over the 2015-2018 period has been less than 80% of the required City Plan figure.

- 8.19. Therefore, for planning policy purposes, it should be assumed that the council cannot demonstrate a five year housing land supply. In that situation, when considering the planning balance in the determination of planning applications, increased weight should be given to housing delivery in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 8.20. As previously stated, the site is allocated for housing within Policy H1 of CPP2. The site has been included in the 2018 annual review of the council's Strategic Housing Land Availability Assessment (SHLAA) published in February 2019 as having potential for 13 residential units and again this gives further weight to the proposed provision of housing on the site. It is noted that following the amendments to the scheme, the proposed number of units is less than is set out in the SHLAA. However this number was based on the proposal submitted at pre-application stage, and since then there have been further considerations to the size and layout which has resulted in the reduction of the number of units.
- 8.21. Policy CP3 states that where loss of employment use is permitted, the priority for re-use will be for alternative employment generating uses or housing. The site is well located for high density development, with good access to local facilities and services, and well served by public transport. The proposed residential use would make a welcome contribution to the supply of housing in the city, in accordance with policy CP1 Housing Delivery of the City Plan Part One.

#### Proposed Mix

- 8.22. City Plan policy CP19 seeks to improve housing choice and ensure that an appropriate mix of housing is achieved across the city and specifically references extra care housing. Policy CP19 notes that it will be important to maximise opportunities to secure additional family sized housing on suitable sites. Where appropriate (in terms of site suitability and with reference to the characteristics of existing communities/neighbourhoods), the intention will be to secure, through new development, a wider variety of housing types and sizes to meet the accommodation requirements of particular groups within the city.
- 8.23. Policy CP19 of the City Plan Part One requires development to demonstrate regard to housing mix considerations and be informed by local assessments of housing demand and need. The Objective Assessment of Housing Need (GL Hearn, June 2015) indicates the strategic mix of homes to be delivered over the plan period which is 25% for 1 bedroom units, 35% for 2 bedroom units, 30% for 3 bedroom units, and 10% for 4-plus bedroom units. In terms of the demand for market housing, the greatest demand is likely to be for 2 and 3 bedroom properties (36% and 34% respectively).
- 8.24. Following amendments to the scheme, the proposal is for 4 x 1-bed (40%) and 6 x 2-bed units (60%). The proposed mix is more focused towards smaller units, but this reflects the development format and location. The Housing Strategy Team have highlighted that 82% of people listed in

demonstrable need require 1 or 2 bedroom accommodation. In terms of the need for affordable rented accommodation, 2/3 of current households include children, therefore residential units with more than one bedroom would be in high demand. The proposed mix now provides a better balance of one and two bedroom properties; it is therefore considered the overall mix would meet the needs for affordable rented accommodation in the city, and is considered appropriate in this instance.

#### Affordable Housing

- 8.25. The application details that the proposed 10 residential units would be used as temporary accommodation for local people in need of housing that are on the Council's housing register.
- 8.26. The Housing Strategy Team have highlighted that the Council has an Affordable Housing Brief based on evidenced housing needs in the city. In terms of affordable rented accommodation, there are currently 1,410 households in temporary accommodation, and 9,738 people listed on the joint housing register.
- 8.27. The Council's Temporary Accommodations Team would provide management of the flats and tenancies. Although the tenancies are referred to as temporary in nature, this would normally be for 6-24 months, which is not dis-similar to private sector housing tenancy durations. The occupiers are seen as being suitably accommodated and can stay in the properties for the medium term until they move on into secure accommodation or the private sector.
- 8.28. The applicant states there is an increased demand for good quality affordable accessible housing in this location, as current private sector rented temporary accommodation units in the St.Peter's and North Laine Ward contracts are coming to an end.
- 8.29. Policy CP20 requires all sites of between 10 and 14 (net) dwellings to provide 30% affordable housing on site. As the proposal is a form of 100% affordable accommodation (Affordable housing for rent), the CP20 provision is met in this instance with a significant uplift. A condition is required to ensure that a minimum 30% policy compliant affordable units (3 units in this instance) are provided and the housing remains affordable rent in nature.
- 8.30. According to Policy HO13, 10% of the affordable units would be required to be wheelchair accessible, which would be 1 unit in this instance. The proposal includes 2 wheelchair accessible units on the ground floor, which is considered an acceptable provision.

#### Developer contributions:

- 8.31. Developer contributions are sought in accordance with policy objectives as set out in the City Plan Part One and the remaining saved policies in the Brighton & Hove Local Plan 2005. The contributions will go towards appropriate and adequate social, environmental and physical infrastructure to mitigate the impact of new development. Contributions are required where

necessary in accordance with City Plan policy CP7 Infrastructure and Developer Contributions.

- 8.32. The Affordable Housing Contribution is set out above. Further Developer Contributions are requested for the following:
- Education contribution of £6,886.40 for secondary school provision;
  - Employment contribution of £3,000 for the delivery of the council's Local Employment Scheme;
  - Open Space contribution of £25,935.

8.33. The applicant has agreed to these contributions.

**Standard of Accommodation:**

8.34. The Local Planning Authority does not have adopted space standards for new dwellings, however for comparative purposes the Government's Technical Housing Standards - National Described Space Standards March 2015 document - should be used as a benchmark for an acceptable level of living space for future occupiers. A 1-bed 1person unit should have a floor space of at least 39m<sup>2</sup>, a 1-bed 2 person with a floor space of at least 50m<sup>2</sup>, a 2-bed 3 person with a floor space of at least 61m<sup>2</sup>, and a 2-bed 4 person with a floor space of at least 70m<sup>2</sup>. The number and size of flats has been amended to ensure the proposed units either meet or exceed these standards.

8.35. The access to light and outlook is generally good. The applicant has submitted an Internal Daylight Assessment on the proposed basement level accommodation, which consists of 2 no. flats. The assessment concludes that all internal rooms meet the required minimum average daylight levels according to BRE guidelines. It is therefore considered that future occupiers of the proposed basement flats would experience adequate internal daylight levels contributing to an acceptable level of amenity.

8.36. Brighton and Hove Local Plan policy HO5 requires the provision of private and useable external amenity space with new residential development. The proposed flats at lower ground floor level would have access to rear outdoor yards of limited size. The other flats would have no outdoor amenity space. However given the character of this form of development and the surrounding context the provision for these proposed flats is considered to be acceptable in this instance.

8.37. The Environmental Health Team has identified Oxford Street as an area of poor air quality. It is also likely to have a high degree of road traffic noise which requires mitigation measures to protect the residents in terms of noise levels and ventilation. An acoustic report incorporating appropriate windows and a ventilation system to avoid unacceptable internal noise levels is therefore required by condition.

8.38. Overall, subject to relevant conditions the proposal would provide adequate living conditions for future occupiers in accordance with policy QD27 of the Brighton & Hove Local Plan.



- 8.39. In this proposal for 10 residential units, Policy HO13 requires 10% of affordable housing (and 5% of all housing) to be provided as wheelchair accessible. There are two proposed wheelchair accessible unit on the ground floor which would be sufficient to be in accordance with Policy HO13.
- 8.40. For safety purposes, Sussex Police have recommended external lighting above the front entrance, details of which are required by condition.

**Design and Appearance:**

- 8.41. The NPPF attaches great importance to the design of the built environment and identifies good design as a key aspect of sustainable development. This is reflected in policy CP12 of the City Plan Part One which seeks to raise the standard of architecture and design in the city. CP12 requires new development in particular to establish a strong sense of place by respecting the diverse character and urban grain of the city's identifiable neighbourhoods.
- 8.42. Oxford Street contains a mix of different styles and types of buildings, which are generally small in scale, with the tallest buildings being three storeys in height. The exception to this is the adjoining development to the west (17-19 Oxford Street) which is three storeys plus a fourth storey setback from the building frontage.
- 8.43. The adjoining Valley Gardens Conservation Area generally comprises of mixed Regency and Victorian development, made up of different terraces or groups of buildings as well as several larger individual buildings. The properties in Ditchling Road that front onto the Level are not at all uniform in appearance, however this side has a general consistency of scale, proportion and materials.
- 8.44. The existing flat roofed building has little architectural merit. It is of concrete frame construction with brickwork exterior, timber clad bay windows on the upper floors, and full height glazing on the ground floor. It is considered that the existing building detracts from the setting of the conservation area when seen from the junction with Ditchling Road. Therefore, alterations to its appearance are considered acceptable in principle.
- 8.45. The view of the site from Ditchling Road looking west along Oxford Street is an important one, as it is viewed in context with the Grade I listed St Bartholomew's Church in the distance. Heritage raised objection to the scheme as originally submitted, with concerns that the proposed additional storey would make the existing building more prominent in this view and would detract from the viewpoint of the more historic buildings in the setting. Amendments were sought to the proposal that results in a further setback of the additional storey by approximately 0.8m (2m overall setback). The amendment to the scheme results in a setback that would be in line with the existing fourth floor at the adjoining 17-19 Oxford Street. The proposed parapet, matching the adjoining parapet line, would further ensure that the

additional storey would be screened from view and the bulk would be disguised.

- 8.46. The proposed additional story, in terms of position, form, detailing and choice of materials is considered appropriate for this location. The proposed materials in general would respond well to the mix of modern and traditional influences in the area. Details of the materials, including the proposed zinc cladding, tiling, and proposed brick parapet, would be required by condition.

**Impact on Amenity:**

- 8.47. 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.
- 8.48. Whilst the 10 no. residential units would generate a certain amount of noise from occupiers of the proposed development, and the usual comings and goings from pedestrian movements that you would expect from a residential development in close proximity to neighbouring properties, it is not considered that any potential noise disturbance would be significant.
- 8.49. Objections have been raised in neighbouring representations from flats on Ditchling Road to the east of the site, and a Flat at The Barrows on Francis Street.. The objections raised amenity concerns mainly relating to loss of light and increased overshadowing. The neighbouring properties most likely to be affected by the proposal are the residential units to the north in Carola Court on Francis Street, and the upper floor flats to the east on Ditchling Road. It is considered that the development is of a sufficient distance away from The Barrows so as not to result in a significant impact on these flats.
- 8.50. The applicant has submitted a Daylight/Sunlight assessment to determine the impact of the construction of the proposed additional storey on the adjoining neighbouring properties. The Council has commissioned an independent review of this assessment which was completed by the Building Research Establishment (BRE). During the course of the application, the applicant revised the Daylight/Sunlight assessment following an initial review by BRE.
- 8.51. In terms of the impact on Carola Court on Francis Street, the analysis concludes that the rear windows of these properties already receive poor and inadequate levels of daylight. Some of the windows, in particular some top levels windows would be significantly affected. The BRE conclude that there would be a tentatively minor impact to daylight on the ground floor of Carola Court, and tentatively moderate to two living rooms on the second floor. Sunlight impact is assessed as negligible to minor. The layout of the flats and use of the windows should be considered here. Most of the windows, including all upper floor windows are either hallways/landings, or secondary kitchen/bedroom windows. On the ground floor, there are two flats with sole bedroom windows on the side returns that face onto the rear yards. These windows therefore do not directly face the development, already suffer from

poor levels of daylight, and so although affected, would not warrant the refusal of the application on this impact alone.

- 8.52. The analysis concludes that, despite already suffering from inadequate light levels, some windows of flats of 53, 55 and 57 Ditchling Road would be affected by the proposal. The basement and ground floor windows are considered unlikely to be significantly affected due to the balcony overhangs above which would restrict the view of the additional floor above.
- 8.53. Loss of sunlight to the rear of Ditchling Road was considered to be negligible, with no living rooms affected. There would be a minor to moderate daylight impact to the first floor bedroom windows of no. 55 and 57 Ditchling Road. The BRE report states that bedrooms are less important than living rooms for daylight distribution. It is acknowledged that some harm to daylight would occur. However it is considered that the impact here would not be so significant as to warrant the refusal of the application
- 8.54. In the revised analysis, the upper floor window of a flat within 53 Ditchling Road was considered to not be significantly affected. In any case, it should be noted that this window is not for a habitable room, and instead serves a staircase within the flat. Although it is noted that this window may offer light amenity to the occupiers of the flat, given that it does not serve a habitable room, it is not considered that significant detrimental harm would be caused as a result of the proposal.
- 8.55. In terms of the potential for overlooking/loss of privacy, there are no new windows proposed on the east elevation facing Ditchling Road. On the rear elevation facing Carola Court, the proposed ground floor and lower ground floor windows would not result in any significant loss of amenity. The neighbouring flats to the north already experience a degree of mutual overlooking, given the existing first and second floor level on the application building. The proposed new third floor level windows would result in some additional overlooking at a greater height than the existing windows. However, the potential loss of privacy here is not considered to be so significant as to warrant refusal of the application on this basis.

**Sustainable Transport:**

- 8.56. The application site is located between London Road and Ditchling Road, Brighton. It is part of a busy one way connecting route between the two roads and is a bus and cycle route. Outside the front of the site on the northern pavement of Oxford Street is an elongated bus stop, which can cater for three or more buses at one time, directly outside the front windows and proposed front entrance door of the building.
- 8.57. 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.

- 8.58. It is considered that the proposed change of use from office to residential is unlikely to generate an increase in trips to the site that would result in a harmful demand for travel or highway safety hazard.
- 8.59. Due to the constraints of the site, no on-site parking is proposed. The existing CPZ would mean that any additional parking demand would be managed. This site is close to amenities and well served by public transport. The Sustainable Transport Team have no objection to the wider impact of the parking pressure of the development given the site is within a CPZ. Notwithstanding this, there is the potential for the proposal to result in additional harmful localised parking pressure. In the absence of a parking survey to suggest otherwise, it is therefore considered that in the event the application is approved, a condition would be required to remove the eligibility for parking permits for future occupiers.
- 8.60. Cycle parking spaces are proposed within the building at lower ground floor level, which requires using a staircase. The Highway Authority initially objected on the basis that the cycle storage would not be convenient for use by all residents. Following amendments to the scheme, there is now proposed ground floor level access cycle storage, as well as additional storage on the lower ground floor. Further information of the design would be required by planning condition.
- 8.61. The Transport Team initially raised concerns over the lack of bin storage within the proposal. Following amendments to the scheme, the proposed lower ground floor now includes bin storage. City Clean have also confirmed that that Oxford Street is in a communal bin area meaning the residents can use the communal refuse and recycling bins, the closest of which is on Ditchling Road.

**Land Contamination:**

- 8.62. The land is potentially contaminated. The Environmental Health Team has recommended a land discovery condition, in the event any contaminants are encountered during construction.
- 8.63. The existing building contains asbestos, and so a full asbestos report is required by condition to ensure all asbestos containing materials are removed.

**Flood risk:**

- 8.64. The site is at risk from groundwater flooding. The applicant has submitted a report which assesses an assessment of the EA groundwater Source Protection Zones (SPZ) within the vicinity of the Site. The report makes recommendations to ensure sufficient capacity for surface water. Further details can be conditioned.

**Sustainability:**

- 8.65. Brighton and Hove Local Plan Policy SU2 and CP8 of City Plan Part One requires new residential development demonstrate efficiency in the use of water and energy in accordance with the National Technical Standards.

However, as a conversion within an existing building, these standards do not apply in this instance.

**Conclusion:**

- 8.66. The proposed development is of a suitable scale and design that would make a more efficient and effective use of the site without harm to the surrounding townscape. The development would provide housing units, including affordable housing, without significant harm to the amenities of adjacent occupiers and without resulting in an unacceptable increase in parking pressure. Approval of planning permission is therefore recommended subject to the completion of a s106 planning legal agreement and to the conditions within the report.

**9. EQUALITIES**

- 9.1. The scheme would provide at least 40% affordable housing.

**S106 Agreement**

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

1. The proposed development fails to provide affordable housing contrary to policy CP20 of the Brighton and Hove City Plan Part 1.
2. The proposed development fails provide a financial contribution towards the City Council's Local Employment Scheme to support local people to employment within the construction industry contrary to policy CP7 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
3. The proposed development fails to provide an Employment and Training Strategy specifying how the developer or their main contractors will provide opportunities for local people to gain employment or training on the construction phase of the proposed development contrary to policy CP7 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
4. The proposed development fails to provide a financial contribution towards the improvement and expansion of capacity of local schools required as a result of this proposed development contrary to policy CP7 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
5. The proposed development fails to provide a financial contribution towards the improvement and expansion of open space and recreation in the vicinity of the site required as a result of this proposed development contrary to policies, CP7 and CP16 of the Brighton &

Hove City Plan Part One and the City Council's Developer Contributions  
Technical Guidance.