

<b><u>No:</u></b>	<b>BH2019/01258</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>30 - 36 Oxford Street Brighton BN1 4LA</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing medical centre and erection of a four storey medical centre (D1) with integrated pharmacy (A1), access via Oxford Court &amp; Oxford Street, landscaping &amp; parking.</b>		
<b><u>Officer:</u></b>	Wayne Nee, tel: 292132	<b><u>Valid Date:</u></b>	25.04.2019
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	25.07.2019
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Deacon And Richardson Architects BN1 6JD	253 Ditchling Road	Brighton
<b><u>Applicant:</u></b>	Medical Centre Holdings Limited London SE10 9JU	23 Tarves Way	Greenwich

## 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 29<sup>th</sup> January 2020 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

- Local Employment Scheme contribution - £10,730 towards the Council's Local Employment Scheme.
- A Construction Training and Employment Strategy including a commitment to using 20% local employment during the demolition and construction phases of the development,
- Submission of a Travel Plan
- Submission of a Construction Environmental Management Plan (CEMP)

### 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	3696.PL.103		16 July 2019
Location and block plan	3696.EX.01	A	25 April 2019
Proposed Drawing	3696.PL.201	C	16 July 2019
Location Plan	3696.PL.01		25 April 2019
Proposed Drawing	3696.PL.101	J	20 September 2019
Proposed Drawing	3696.PL.102	H	16 July 2019

Proposed Drawing	3696.PL.301	G	16 July 2019
Proposed Drawing	3696.PL.302		25 April 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. No development above ground floor slab level of any part of the development hereby permitted shall take place until a drainage strategy detailing the proposed means of foul water disposal and an implementation timetable, has been submitted to and approved in writing by, the Local Planning Authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.  
**Reason:** To ensure adequate foul sewage drainage/treatment is available prior to development commencing and to comply with policy SU5 of the Brighton & Hove Local Plan.
  
4. No development, including demolition and excavation, shall commence until a Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved.  
**Reason:** To maximise the sustainable management of waste and to minimise the need for landfill capacity and to comply with policy WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan.
  
5. The development hereby permitted shall not be first occupied until a scheme to enhance the nature conservation interest of the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall accord with the standards described in Annex 6 of SPD 11 and shall be implemented in full prior to the first occupation of the development hereby approved and thereafter retained.  
**Reason:** To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
  
6. Prior to first occupation of the development hereby approved, details of the photovoltaic array depicted on the roof plan shall be submitted to and approved in writing by the Local Planning Authority. The photovoltaic array shall then be installed in accordance with the approved details and retained thereafter.  
**Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and has an acceptable appearance and to comply with policies CP8 and CP12 of the Brighton & Hove City Plan Part One.
  
7. No development above ground floor slab level 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.

8. No development above ground floor slab level of any part of the development hereby permitted shall take place until full details of the shopfront, entrance doors and windows and their reveals and cills, including 1:20 scale elevational drawings and sections, have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.

**Reason:** As this matter is fundamental to the acceptable delivery of the permission to ensure a satisfactory appearance to the development and to comply with policies HE3 and HE6 of the Brighton & Hove Local Plan, and CP12 and CP15 of the Brighton & Hove City Plan Part One.

9. Prior to occupation of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:

- a. details of all hard and soft surfacing to include type, position, design, dimensions and materials and any sustainable drainage system used;
- b. a schedule detailing sizes and numbers/densities of all proposed trees/plants including details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
- c. details of all boundary treatments to include type, position, design, dimensions and materials;

Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

10. Within 3 months of first occupation of the non-residential development hereby permitted a BREEAM Building Research Establishment has issued a Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM New Construction rating of 'Excellent' and such certificate 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 Brighton & Hove City Plan Part One.
11. The proposed use hereby permitted shall not be open except between the hours of 07:00 and 23:00 on Mondays to Sundays, including Bank or Public Holidays.  
**Reason:** To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
12. 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.
13. 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.
14. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. The Rating Level and existing background noise levels are to be determined as per the guidance provided in BS 4142:2014. In addition, there should be no significant low frequency tones present.  
**Reason:** To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

15. No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.  
**Reason:** To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies QD14, HE3 and HE6 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.
16. The medical centre hereby approved shall be used for that purpose only and for no other purpose. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification), no change of use shall occur without planning permission obtained from the Local Planning Authority.  
**Reason:** The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding local community facilities and to comply with policy HO20 of the Brighton & Hove Local Plan.
17. 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.
18. Prior to first occupation of the development hereby permitted, details of disabled car parking provision 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 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.
19. Prior to the first occupation of the development hereby approved a Delivery & Service Management Plan, which includes details of the types of vehicles, how deliveries will take place and the frequency of deliveries shall be submitted to and approved in writing by the Local Planning Authority. All deliveries shall thereafter be carried out in accordance with the approved plan.  
**Reason:** In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with policies SU10, QD27 and TR7 of the Brighton & Hove Local Plan.
20. Prior to first occupation of the development hereby permitted, a scheme for the widening of the footway on Oxford Court and provision of a pedestrian

route with a minimum width of 1.5m from Oxford Street to the southern boundary of the building 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 provides safe pedestrian access in accordance with policy CP9 of the Brighton & Hove City Plan Part One and TR7 of the Brighton & Hove Local Plan.

21. The new vehicle access shall be constructed prior to the first occupation of the development hereby permitted.

**Reason:** In the interests of highway safety and to comply with policies TR7 of the Brighton & Hove Local Plan and CP9 of the City Plan Part One.

22. Prior to the first occupation of the development hereby permitted the applicant shall reinstate the redundant vehicle crossover on Oxford Court back to a footway by raising the existing kerb and footway.

**Reason:** In the interests of highway safety and to comply with policies TR7 of the Brighton and Hove Local Plan and CP9 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 that a formal application for connection to the public sewerage system is required in order to service this development, Please read the New Connections Services Charging Arrangements documents via the following link <https://beta.southernwater.co.uk/infrastructure-charges>.
3. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
4. The applicant is advised that details of the BREEAM assessment tools and a list of approved assessors can be obtained from the BREEAM websites ([www.breeam.org](http://www.breeam.org)).
5. The applicant is advised to contact the Council's Streetworks team ([permit.admin@brighton-hove.gov.uk](mailto:permit.admin@brighton-hove.gov.uk) 01273 290729) at their earliest convenience to avoid delay and obtain all necessary highway approval from the Highway Authority prior to any works commencing on the adopted (public) highway to satisfy the law.

6. 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 292233). 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) A commitment to reduce carbon emissions associated with patient and staff travel;
  - (iii) Increase awareness of and improve road safety and personal security;
  - (iv) Undertake dialogue and consultation with adjacent/neighbouring tenants/businesses;
  - (v) Identify targets focussed on reductions in the level of business and commuter car use;
  - (vi) 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 (v) above are met, to enable the Travel Plan to be reviewed and updated as appropriate;
  - (vii) Following the annual staff survey, an annual review will be submitted to the Local Planning Authority to update on progress towards meeting targets;
  - (viii) 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;

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

- 2.1. The application site relates to a two storey building in use as a medical centre (Class Use D1) on the corner of Oxford Street and Oxford Court. The site also includes a car park to the south of the medical centre, which is accessed via Oxford Court.
- 2.2. Oxford Street runs between London Road to the west and Ditchling Road to the east. 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.
- 2.3. Larger buildings were introduced into Oxford Street from the 1960s, following demolition of the original terraced houses, around Oxford Court in particular. The current building on this site dates from 1966 and was initially occupied by the Post Office. It has a rectilinear footprint, rises to two storeys with a flat roof and is of a greater depth in comparison to the more domestic scale of the buildings to the east and opposite to the north. It is acknowledged that the building has a tired appearance and does little to enhance the street scene. By the 1970s the land to the rear was used as a car park and remains

so today. The car park is accessed via the Oxford Court highway. There is also pedestrian access via the tarmac to the east of the site that leads out onto Oxford Street adjacent to the Bat & Ball Public House, although access is currently restricted with gates at either end.

- 2.4. The site lies outside the prime frontage of the defined London Road Town Centre Shopping area. The site lies close to the boundary of the Valley Gardens Conservation Area to the east. The northern part of Valley Gardens centres on The Level, the principal 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.
- 2.5. St Bartholomew's Church, which is grade I 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.
- 2.6. 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. To the south, there is a flat roof 4-storey modern building on the corner of Ditchling Road and Oxford Place, containing college facilities and halls of residents. The rear of the building overlooks into Oxford Court car park.
- 2.7. 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.
- 2.8. Planning permission is sought for the demolition of existing medical centre and erection of a four storey medical centre (D1) with integrated pharmacy (A1), access via Oxford Court & Oxford Street, landscaping & parking.
- 2.9. During the application process, amended plans were submitted in relation to minor amendments to fenestration, including additional grills, change in configuration of the large glazed area on the east elevation, and two additional east elevation rooflights.
- 2.10. Pre-application advice: The development has been influenced by pre-application feedback from officers. Amongst other issues, the scale, massing,



and appearance of the proposed development has since been re-considered and amended.

### **3. RELEVANT HISTORY**

3.1. 50/1034 New Post Office with office accommodation over. Extension to shop premises with living accommodation over – Granted 12/12/1950

#### 118-132 London Road

3.2. BH2018/02699 Demolition of existing building and the erection of a five storey building with retail (A1 use class), community hub, student accommodation reception, laundry, plant room, bin store and cycle store at ground floor level, 232 student rooms (sui generis use class) at first, second, third and fourth levels, and solar PV array on the roof – Granted 09/08/2019

### **4. REPRESENTATIONS**

4.1. Three (3) letters have been received objecting to the proposed development for the following reasons:

- Car park is used by users of businesses (including disabled shoppers) and visitors to the church during the week and at weekends
- Development is one storey too high, and will set a precedent for further high rise development
- Medical centre could go into a local empty building
- Loss of light and increased overlooking to properties on Ditchling Road and Oxford Street
- Increase noise and reduced security to neighbouring properties
- Will block views of St Bartholomews
- There is already a pharmacy nearby
- Will impact on land access for maintenance of neighbouring properties if car park is closed
- Will impact on access to alleyway leading to Oxford Street

4.2. Four (4) letters have been received in support of the proposed development for the following reasons:

- Part of a strategic objective to provide a fully integrated health care system
- Involves the merger of both North Laine (which is in a poor condition) and St Peter's surgeries in a larger redeveloped premises
- Much needed development to care for patients
- Existing practice is beyond capacity
- Existing facilities are inadequate, too small, impact on recruitment, expansion and innovation
- New building is essential for improving health outcomes for the city
- Good design

### **5. CONSULTATIONS**

5.1. **Scotia Gas Networks (SGN): Comment**

Submission of detailed comments regarding the location of gas services.

5.2. There should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system. The applicant should, where required, confirm the position using hand dug trial holes.

5.3. **Conservation Advisory Group:** No objection

The Group unanimously recommended approval and considered it a well-planned scheme, and has the following additional suggestions to make which were covered during the pre app presentation;

- Re. the "Pharmacy" it suggests that clay tiles rather than slate be used to be more in keeping with an early C19th local vernacular Brighton terraced cottage building; brick quoins round the first floor window should have a two header and two stretcher configuration; the ground floor blind panel on the return ought to be similar to those on the flank wall of 1 Dorset Gardens, ( as illustrated in the architects submission) with a sill a metre and a half off the ground; and rainwater goods ideally should be cast iron.
- Some reservations were expressed about the need for the large signage on two elevations.
- There seems to be no mention of the Historic Name Plates for Oxford Court which would be recommended

5.4. **Heritage:** Comment

The redevelopment of the site is welcomed to replace the existing nondescript building and the scale and massing of the proposal as submitted are considered to be acceptable in the streetscene. The design has responded positively to comments provided at pre-application stage. The provision of a long elevation to Oxford Court with the main entrance to the medical centre on this elevation would restore some sense of the historic street pattern here. The incorporation of a pharmacy with shopfront to Oxford Street would enliven this street elevation.

5.5. The breaking down of the building mass into two separate elements, with a lower wing housing the pharmacy at ground floor level, would allow the new development to make a successful transition in scale where it adjoins the existing two storey terrace to the east. The gambrel roof, traditional window proportions and brick and cobbled flint elevation would respond positively to the surviving historic street scene, including the locally listed building at number 26 that is flint cobblefronted. The main four storey section has the top floor set well back with glazed corners and this would be a suitably light and recessive element. The proportions of the elevations and the materials would contribute positively to the street scene. The development would preserve the settings of the two locally listed buildings.

5.6. The scale and massing of the development would have no adverse impact on the setting of the nearby Valley Gardens conservation area and there would be no harmful impact on views along Oxford Street towards the grade I listed St Bartholomew's Church.

- 5.7. **County Archaeology:** Comment  
Based on the information supplied, it is not believed 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.
- 5.8. **Sussex Police:** No objection  
The location of the application is 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. With this in mind, security must be appropriate for the location.
- 5.9. Please note the previous communication letter sent to the applicant regarding crime prevention and security recommendations in respect of Secured by Design requirements for achieving a Secured By Design Award for the development. The recommendations have been included within the applicants Design and Access Statement of this application and all remain extant.
- 5.10. Sussex Police have no additional comments to make regarding the application and will inspect the development as required by Secured By Design on completion, to confirm all specifications have been met to achieve the award.
- 5.11. It is noted that the above comments may be a material consideration in the determination of the application but may not necessarily be acceptable to the Local Planning Authority. It is recommended, therefore, that before making any amendments to the application, the applicant or their agent first discuss these comments with the Local Planning Authority.
- 5.12. **County Ecologist:** No objection  
The site is not designated for its nature conservation interest. The nearest designated site is Brighton Station Local Wildlife Site (LWS or Site of Nature Conservation Importance) which lies c. 330m to the west. Given the nature, scale and location of the proposed development, there are unlikely to be any impacts on the LWS or any other sites designated for their nature conservation interest.
- 5.13. The site has the potential to support breeding birds. Under Section 1 of the Wildlife and Countryside Act 1981 (as amended), wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken. To avoid disturbance to nesting birds, any demolition of buildings that could provide nesting habitat should be carried out outside the breeding season (generally March to August). If this is not reasonably practicable within the timescales, a nesting bird check should be carried out prior to any demolition/clearance works by an appropriately trained, qualified and experienced ecologist, and if any nesting birds are found, advice should be sought on appropriate mitigation.

- 5.14. The development is unlikely to impact on any other protected species. If protected species are encountered during development, work should stop and advice should be sought on how to proceed from a suitably qualified and experienced ecologist.
- 5.15. The site offers opportunities for enhancement that will help the Council address its duties and responsibilities under the NERC Act and NPPF. Opportunities include the provision of green roofs and walls, bird/bat/insect boxes and the use of species of known value to wildlife. Advice on appropriate species is provided in Annex 7 of SPD 11.
- 5.16. It is noted that two areas of green roof are proposed, one sedum (13.5 sqm) and one biodiverse (21.3 sqm). Sedum roofs offer relatively little in the way of biodiversity interest. It is therefore recommended that biodiverse roofs are provided throughout. These should use chalk grassland species to help meet Biosphere targets. It is also noted that solar panels are proposed. Green roofs have been shown to increase the efficiency of photo-voltaics, and as such, it is recommended that green roofs should also be considered in these areas of roof.
- 5.17. If the Council is minded to approve the application, it is recommended that a scheme to enhance the nature conservation value of the site is required by condition, and that an informative is applied in relation to breeding birds
- 5.18. **Southern Water:** Comment  
The exact position of the public water main must be determined on site by the applicant before the layout of the proposed development is finalised.
- 5.19. The initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. Southern Water request that should this application receive planning approval, an informative is attached to the consent.
- 5.20. The initial investigations indicate that there are no dedicated public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required.
- 5.21. The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development. Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors.
- 5.22. This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991.

- 5.23. Following initial investigations, Southern Water can provide a water supply to the site. Southern Water requires a formal application for connection and on-site mains to be made by the applicant or developer.
- 5.24. **City Regeneration:** Comment  
City Regeneration has no adverse comments regarding this application and welcomes the indicated increase in full time employment opportunities from 29.5 to 40 FTE within the medical centre and pharmacy.
- 5.25. Should this application be approved, with reference to the thresholds specified in the council's Technical Guidance for Developer Contributions, there will be a requirement to make a developer contribution for the sum of £10,730, a breakdown of which is included in the Main Comments section of this document.
- 5.26. In addition to the developer contributions, should this application be approved, there will be a requirement for an Employment & Training Strategy to be submitted at least one month prior to site commencement for approval. Fuller details included in the Main Comments section.
- 5.27. **Transport:** Objection  
Initial comments  
It is recommended that further details are provided before the Highway Authority can make a final decision regarding this application. It is therefore recommended that the following information be provided prior to determination:
- Confirmation of disabled parking provision for patients and amendments to disabled parking and access proposals
  - Submission of swept paths to demonstrate refuse and delivery vehicles are able to serve the proposed and existing properties
  - Submission of a trip generation assessment to forecast the total number of trips expected to be generated and the net uplift from the existing medical centre/ car park
- 5.28. Subject to consideration of a full trip generation assessment, the Highway Authority may recommend a sustainable transport S106 contribution is secured to mitigate the impacts of the development and provide for sustainable travel to the development in accordance with policies CP7 and CP9 of the Brighton & Hove City Plan Part One. However, the removal of the existing car park and consolidation of trips on the site will be taken into account in the assessment
- Pedestrian Access
- 5.29. The existing pedestrian access is to be retained as part of this development. The existing footway will be extended further along Oxford Court with the pedestrian route continuing around the perimeter of the building into the site. This has a width of approximately 1.2m and the Highway Authority would typically expect footway widths to be a minimum of 2m in accordance with Manual for Streets. It is noted that the existing footway is less than this; however, the Department for Transport's Inclusive Mobility guidance

recommends a minimum width of 1.5m for a wheelchair and pedestrian to pass. It appears that disabled visitors will be required to park to the rear of the building and use this path to reach the patient entrance at the front of the building.

- 5.30. Therefore, it is recommended that the pedestrian route shown be widened to a minimum of 1.5m and where possible 2m. It is recommended that this be secured by condition.

#### Vehicle Access

- 5.31. There is an existing vehicular access to the site from Oxford Court that is to be removed. It is therefore recommended that the reinstatement to footway is secured by condition.
- 5.32. The proposals include creating a new vehicle access to serve the proposed parking area which would be similar to the existing car park and no objections are raised.

#### Car Parking

- 5.33. The site currently contains 30 off-street parking spaces. As part of this development, Oxford Court car park will be closed for public use and reconfigured to provide 10 staff car parking spaces for the medical centre. The principle of the loss of the car parking has been accepted by the Council's Policy Resources & Growth Committee which noted spare capacity within the nearby London Road car park to accommodate the loss of parking.
- 5.34. SPD14 parking guidance permits a maximum of one car parking space per consulting room for D1 health centres and medical clinics. The proposed development contains 13 consulting rooms and therefore is permitted to provide a maximum of 13 spaces. Ten off-street parking spaces are proposed to serve the development which is therefore acceptable in principle. It is recommended that implementation be secured by condition.
- 5.35. The site is located within a Controlled Parking Zone (CPZ) which will ensure any additional demand for on-street parking is managed.

#### Disabled Parking

- 5.36. Two disabled parking spaces are proposed to serve the development which is one less than required by SPD14. It is also unclear whether these spaces would be available for disabled patients who are currently able to use Oxford Court.
- 5.37. There would be scope to provide an additional space and it is therefore recommended that the plans be revised accordingly. It is also recommended that disabled parking spaces be located as close as possible to the public entrance. A revised car park layout and details of disabled parking could be secured by condition.

#### Cycle Parking

- 5.38. In accordance with SPD14, one cycle space is required per consultation room for patients and one space per five staff. Therefore, the proposed D1 clinic requires 13 long stay spaces for staff and eight short stay spaces for visitors. In addition, the A1 floorspace requires one space plus one space per 150m<sup>2</sup> and one space per five staff. 18 visitor spaces and 12 staff spaces are to be provided and the proposal is therefore in accordance with SPD14.
- 5.39. It should be noted, in order to comply with Brighton & Hove Local Plan policy TR14, cycle parking should be secure, convenient to access and, wherever possible, sheltered. The Highway Authority's preference is for the use of Sheffield stands laid out in accordance with Manual for Streets paragraph 8.2.22. Visitor spaces will be provided on Oxford Street and staff spaces will be provided to the rear of the site and the Highway Authority consider that the proposed cycle parking facilities are in accordance with this guidance.

#### Deliveries and Servicing

- 5.40. Policy TR7 and National Planning Policy Framework (NPPF) para's 108-110 require safe and suitable access to development sites, with NPPF para 109 describing non-compliance a potential grounds for refusal. Meanwhile, NPPF paragraph 110 requires applications to provide for the efficient delivery of goods and services and SPD10 highlights that new development should reduce the reliance on the highway to meet loading needs (e.g. by providing on-site loading facilities).
- 5.41. Servicing and deliveries to the expanded medical centre will be retained via Oxford Court, which is currently used for the existing Medical Centre. The proposals also incorporate servicing for the adjacent properties serviced from Oxford Court Having reviewed the submitted plans the Highway Authority have the following concerns:
- It is noted that no swept paths have been submitted and it is unclear how a refuse vehicle would service the bin stores shown on the plans (both for the existing and proposed properties).
  - The Highway Authority have previously raised concerns regarding the delivery and service requirements of the neighbouring development (BH2018/02699). As part of this application a delivery service management plan (DSMP) and s278 concerning reconfiguration of the car park was attached to resolve concerns relating to this. It is noted that these are still required to be submitted however there is concern regarding the interaction of this proposal with the DSMP and s278 of application BH2018/02699. Notwithstanding the above, the existing movements will need to be accommodated. Currently, vehicles other than HGVs are able to turn and exit in forward gear.
- 5.42. The applicant could look to provide a turning head at the end of Oxford Court to assist with deliveries and manoeuvring, however, it would be required for swept path plans to be submitted demonstrating that this could accommodate the turning and manoeuvring of delivery vehicles.
- 5.43. It is therefore recommended that further information be provided prior to determination. This is in order to ensure that servicing can take place in a

safe manner in accordance with Brighton & Hove Local Plan policy TR7 and City Plan Part One Policy CP9.

Trip Generation

- 5.44. The Transport Statement notes that there are no comparable sites to the proposed medical centre within TRICS as a result of most sites containing car parking for visitors not staff; however, for an existing use, a travel survey is likely to be more reliable in any case. A survey was undertaken by the applicant on Wednesday 5th December 2018 between 08:30-13:00; however, this does not cover the full day and does not provide details of all trips by patients, staff and visitors. It is necessary for any development that requires an assessment of transport impacts to provide an estimate of the person trips (for all modes) that are likely to be generated by the development.
- 5.45. Having referred to the trip profile for a D1 medical centre on TRICS, there are peaks in trips between 14:00-15:00 and 16:00-17:00 which are not covered by the survey. It is recommended that the survey is carried out across the whole day before a trip rate is agreed. As a minimum, an assessment of the existing and forecast trips is required in order to fully assess the impact of the proposals on the highway network. It is noted that the removal of the public car park will result in some reduction in trips; however, as a full picture of existing trips or forecast of future trips has not been presented, it is not possible to fully assess the impact of the proposal on the highway network. It is therefore recommended that further details be provided prior to determination. Paragraph 111 of the NPPF states that "All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed". It is not currently considered that this requirement has been met.
- 5.46. In determining the level of impact, as well as the removal of the existing car park, the Highway Authority will take into account the consolidation of trips from the former medical centre nearby on the site. However, the other site would continue to generate trips in a different use (where in any assessment the medical centre trips would typically be deducted). Therefore, it is not necessarily the case that all trips would be diverted and that there would be no increase as the Transport Statement suggests.
- 5.47. It is noted that the travel survey shows that 66% of patients and visitors travelled by sustainable modes and it is accepted that the travel survey provides an adequate basis for estimating mode share for the expanded surgery. However, total person and vehicle trips cannot be determined from the information presented.
- 5.48. Paragraph 109 of the NPPF states that developments should be prevented or refused on highway grounds where there is an unacceptable impact on highway safety or where the residual cumulative impacts on the road network would be severe. Unless further trip generation information is provided to the



contrary it cannot be considered that the proposed development would not have a severe impact on the highway network.

#### Travel Plan Measures

- 5.49. The development proposals have the potential to result in a significant uplift in person trips. In order to ensure that as many journeys as possible are made by sustainable modes, the Highway Authority request the submission of a Travel Plan to promote sustainable transport to and from the site in accordance with Brighton & Hove Local Plan Policy TR4.

#### Construction Environment Management Plan

- 5.50. As a result of the location of the site in an area with high footfall and the nature of the proposals, including demolition, it is recommended that a Construction Environment Management Plan (CEMP) be secured by condition.

#### Equality Impact

- 5.51. The application has been assessed with reference to the Equality Act 2010. It is recommended that the impact of the disabled parking proposals be reviewed and amendments made to the proposals as outlined within the disabled parking and pedestrian access comments above.

#### Further comments

- 5.52. Following the Highway Authority first response to this application, the LPA case officer has requested that further clarification is provided about matter of fundamental concern which might attract an objection were the application to be determined at this time. These are as follows.

1. The traffic forecasting exercise in the submitted Transport Statement (TS) is fundamentally flawed and the Highway Authority are unable to accept it as a reasonable basis for assessing impacts. The only discussion relates to a partial survey of the existing medical centre that has been undertaken. However, that consider mode choice only (not the number of two-way trips), does not cover likely peak periods of the day (as demonstrated for medical centre uses by reference to TRICS database information for similar sites) and considers only patient choices (not staff or visitors). Moreover, the TS does not apply that survey to actually forecast existing or future trips and quantify changes - despite the substantial intensification of the site (and acknowledgement that the patient list of the merged practice's may experience substantial further growth). Finally, the survey is not appropriate to estimate additional trips that will be generated by the new pharmacy use, which has not been considered at all. Given this the Highway Authority are unable to understand the change in trips that will result from the proposals, or to determine if further exercises like network distribution and modelling are necessary to provide a reasonable assessment of impacts (noting that these would trigger the need for a more substantial Transport Assessment).

NPPF para 111 requires applications for development that will generate substantial movement to be supported by a Transport Statement or

Transport Assessment so that the likely impacts of the proposal can be assessed. This is also required by policy CP9. The lack of this fundamental information on trip generation means that this requirement has not yet been met. Therefore, at this time the Highway Authority are unable to rule out an unacceptable impact on highway safety or residual cumulative impact on the road network. NPPF para 109 explains that these are basis for refusal on highway grounds. The LPA should also note that the absence of daily trip generation estimates make it difficult for the Highway Authority to advice on necessary sustainable transport contributions, as these form a key part of the necessary calculation. Because of this the proposals are also yet to comply with policy CP7.

The applicant should provide an amended multi-modal trip generation assessment for both the existing and proposed uses, demonstrating the extent of changes. Estimates for the medical centre element should be based on full surveys of the existing operational use on a representative day, extrapolated as appropriate for the proposed development. Acknowledged future growth in patient numbers must also be considered. Estimates for the pharmacy element may be based on other sites in the TRICS database, subject to advance agreement of site selection parameters with us. Multi-modal estimates must be provided for peak hours, whilst 24hr daily total person trips must also be estimated. Depending upon the number of trips anticipated the Highway Authority may require these to be distributed to the network and further operational impact assessments to be carried out.

2. It has not yet been demonstrated how vehicular access to the site can be achieved in a manner compatible with the neighbouring committed development BH2018/02699. That application is for redevelopment of the existing Co-op/Boots building fronting London Rd on the other side of Oxford Court. This includes the addition of substantial purpose built student accommodation on upper floors with retention of retail elements at ground floor. All servicing for that committed development will also be from Oxford Court. The Highway Authority recommended that that application be refused because of our concern about the absence of a thorough assessment of the additional servicing demand it would generate and our lack of reasonable confidence that it would be possible to accommodate this within the already constrained Oxford Court. Whilst the application was nonetheless approved, the LPA sought to address the Highway Authority concerns by requiring that a Delivery & Servicing Management Plan be provided and that a section 278 highway improvement scheme is agreed to reconfigure the courtyard before development above slab level. Both these things remain outstanding. This development will further constrain the ability to achieve safe and acceptable servicing arrangements with that committed development and could potentially frustrate it by -
  - building on much of the Court, so removing any turning area. This will mean that increased numbers of vehicles will need to reverse up and down the residual street. Given the narrow width, additional servicing demand generated by the committed

- development, and already limited footway provision this poses both safety and congestion concerns;
- creating a new vehicular access point close to the south-west corner of the Court. This is where the service entrance to the student accommodate element of the committed development is located. That is the component that will generate the additional servicing demand that must be accommodated. This will exacerbate the above;
- adding further delivery and service demand to the narrow remaining street as a result of the intensification of the existing medical centre and the addition of a new pharmacy. The TS does not currently attempt to quantify that demand or demonstrate that reasonable capacity exists to accommodate it. It should be noted that larger vehicles servicing the neighbouring committed development (in its current operational form) already have to reverse into the Court and this could be necessary to for any servicing trips associated with this development. This is far from desirable; and
- requiring an additional extension of the existing footway on the east-side of the Court to provide access to this development. This will further constrain space for manoeuvring and may be overrun by vehicles given likely congestion.

These issues and interactions are not considered in the submitted TS - providing again basis for concern about its appropriateness for assessing impacts for the purposes of NPPF para 111 and policy CP9. Indeed, not even basic swept path analysis has been submitted to show that site access and servicing could operate acceptably without the changes that the committed development will require. As a result the Highway Authority have reasonable concerns about compliance with policy TR7 and the test in NPPF para 109, amongst other things.

The applicant should provide amended proposals that demonstrate how their proposals are compatible with the servicing needs of the committed development - taking into account also the additional demand that there development will generate based on evidenced forecasts. Supporting information should include analysis to demonstrate that forecast demand for both developments will not exceed capacity (e.g. Poisson distributions) and vehicle swept path analysis. The Highway Authority note that the same transport consult is working on both applications which should assist with doing so.

3. Having raised highway safety concerns, it is also of concern that the submitted TS does not consider existing personal injury incidents in the vicinity of the site. This is a fundamental as it forms the basis for considering if movement associated with the proposed development could exacerbate existing issues. This analysis must be provided to demonstrate that impacts can be adequately assessed - as required to satisfy policy CP9 and NPPF para 111 and to demonstrate compliance with policy TR7 and the test under NPPF para 109.

4. Lastly, proposed levels of disabled parking do not currently comply with policy TR18 and SPD14 requirements. This requires at least 3 spaces to be provided. The application proposes only 2 spaces within the new internal parking courtyard. This is the same number as already provided for in the existing public car park. Notwithstanding the existing disabled parking outside the site on Oxford St, this shortfall in provision is unacceptable for this sensitive use, noting also the substantial increase in consulting/treatment rooms. The proposed bays are also incorrectly marked out whilst it is unclear whether they will be made available to visitors or merely restricted to staff. The Highway Authority also understand that the 2 existing disabled bays in the car park are not amongst the 8 spaces that are currently leased to the existing medical centre. Consequently there will be displaced demand as members of the public visiting the city centre will no longer be able to use them. This has not been considered in the submission. It should also be noted that the committed development BH2018/02699 relied upon those bays partly to justify a shortfall in its own provision and thus their loss will exacerbate concerns relating to that site. Equally it is unreasonable to rely upon parking within the London Road car park as this is too distant from the site to be utilisable by those with impaired mobility. The route from this is also inaccessible in places. Alternative policy-compliant proposals should be brought forward. The Highway Authority suggest that the applicant consider converting other non-disabled spaces in the proposed courtyard to disabled use.

5.53. **Sustainability:** Comment

The non-residential development is expected to just achieve BREEAM 'excellent' to meet the target set in Brighton & Hove City Plan Part One CP8 Sustainable Buildings Policy.

5.54. The following is proposed for the brownfield site:

- 1523m<sup>2</sup> commercial floor space of which 109m<sup>2</sup> is for the pharmacy
- passive design
- U values for walls, roof and floors of 0.15 W/m<sup>2</sup>k
- U value for windows of 1.14 W/m<sup>2</sup>K
- air permeability of 3 m<sup>3</sup>/m<sup>2</sup>/hr at 50 PA
- communal air source heat pump system
- gas boilers for hot water
- plant room on the third floor and to the right of entrance to car parking area
- no capacity for connection to an existing or future energy network
- water use 110 litres/person/day
- water saving fittings
- water meters
- 2 kWp (16m<sup>2</sup>) photovoltaic panels (PV)
- 34.9m<sup>2</sup> green roof of which 13.6m<sup>2</sup> sedum and 21.3m<sup>2</sup> biodiverse planting
- 30 secure cycle parking spots

- 10 car parking spots including 2 disabled parking spots
- composting facilities
- membership of the Considerate Constructors Scheme
- site waste management plan
- design stage BREEAM report predicts a score of 72.6% if all the predicted
- credits are achieved which just reaches the 70% required for BREEAM 'excellent'.

## 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)

DM9 Community Facilities

#### Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

DA4 New England Quarter and London Road

CP2 Sustainable economic development

CP3 Employment land

CP4 Retail Provision

CP7 Infrastructure and developer contributions

CP8 Sustainable buildings

CP9 Sustainable transport

CP10 Biodiversity

CP11 Flood Risk

CP12 Urban Design

CP13 Public Streets and Spaces

CP15	Heritage
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
QD5	Design - street frontages
QD10	Shopfronts
QD12	Advertisements and Signage
QD14	Extensions and alterations
QD15	Landscape Design
QD27	Protection of amenity
SR5	Town and district shopping centres
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas
HO19	New community facilities
HO20	Retention of community facilities

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD07	Advertisements
SPD11	Nature Conservation and Development
SPD14	Parking Standards

**8. CONSIDERATIONS & ASSESSMENT**

8.1. The main considerations in the determination of this application relate to the principle of development, the impact on the character and appearance of the streetscene and nearby local heritage assets, its impact on neighbouring amenity, sustainability and transport issues.

**Planning Policy:**

8.2. The proposal seeks a new building on the site of the existing surgery and part of the Council run carpark. The GP Surgery includes the now merged St Peter's Medical Centre and the North Laine Medical Centre. The practice is noted as no longer being fit for purpose, vulnerable and serves a population with high levels of need including mental health and substance misuse, as well as experiencing difficulty in recruiting staff. In addition to the GP practice, the proposed development would also incorporate the Sussex Partnership NHS Foundation Trust (SPFT), enabling a provision of a greater range of services. The existing merged Medical Centre serves 15,000 patients, with the proposed development allowing the practice to grow to around 22,000 patients.

8.3. The proposal is to redevelop the existing D1 use to create a new medical centre with a more substantial internal floor area (from 450m<sup>2</sup> to 1,414m<sup>2</sup>). Local policies support redevelopment of the site with a high quality building

that makes a positive contribution to the streetscene, local distinctiveness and setting of the identified heritage assets. This is considered within the rest of the report. As the site is occupied by a Doctor's Surgery falling within Use Class D1, the principle of its redevelopment for the same purposes is considered acceptable, subject to the further considerations set out below.

- 8.4. The application site would also encompass the existing public car park. The Council's Policy Resources & Growth Committee noted spare capacity within the nearby London Road car park to accommodate the loss of parking. The Highway Authority has no objection to the loss of car parking spaces. The principle of the loss of the car park is therefore considered acceptable.
- 8.5. The site is located within the New England Quarter London Road Development Area, as set out in Policy DA4 of the City Plan Part One. The strategy for this development area includes the revitalisation of the London Road shopping area, with the local priorities to achieve the strategy including managing, enhancing and consolidating the existing retail provision within the defined prime frontage of London Road Town Centre, and working with landowners and traders to secure the redevelopment/ refurbishment of key retail sites along London Road.
- 8.6. The policy includes a list of local priorities for the area relating to a number of aspirations for the area. Paragraph 9 indicates that the social infrastructure, including the provision of education and health services or facilities should be enhanced in order to support the expansion of the local population. The proposed redevelopment of this site would assist in achieving these strategic aims. The policy supports various uses, including retail and businesses.
- 8.7. The proposed indicated increase in full time employment opportunities from the existing 29.5 to 40 within both the medical centre and pharmacy, which is welcomed.
- 8.8. The proposal includes an associated Pharmacy (Class Use A1) with a floorspace of 109m<sup>2</sup>. The Pharmacy (replacing the existing pharmacy on the opposite side of Oxford Street) would be on the ground floor of the lower wing of the building and accessed via an entrance fronting onto Oxford Street. Given the shop frontage with separate shopfront and signage, it would have the appearance of a separate use.
- 8.9. The application site lies outside the prime frontage of the London Road Centre where Local Plan, which Policy SR5 aims to maintain and enhance the defined prime frontage of. Outside the prime frontage, the policy seeks to retain a healthy balance and mix of uses (including Class A1 retail). The proposed use would attract pedestrian activity to the centre and would not have a significantly harmful impact on the amenity of the area. It is considered that the proposed A1 use would be an appropriate use within the existing composition of the centre, which is predominantly retail across the primary and secondary frontages.

Developer contributions:

8.10. 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.

8.11. Developer Contributions are requested for the following:

- Employment contribution of £10,730 for the delivery of the council's Local Employment Scheme;

**Design and Appearance:**

8.12. 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.

8.13. Oxford Street contains a mix of different styles and types of buildings, which are generally small in scale, with the tallest buildings being 3-4 storeys in height. Historically, Oxford Street has consisted mainly of terraced houses, and until the 1950s that included the application site which has since been replaced with the existing medical centre building. Since then, as well as the existing building on the application site, a number of larger more modern buildings have been constructed or received planning permission in the vicinity.

8.14. The existing medical centre building makes no positive impact on the appearance of Oxford Street. The replacement of the existing unattractive building with a better articulated and stronger design of the proposed building is welcomed. The design of the building is considered to have evolved positively since the pre-application submission.

Impact on Heritage:

8.15. Policies CP12 and CP15 of City Plan Part One seek to ensure that all development proposals will be expected to conserve or enhance the city's built and archaeological heritage and respective settings. The applicant has submitted a Heritage Statement, which identifies the heritage assets that would be most affected, and provides an assessment of the impact of the proposed development.

8.16. The site is within the immediate setting of two locally listed buildings. No.26 Oxford Street is a two storey terraced cottage to the east of the site, and the Church of Christ is a double-height single storey flat roof building located immediately opposite the site to the north. The roof form, cobbled flint façade, brickwork and decorative tiles are highlighted as important features of no. 26.



The flat roof, parapet wall and decoration elevation features are important historical elements of the Church of Christ. Although these locally listed buildings are in close proximity to the application site, given the scale and massing of the proposed development, it is considered that the settings of the buildings would be preserved.

8.17. The view of the site 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. Following concerns raised at pre-application stage regarding the dominance of the fourth floor level of the proposed development, the main building mass has been set back 1.8m from the front boundary, and the fourth storey is set back a further 2.7m. Given this, it is considered that there would be no significantly harmful impact on views along Oxford Street towards the Grade I listed St Bartholomew's Church.

8.18. Given the distances involved, as well as the acceptable scale and massing of the development, it is considered that there would have not be an adverse impact on the setting of the nearby Valley Gardens conservation area

Form/Positioning:

8.19. Policy CP12 of City Plan Part One and QD5 of the Local Plan encourage high quality design that makes a positive contribution to the streetscene.

8.20. The reasons for the requirement of a larger building as noted above (merger of two practices, inclusion of the NHS Foundation Trust (SPFT), inclusion of pharmacy, future proofing for further mergers) are accepted. It is, in any case, considered that the streetscene (as well as the historic setting of the application site) could accommodate a new building of a larger scale and mass than the existing building.

8.21. At pre-application stage, concerns were raised about the resultant scale, form, mass and appearance. The design has been reviewed, with amendments to the height and design of the roof of the 3 storey element. Rather than three storeys with a pitched roof, it is now proposed as two storeys with accommodation above in the gambrel-style roof.

8.22. The main mass of the building has been setback from the front boundary (which gives emphasis to the existing neighbouring terraced properties), with the top storey set even further back. The setback top floor would have glazed corners which would help achieve a suitably light and recessive top storey. There would be a change in scale along Oxford Street from the predominantly two storey buildings to the three/four storey building proposed. However, Oxford Street is comparatively wide and is very mixed in terms of roofline and architectural treatment and materials. The proposed flat roof of the main part of the building is not of a traditional form, however this would not appear out of context given the presence of the existing London Road shop units to the west.

8.23. The proposed breaking down of the Oxford Street frontage into two separate elements is considered an appropriate design. This enables a more

traditional approach to the design of the pharmacy element, which makes a suitable transition in height and design to the adjoining two-storey terrace. It should also be noted that planning permission has recently been approved (under application BH2018/02699) for a five storey building to the west on the corner of London Road, which would continue the transition in height on the south side of Oxford Street. It is now considered that the scale of the proposed development fronting onto Oxford Street is appropriate to the scale of the street

- 8.24. Policies QD5 and QD10 promotes the provision of positive frontages. In this instance, the building has two main frontages and a secondary frontage at the rear. One Oxford Street frontage has a shopfront for the pharmacy which is considered to be an appropriate design approach which would enliven the street elevation.

Detailing and Materials:

- 8.25. It is considered that the gambrel roof, traditional window proportions and brick and cobbled flint elevation of the east wing would respond positively to the surviving historic street scene. 1:20 scale details/drawings of the ground floor shop front, entrance doors, and windows are required by condition.
- 8.26. The fenestration pattern uses a mix of regular windows on the upper floors set within reveals, and more random glazing and panels on the ground floor. The Heritage Officer also highlights that the provision of a long elevation to Oxford Court with the main entrance to the medical centre on this elevation would restore some sense of the historic street pattern here.
- 8.27. SPD07: Advertisements states that in general advertisements or signs above first floor window sill level will be considered inappropriate, however exceptions can be made where the proposed sign clearly relates to the use and character of the building, and on larger scale buildings the display of higher level signs may in some cases be allowed where these are well designed, do not interrupt architectural features and relate to the function of the building. In this case, the upper elevations of the proposed building would have a lot of solid to void. The proposed signage would therefore enliven the appearance of the solid panels. The proposed signage is therefore considered acceptable in this instance.
- 8.28. The proposed palette of materials is considered acceptable and would contribute positively to the street scene. Red brick would be used to frame the lighter brick panels. It would be important for the red brick to have some texture and variation of tone in order to avoid appearing too harsh. Samples of materials would be required by condition.
- 8.29. In terms of landscaping, the proposed car park offers limited opportunity for soft landscaping. However areas of planting are proposed to soften the paved pedestrian paths. Details of landscaping, including the two areas of green roof, are required by condition.

**Impact on Amenity:**

- 8.30. 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.
- 8.31. The neighbouring residents most affected by the proposed development would be the residential houses and flats immediately opposite the street on the northern side of Oxford Street, and the upper floor residential flats to the east. The Ditchling Road properties that back onto the site (that currently back onto Oxford Court car park) are considered to be of a sufficient distance away from the proposed building so as not to be significantly impacted from loss of light, outlook or privacy.
- 8.32. It is likely that there will be more movements to and from site with increased numbers of visitors and there is likely to be an increase in associated disturbance. However, whilst the nearby residential units would experience a certain amount of noise from users of the proposed development mostly during daytime hours, as well as the usual comings and goings from pedestrian movements that you would expect from a D1 development in close proximity to neighbouring properties, it is not considered that any potential noise disturbance would be more significant than the existing building.
- 8.33. Some properties to the north and east fronting Oxford Street have windows with views towards the application site. The properties on the north side of Oxford Street would be positioned a minimum of approx. 12.5 metres from the development. Although there would be many more windows at the development facing these properties, Oxford Street is a busy two way public road that provides a frequent bus service, including double decker buses. Therefore it is not considered that there would be a significant loss of privacy to the existing neighbours on the north side of Oxford Street.
- 8.34. 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. Given the orientation of the proposed building, the most impacted neighbouring properties in terms of loss of daylight/sunlight would be nos. 9, 10, 12, 14, 15 & 16 Oxford Street. The report concludes that daylight and sunlight would not be significantly affected by the proposed development.
- 8.35. Towards the east, there are residential flats on the upper floors of nos. 25, 26 and 27 Oxford Street. As the proposed building would have a greater footprint that would encroach into the existing car park, the proposed east elevation windows would have views towards the rear windows and yards of these properties. However given the sufficient distance between them (there are retail units at nos. 28 and 29 in between and in closer proximity), it is considered the impact of loss of privacy here would not be so significant as to warrant refusal of the application.

- 8.36. To the south of the application site is a 4-storey mixed use building, with self-contained student flats on the upper floors, which would be set approximately 11.5m from the proposed building. Given the height and the proximity of the proposed building, there will be some impact on the outlook and daylight to some of the windows of the closest student units. However it is considered that the impact would not be so significant as to warrant refusal of the application. The development would be to the north; therefore it would not result in significant loss of sunlight to these properties. There would be potential for some loss of privacy to these properties however given that the proposed south elevation would have relatively few windows, it is considered that the loss of privacy is unlikely to be significant.
- 8.37. As such, it is considered that the proposed development would provide satisfactory amenity levels for neighbouring residents, and would comply with saved policies SU10 and QD27 of the Local Plan.

**Sustainable Transport:**

- 8.38. 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 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. The site is in a sustainable location and within easy access of regular public transport.
- 8.40. A summary of the transport issues is provided in the Consultations section of this report. The main outstanding issues raised by the Highway Authority are the trip generation created by the development, delivery and servicing arrangements and the potential impact on the local highway network.
- 8.41. The parking provision for the development is 10 no. car parking spaces, which is within the maximum provision permitted under SPD14. This would include 3 no. disabled parking spaces (which has been amended with a revised ground floor plan from the originally proposed 2 no. spaces). The proposed development would result in the loss of 30 existing off street parking spaces, however it has been noted that there is spare capacity within the nearby London Road car park to accommodate the loss of parking. It should be noted that the site is located within a Controlled Parking Zone (CPZ) which will ensure any additional demand for on-street parking is managed.
- 8.42. The proposed development would provide 12 cycle parking spaces for staff to the rear, as well as 18 cycle parking spaces for visitors on Oxford Street, which meets the minimum requirements for this type and size of development.
- 8.43. The applicant has submitted a Transport Statement (which was updated during the course of the application), which responds to the impact of trip

generation of the proposed development, deliveries/servicing, and access issues. Further comments from the Highway Authority in response to this are currently awaited.

- 8.44. The survey to examine existing trips has been updated to cover the opening hours of the medical centre, as well as the trips to the existing pharmacy on the opposite side of the street that will be replaced within the development, and concluded that most trips to the site were by walking. The assessment of trips also calculates a forecast of proposed trips from the proposed development. As part of this, it is noted that the number of registered patients is expected to rise by 26%, and so the number of trips of staff (including additional deliveries/servicing trips) and patients per day is expected to rise. The applicant states that this is mitigated by the loss of the trips generated by the existing car park. A significant proportion of patients will utilise future digital services instead of face-to-face appointments (although no target figures are given for this). It is also stated that trips to the new pharmacy will be transferred from the existing nearby pharmacy. Although the forecast of proposed trips does rely upon many assumptions, the trip generation is not considered to significantly rise in a way that would warrant the refusal of the application in respect of this.
- 8.45. Deliveries and servicing to the proposed development (as well as the approved mixed-use development to the west under BH2018/02699) would be serviced primarily from Oxford Court, including refuse collections and maintenance vehicles. This is how the existing building is serviced. The Highway Authority have raised concerns that the additional demand for access to Oxford Court from the proposal would have an impact on the future operation of the services/deliveries of the existing/approved neighbouring development. Additionally, the Highway Authority has raised concerns about the loss of opportunity for vehicles to turn around within the car park, and a heightened restriction of vehicle movements on Oxford Court due to congestion.
- 8.46. The applicant has now provided swept path analysis indicating movements of vehicles during times when deliveries and servicing are occurring. Deliveries and collections at the medical centre will now be accommodated within the staff car park (other than general refuse collection).
- 8.47. The proposal would result in some additional servicing/deliveries occurring on Oxford Court, however it is considered unlikely that this development would result in such a significant impact on congestion and highway safety, given that the approved neighbouring development was considered acceptable subject to appropriate conditions and s106 highway works.
- 8.48. It is considered that, on balance, the impact on the local highway network would not be so significant as to warrant the refusal of the application in this instance. This is subject to further information via s106/conditions relating to pedestrian and vehicle access, access for deliveries/servicing, car park arrangement, and travel plan measures.

## **Other Considerations:**

### Site Boundary Issues:

- 8.49. The Oxford Court twitten runs from the existing carpark to Oxford Street, adjacent to the Bat & Ball Public House. Access through the twitten is currently restricted at either end by gates and fencing. As the twitten lies outside the boundary of the application site, the future use and maintenance of the twitten has not been considered as part of the planning application.

### Land Contamination:

- 8.50. A land discovery condition is required, in the event any contaminants are encountered during construction.

### Biodiversity:

- 8.51. There is little or no vegetation at the site currently, however the proposed development represents an opportunity to increase biodiversity and provide ecological enhancement. The proposal includes green roofs, and the applicant has offered the opportunity to include bird boxes to the development, although no details are provided. A scheme to enhance the nature conservation interest of the site is required by condition.

### Sustainability:

- 8.52. City Plan policy CP8 requires that all developments incorporate sustainable design features to avoid expansion of the City's ecological footprint, radical reductions in greenhouse gas emissions and mitigate against and adapt to climate change. A condition is proposed to secure a BREEAM rating of excellent for the scheme.

### **Conclusion:**

- 8.53. 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 health services and facilities to meet local demand, 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 proposed unit would offer suitable access for people with disabilities.

### **S106 Agreement**

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 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.
2. 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.
  3. The proposed development fails to provide a Travel Plan which is fundamental 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 Brighton & Hove City Plan Part One.
  4. The proposal fails to deliver a Construction Environmental Management Plan (CEMP) contrary to Policies CP7 and CP9 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.

