

<u>No:</u>	BH2019/03590	<u>Ward:</u>	Regency Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	9 - 12 Middle Street Brighton BN1 1AL		
<u>Proposal:</u>	Demolition of existing building and construction of a part three storey (to rear), part six storey, plus basement with associated roof top plant mixed use replacement building incorporating B1, A3 (Café) and A3/A4 (Restaurant/Bar) uses with associated hard and soft landscaping, ancillary cycle parking and other associated works.		
<u>Officer:</u>	Luke Austin, tel: 294495	<u>Valid Date:</u>	09.12.2019
<u>Con Area:</u>	Old Town	<u>Expiry Date:</u>	09.03.2020
<u>Listed Building Grade:</u>	<u>EOT:</u>		
<u>Agent:</u>	Morgan Carn Partnership Brighton BN1 6FA	Blakers House	79 Stanford Avenue
<u>Applicant:</u>	Kruton (No2) Limited 9-12 Middle Street Brighton BN1 1AL		

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, and subject to a s106 Planning Obligation and the Conditions and Informatives as set out hereunder, **SAVE THAT** should the s106 Planning Obligation not be completed on or before the **12 August 2020** the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 9 of this report:

S106 Heads of Terms

- A contribution of £10,600 to the Council's Local Employment and Training Strategy.
- A Sustainable Transport contribution of £23,900 to be put towards pedestrian footway and crossing improvements on routes serving the development site including, but not limited to, Middle Street and the A259 Kings Road/ Grand Junction Road.
- A Travel Plan to promote sustainable transport use by future occupiers/users of the site including:
 - A travel Pack to each new employee;
 - Interest-free loans to employees for the purchase of bus and rail season tickets and bicycle purchase;
 - Provision and maintenance of cycle tools and maintenance stands for future employees
 - Establishing a Bicycle User Group for employees including doctor bike sessions; and

- Providing and maintaining a notice board in the development containing information on road safety, local sustainable travel options, Travel Plan objectives, targets, measures and progress.
- A Section 278 Agreement to reinstate the redundant vehicle crossover, reinstate the double yellow lines, increase the size of the loading bay to the north of the site and install two disabled parking bays adjacent to the site on Middle Street.

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Proposed Drawing	194899/A/01	A	5 March 2020
Proposed Drawing	1816-P-123	A	21 January 2020
Proposed Drawing	1816-P-124	a	21 January 2020
Location Plan	1816-P-101	A	3 December 2019
Block Plan	1816-P-107	A	3 December 2019
Proposed Drawing	1816-P-108	A	3 December 2019
Proposed Drawing	1816-P-109	C	5 March 2020
Proposed Drawing	1816-P-110	A	3 December 2019
Proposed Drawing	1816-P-111	A	3 December 2019
Proposed Drawing	1816-P-112	A	3 December 2019
Proposed Drawing	1816-P-113	B	21 January 2020
Proposed Drawing	1816-P-114	B	21 January 2020
Proposed Drawing	1816-P-115	A	3 December 2019
Proposed Drawing	1816-P-116	A	3 December 2019
Proposed Drawing	1816-P-117	A	3 December 2019
Proposed Drawing	1816-P-118	A	3 December 2019
Proposed Drawing	1816-P-119	A	3 December 2019
Proposed Drawing	1816-P-120	B	21 January 2020
Proposed Drawing	1816-P-121	A	3 December 2019
Proposed Drawing	1816-P-122	A	3 December 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, 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.

4. No demolition shall take place until an asbestos survey (and associated remediation strategy if required) has been submitted to the Local Planning Authority for approval. If asbestos is found, no demolition shall take place the agreed remediation measures have been implemented.
Reason: To prevent land contamination and ensure there is no risk to public health or water supplies, to comply with policies SU9, SU11 and QD27 of the Brighton and Hove Local Plan.
5. 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.
6. Restrict use of premises (B1 office) (for purposes of safeguarding B1 office supply) The premises hereby permitted, marked as OFFICE on the ground, first, second, third and fourth floors on the approved plans, shall be used as an office (Use Class B1(a)) only and for no other purpose (including any other purpose in Class B of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). 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 the supply of office floorspace in the city given the identified shortage, to comply with policy CP3 of Brighton & Hove City Plan Part One.
7. 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. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142: 2014. In addition, there shall be no significant low frequency tones present.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton and Hove Local Plan.
8. No development above ground floor slab level shall be commenced until samples of the following materials to be used in the construction of the external

surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority:

- a) samples of 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. The works of demolition hereby permitted shall not be begun until documentary evidence has been submitted to and approved in writing by the Local Planning Authority to show that contracts have been entered into by the developer to ensure that building work on the site the subject of this consent is commenced within a period of 6 months following commencement of demolition in accordance with a scheme for which planning permission has been granted.

Reason: As this matter is fundamental to the acceptable delivery of the permission to prevent premature demolition in the interests of the character and appearance of the Conservation Area and to comply with policy HE8 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

10. 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.

11. No development (excluding demolition) shall take place until full details of existing and proposed ground levels (referenced as Ordnance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.
Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policy QD27 of the Brighton and Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.
12. No development (excluding demolition) shall take place until details of the construction of the biodiverse green roofs of the area as shown on the submitted plans, have been submitted to and approved in writing by the Local Planning Authority. The details shall include a cross section, construction method statement, the seed mix, details of at least one insect boxes/'hotels' in each area of green roof and a maintenance and irrigation programme. The green roofs shall be chalk grassland and use a species that are locally native and of local provenance. The roofs shall then be constructed in accordance with the approved details before first occupation and shall be retained and maintained as agreed thereafter.
Reason: To ensure that the development contributes to sustainability and ecological enhancement on the site and in accordance with policies CP8 and CP10 of the Brighton & Hove City Plan Part One.
- 13.
- i) The development hereby permitted shall not be commenced until a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority.
 - ii) A written record of any archaeological works undertaken shall be submitted to the Local Planning Authority within 3 months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is first agreed in writing with the Local Planning Authority.
- Reason:** To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policy HE12 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.
14. Unless otherwise agreed in writing, the development hereby permitted shall not be first occupied until details, including specification, scale and appearance of the proposed photovoltaic array at roof level plans has been submitted to and approved in writing by the Local Planning Authority. The agreed array shall be implemented before first occupation.
Reason: To ensure the development is sustainable and reduces carbon emissions and has an acceptable appearance, to comply with policies CP8 and CP12 of the Brighton and Hove City Plan Part One.

15. Within 3 months of first occupation of the non-residential floorspace hereby permitted a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential floorspace built has achieved a minimum BREEAM New Construction rating of 'Excellent' shall be submitted to the Local Planning Authority for approval.
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.
16. No development hereby permitted shall take place until detailed plans and evidence have been submitted to and approved by the local planning authority to demonstrate how the building will be able to connect to any future decentralised heat network, should one become available. Evidence should demonstrate the following:
- a) Energy centre size and location showing facility for expansion for connection to a future district heat network: to include sufficient physical space to be allotted for installation of heat exchangers and any other equipment required to allow connection;
 - b) A route onto and through site: details of below ground works which will be implemented within the scheme to ensure that appropriate piping routes are available and safeguarded to enable future connections to a heat network, demonstration of where connections will be made into the blocks, space on site for the pipework connecting the point at which primary piping comes onsite with the on-site heat exchanger/ plant room/ energy centre. Proposals must demonstrate a plausible route for heat piping and demonstrate how suitable access could be gained to the piping and that the route is protected throughout the development.
- The approved future-proofing measures shall be implemented before first occupation of the buildings within which they are located/ connected to and shall be retained.
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.
17. The development hereby permitted shall not be commenced (other than demolition works) 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 Preliminary Drainage and Flood Strategy 15648/01/FRA submitted with the application has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented and maintained in perpetuity 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.
18. No development above basement 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.

19. Prior to the first occupation of the development hereby approved a Delivery & Service Management Plan, which includes details of the types of vehicles, time and method of deliveries, servicing and refuse collection will take place and the frequency of those vehicle movements shall be submitted to and approved in writing by the Local Planning Authority. All deliveries servicing and refuse collection 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 approved a Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This should include details relating to site management, behaviour and conduct of future occupiers and waste/refuse management.

Reason: To safeguard the amenities of occupiers of the adjoining properties, to ensure parking provisions are effectively managed and to comply with SU10 and QD27 of the Brighton and Hove Local Plan, Policy CP9 of the Brighton and Hove City Plan Part One and SPD14.

21. 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.

22. The development hereby permitted shall not be first occupied until the showers and associated changing/locker areas in the ground level have been provided and fitted out ready for use.

Reason: To promote the use of sustainable modes of transport to comply with policy CP9 of the Brighton and Hove City Plan Part One.

23. No customers of the A3/A4 uses hereby approved within the development shall remain on the premises outside the hours of 10:00am to 02:30am on Mondays to Fridays, 10:00am to 03:30am on Saturdays and 10:00am to 01:30am Sundays and Bank or Public Holidays.

Reason: To safeguard the amenities of the locality and occupiers of the development and nearby residential properties, to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

24. No development shall commence until the specification of any mechanical extraction/kitchen exhaust required for the A3/A4 use is submitted to and approved by the Local Planning Authority. Such details to include full specifications of all filtration, deodorising systems, noise output and termination points. Reference shall be had to 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems' published by DEFRA including 'Minimum requirements for Discharge Stacks' and 'Odour Arrestment Plant Performance.' The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policy QD27 of the Brighton & Hove Local Plan.
25. Alternative ventilation that does not compromise the facade insulation or increase internal noise levels shall be installed as per the approved details contained within the Ventilation Strategy, dated 28th November 2019 and produced by Freeman Beesley Building Services Engineers. The alternative ventilation arrangements shall not compromise the need to provide the required cooling of the dwellings under Approved Document L and the removal of pollutants such as moisture and CO2 under Approved Document F. Regard should also be had to CISSE TM59 Design Methodology for the Assessment of Overheating Risk in Homes.
Reason: To protect the amenity of future residents and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
26. The development hereby permitted shall not be first occupied until:
- details of 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.
 - The predicted illuminance levels have been tested by a competent person to ensure that the illuminance levels agreed in part i) 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.
27. 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, other than any planting which shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is the sooner. Any 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, unless the Local Planning Authority gives written consent to any variation.

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 and Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

28. The development hereby permitted shall not be occupied until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out and provided in full in accordance with the approved details prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

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

29. 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 policy HE6 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.

30. No development, including demolition, shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:

- (i) The phases of the Proposed Development including the forecasted completion date(s)
- (ii) A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to Commence Development until such consent has been obtained
- (iii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
- (iv) A scheme of how the contractors will minimise disturbance to neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site
- (v) Details of hours of demolition and construction including all associated vehicular movements
- (vi) Details of the demolition and construction compound
- (vii) A plan showing demolition and construction traffic routes

The demolition and construction shall be carried out in accordance with the approved CEMP.

Reason: As this matter is fundamental to the protection of amenity, highway safety and managing waste throughout development works and to comply with policies QD27, SU9, SU10 and TR7 of the Brighton & Hove Local Plan, policy CP8 of the Brighton & Hove City Plan Part One, and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03 Construction and Demolition Waste.

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 this planning permission does not override the need to obtain a licence under the Licensing Act 2003. Please contact the Council's Licensing team for further information. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton BN1 1JP (telephone: 01273 294429, email: ehl.safety@brighton-hove.gov.uk, website: www.brighton-hove.gov.uk/licensing).
3. 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).
4. The applicant is advised that a formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or www.southernwater.co.uk
5. The applicant is advised that an agreement with Southern Water, prior to commencement of the development, the measures to be undertaken to divert/protect the public water supply main. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or www.southernwater.co.uk

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application site relates to a four storey building located to the west of Middle Street, within the Old Town Conservation Area. The existing development on the site appears to date from the 1930s, however the development to the rear is relatively basic and may be the result of later alteration and extension. The stone façade appears 3 storey within the street scene as the top floors are set well back. The site has under croft vehicular access to a large vacant yard/carpark to the rear of the site. The building is set

opposite the Grade II* Listed Synagogue and in close proximity to a number of other listed buildings within the street.

- 2.2. The building is mostly vacant other than a karaoke bar at ground floor level however the remainder of the site was last used as offices within the upper floors and a bar/club at ground/basement level.
- 2.3. The site has a previous permission for an additional storey to provide further office space which was approved in 2011 however this proposal was not implemented.
- 2.4. Permission is sought for demolition of the existing building and the erection of a six storey replacement building comprising 2500sqm of B1 office floorspace and 430sqm of commercial uses at ground/basement floors including A3/A4 uses.
- 2.5. The application follows a pre-application submission and has been amended in accordance with the advice given including reductions in the quantum of development proposed.
- 2.6. The site adjoins a substantial building (78 West Street and 7-8 Middle Street) which was granted permission in March 2017 (ref. BH2015/04577) for demolition and construction of a mixed used development comprising a hotel and several commercial uses.

3. RELEVANT HISTORY

- 3.1. **BH2010/03558** - Erection of additional level at 4th floor and associated works. Approved 11.01.2011.
- 3.2. **BH2010/02589** - Proposed four storey office development within existing car park incorporating open plan parking area on ground floor level. Refused 21.10.2010.
- 3.3. **BH2010/02542** - Erection of additional level at 4th floor and associated works. Refused 21.10.2010.
- 3.4. **BH2009/00820** - Change of use from A1 retail to Sui Generis private karaoke based entertainment venue. Interior alterations including restoring of historic features. Approved 25.09.2009.
- 3.5. **BH2006/00176** - Change of use from Retail (class A1) to Restaurant/Public House (class A3/A4). Refused 03.04.2006
- 3.6. **96/1219/FP** - Partial changes of use including the first floor left to a cinema; ground floor to a retail unit and a public meeting room in the basement. Approved 11.09.2001.

- 3.7. **95/1076/FP** - Alterations, including new shopfronts and gates, to change the use of basement and part ground floor from offices to cafe/bar. Approved 11.09.2001.

4. REPRESENTATIONS

- 4.1. **One (1)** letter has been received, objecting to the proposed development for the following reasons:
- Adverse effect on the conservation area
 - Additional traffic
 - Poor design
 - Restriction of view
 - Loss of privacy
 - Loss of traditional façade and internal features
 - The same space can be offered through upgrading the existing building

5. CONSULTATIONS

Internal:

- 5.1. **Sustainable Drainage:** Comment
No objections subject to the inclusion of a condition requiring a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods.
- 5.2. **Sustainability:** Comment
It is recommended that the development is approved, with the following conditions:
- Meet the BREEAM "excellent" standard
 - Provide and safeguard a route for a connection to a future heat network
- 5.3. **Environmental Health:** Comment
The application has been with regards to any environmental health issues impacting upon occupiers of nearby properties and the future occupants of the proposed dwellings.
- 5.4. The site is located in close proximity to the main seafront area of Brighton, various commercial premises, hotels and licensed premises.
- 5.5. As such, it is reasonable to assume that occupiers of the premises could potentially be exposed to frequent, prolonged, and varying levels of noise that could be associated with the general activities around the site - an area with busy daytime, night-time and seasonal activity.
- 5.6. Therefore, it is welcomed that alternative ventilation is proposed that will enable windows to be closed, vastly reducing internal noise levels and at the same time, improving thermal comfort and internal air quality.

- 5.7. This can be secured by attaching an appropriately worded condition to any permission to develop.
- 5.8. Overall no objections are raised subject to conditions securing the following:
- Alternative ventilation
 - Hours of operation
 - Plant noise requirements
 - Odour control equipment
- 5.9. **Air Quality Officer: No objection**
No objection subject to the use of combined heat and power on site and conditions securing low emission boilers and any flues to terminate at least 1.5m above the highest roof apex
- 5.10. **Heritage: Second Comment - Seek Amendments/Further Information**
Whilst the submitted long section drawing shows that the glazed balustrade, in its new set back position, would not be visible from the street directly opposite, it appears likely that it would be visible in the more oblique views such as the ones illustrated in the CGIs submitted with the application, particularly from the north. It would therefore be helpful to amend the CGIs to show this.
- 5.11. The larger scale details of the front and rear facades are fine and clarify the quality of the scheme.
- Initial Comment - Seek Amendments/Further Information
- 5.12. The principle of the loss of the existing building is considered to be acceptable under policy HE8 and, subject to a an appropriately-designed and high quality replacement office building, the appearance and character of the conservation area would be preserved. The provision of a high quality office development, with active ground floor uses and frontage, has the potential to contribute towards the much-needed regeneration of Middle Street.
- 5.13. The footprint of the proposed development would be a significant increase over the existing building but the area of open courtyard is now considered to be just large enough to sufficiently respect the urban grain of Old Town, having regard to historic maps.
- 5.14. The design of the front elevation of the scheme has developed positively from the original preapplication submission and is generally supported. However, the proposed front elevation drawing suggests a glazed balustrade above the parapet, which is not shown on the section drawing S03. Such a balustrade would visually detract from the strong parapet line and would appear to increase the building height in street views. It should be deleted.
- 5.15. Materials samples can be left to condition the application should nevertheless include an annotated front and rear elevation clarifying the materials and a larger scale sample detail for the front elevation would also be helpful at this stage.

- 5.16. Subject to the above amendment and further detail it is considered that the development would preserve the appearance and character of the Old Town conservation area and would preserve the settings of the listed buildings referred to above, including the Synagogue.
- 5.17. **Economic Development:** No objection
City Regeneration supports this application. Should the application be approved, we request, through a S106. In addition to the developer contributions, should this application be approved, there will be a requirement for an Employment & Training Strategy agreement, the submission of £10,600.
- 5.18. There is currently a lack of good quality office space within the city centre. It is understood that this space has been empty for such a long time and the photos submitted, shows that the quality of the inside is not up to standard. The design and access statement states that 'Stiles Harold Williams Chartered Surveyors have advised that the ongoing liability for repairs and the costs of dilapidations at the end of the lease is a serious impediment to securing quality tenants to the existing building. Even with extensive structural repairs and regular maintenance there is an excessively high risk that defects would reoccur'.
- 5.19. Whilst City Regeneration understands that the building façade may not withstand reuse, we do encourage the principles of circular economy within the design and construction industry and would rather that retrofit is considered over demolition. Where this is not possible the preferred option would be deconstruction and the reuse of materials used in the existing building.
- 5.20. **Planning Policy:** No objection
The proposed increase in the level of B1 office floorspace by 1,100m² and the provision of new, Grade A provision is therefore this is strongly welcomed.
- 5.21. The retention of the leisure commercial uses at ground floor level is welcomed and will maintain the vitality of the street. Active ground floor uses in mixed use developments in central Brighton are promoted by Policy SA2.
- 5.22. A considerable quantity of construction, demolition and excavation waste will be produced through the demolition of the existing building and construction of the replacement. It is disappointing that the existing building could not be retained and renovated as a more sustainable solution although it is noted that the application mentions structural issues with the current façade.
- 5.23. **Sustainable Transport:** Latest Comment - Seek further information
- 5.24. All details now agreed other than delivery and servicing forecasting methodology.
- 5.25. In response to this an amended delivery and service management plan shall be secured by condition.

Initial Comment - Seek further information
Access

- 5.26. The proposed pedestrian/cycle access is considered acceptable.
- 5.27. The existing vehicular access should be removed, and that the redundant vehicle crossover condition be attached to ensure that the crossover is reinstated to footway.

Cycle/Vehicle Parking

- 5.28. The number of cycle parking spaces is in accordance with SPD14 guidance; however, further details of and amendments to the design are required.
- 5.29. As the applicant has noted the crossover will be removed, this space could provide for additional disabled parking. This would help to mitigate the absence of off-street provision.
- 5.30. It is recommended that the on-street parking and loading be rearranged to provide additional disabled parking which will not be provided on-site (see comments below).
- 5.31. No car parking is provided which is in accordance with SPD14 guidance.

Traffic Forecasts

- 5.32. It is not considered the development to result in a significant increase in vehicle trips and therefore no objections are raised in this instance.
- 5.33. TRICS data is not considered sufficient for determination of the number of deliveries the site may expect during the day as many deliveries are now made by car/powered two-wheeler and these cannot be isolated from occupant trips by the same mode. Therefore, an unacceptable impact on highway safety or residual cumulative impact on the road network cannot be ruled out.

s106/Developer Contributions

- 5.34. The proposed development would result in an additional 239 person trips. A transport contribution of £23,900 is therefore required to be allocated to towards pedestrian footway and crossing improvements on routes serving the development site including, but not limited to, Middle Street and the A259 Kings Road/ Grand Junction Road.
- 5.35. A Sustainable Travel Plan is also required to be secured by s106.
- 5.36. The proposal includes significant demolition and construction in an area with high footfall whilst the type of vehicles and routing of vehicles through the Lanes will need to be carefully planned and managed. A Construction Environment Management Plan should be secured as part of the S106 agreement.

Additional Information:

- 5.37. Further details are required relating to:
- Delivery and servicing trips
 - Amended plans showing further cycle parking facilities

- External:**
- 5.38. Conservation Advisory Group: Objection
The group recommend refusal.
- 5.39. **Ecology:** No objection
The site is not designated for its nature conservation interest. Given the nature, scale and location of the proposed development, there are unlikely to be any impacts on any sites designated for nature conservation.
- 5.40. The proposal to provide a native wildflower biodiverse roof is welcomed. To help meet Biosphere targets, it is recommended that chalk grassland species are used. To complement the green roof, bee insect boxes should be installed, and given the height of the proposed development, swift boxes should also be provided.
- 5.41. **Brighton & Hove Archaeological Society:**
Second Comment - No objection
No objection subject to conditions securing a programme of archaeological works and a watching brief.
- Original Comment - Objection
- 5.42. This proposed development lies in the archaeologically sensitive centre of Old Brighton. It is possible that Palaeolithic deposits may remain or vestiges of the medieval or Reformation periods.
- 5.43. The Brighton and Hove Archaeological Society would suggest that you contact the County Archaeologist for his recommendations.
- 5.44. **County Archaeology:** Initial Comment - Objection
In the light of the potential archaeological interest of this site, the developer should provide further details in the form of an updated desk-based assessment and heritage impact assessment to clarify the archaeological significance of the site. This assessment should be undertaken before the application for planning permission is decided, so that archaeological issues can be fully considered when the planning decision is made.
- 5.45. **Historic England:** No objection
On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.
- 5.46. **UK Power Networks:** Comment
The proposed development is in close proximity to a UK Power Network Substation and therefore necessary measures are required in order to ensure the substation is not affected by the proposed development.
- 5.47. **Southern Water:** Comment
No objection subject to a condition securing means of foul and surface water sewerage disposal and informatives added to the permission to advise the

developer of New Connections Services Charging Arrangements documents, requirements of SUDS and details of disposal of surface water.

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);
 - Shoreham Harbour Joint Area Action Plan (adopted 2019).
- 6.3. Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
SA2	Central Brighton (Special Area Policy)
CP1	Housing delivery
CP2	Sustainable economic development
CP3	Employment land
CP5	Culture and tourism
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP13	Public streets and spaces
CP15	Heritage
CP18	Healthy city

Brighton and 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
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO9	Residential conversions and the retention of smaller dwellings
HO13	Accessible housing and lifetime homes
HO20	Retention of community facilities
EM4	New business and industrial uses on unidentified sites
SR4	Regional shopping centre
SR5	Town and district shopping centres
SR6	Local centres
SR7	Local parades
SR8	Individual shops
HE1	Listed buildings
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas
HE10	Buildings of local interest
HE12	Scheduled ancient monuments and other important archaeological sites

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD09	Architectural Features
SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards

8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the principle of developing the site for a B1 office led proposal, the impact on the character and appearance of the locality, conservation area (CA) and nearby listed buildings, the impact on neighbouring amenity, impact in terms of sustainable transport, sustainability and biodiversity.

Principle of Development/Planning Policy:

- 8.2. The application site is located within central Brighton; an area designated as a Special Development Area with the Brighton & Hove City Plan Part One. SA2 seeks to protect existing office space within the centre and promote the refurbishment and upgrading of existing office space. SA2 also seeks to promote a balanced range of evening and night-time economies and mixed-use developments which retain active ground floor uses are encouraged.

- 8.3. City Plan Part One Policy CP2 (Planning for Sustainable Economic Development) seeks to promote and secure inward investment opportunities and bring forward a mix of employment floorspace within the City.
- 8.4. Similarly, City Plan Part One Policy CP3 (Employment Land) supports proposals for the upgrade and refurbishment of existing employment floorspace in order to contribute to the shortfall of B1 employment floorspace within the city; there is a positive forecast for B1 floorspace over the City Plan period and the city has experienced low vacancy rates, low stock and low delivery rates in recent years.
- 8.5. The existing site comprises a four storey mixed use building located within a central area, within the Old Town Conservation Area. The ground floor and basement accommodate a vacant bar (A4) and a Karaoke bar (Sui Generis) which cover a cumulative floorspace of 470sqm. The upper floors accommodate the main office (B1) use with an area of 1400sqm.
- 8.6. The proposed development would include 430sqm of commercial floorspace set within the ground and basement levels, including A3, A4 and Sui Generis uses spread across two units as set out below:
- L00.06 (basement and ground floor) - 320sqm - A3/A4 restaurant/bar
 - L00.07 (ground floor) - 54sqm - A3 café to be associated with the office
- 8.7. Within the upper floors the proposed building would include 2500sqm of B1(a) office floorspace.
- 8.8. The provision of a newly refurbished building including Grade A B1 office space with an additional 1100sqm over the existing building within a central sustainable location is strongly welcomed and would be in accordance with the aims of SA2, the objectives of policies CP2 and CP3 and local development plan aspirations generally.
- 8.9. The retention of leisure commercial uses at ground floor level is also welcomed as this will maintain and encourage vitality at street level through the implementation of an active frontage within a high quality building with an interesting façade. It is noted that Local Plan Policy SR12 restricts new large A3 and A4 venues over 150sqm unless a number of criteria are met. The proposed development would include an A3/A4 venue of 320sqm. The existing building however includes a vacant bar/nightclub and an active karaoke bar which cumulatively accommodate 470sqm. On this basis when taking account of the existing uses on site, the proposed development is not considered to trigger the requirements of policy SR12.
- 8.10. It is acknowledged that where possible, policy encourages the re-use and upgrading of existing buildings in order to make best use of the existing resources available. The existing building is however in a poor state and does not lend itself to modern office requirements, as set out more in detail below.
- 8.11. The provision of an office led mixed use redevelopment is therefore supported in principle on this site, subject to the detailed assessment as set out below.

Design and Appearance/Heritage:

- 8.12. The existing building is set within a central area of the city within the Old Town Conservation Area; an area characterised by a tight urban grain with a number of varied architectural styles and forms set on tight streets. Old Town is bounded by North Street, West Street and East Street; Middle Street is the principal street at the heart of the Old Town grid and is an important north-south thoroughfare. Middle Street was the earliest to be developed in the centre of the area but has been subject to some redevelopment in the later 19th and 20th centuries and now has a mixed character and appearance, with a mix of uses which are predominantly commercial. It has a largely consistent three-storey height and an irregular building line.
- 8.13. Immediately opposite the site is the grade II* listed Middle Street Synagogue. Also nearby are the grade II listed buildings of 18-20, 60 and 74-76 Middle Street. The site backs onto the rear of the grade II listed 77 West Street. The site adjoins 78 West Street and 7-8 Middle Street to the south; a substantial building which is largely vacant and was granted permission in 2017 (subsequently amended) for demolition and redevelopment of a mixed used hotel/commercial building, where works have begun. To the north of the site fronting Middle Street is a two storey pub or traditional design with a number of commercial buildings of both modern and traditional design beyond. Directly to the north of the site is an electrical substation and a five storey modern flatted development (Avalon Court) beyond.
- 8.14. The existing building is four storeys in height and was originally constructed in 1930 as a replacement to 3 storey Victorian buildings. The principal elevation is three bays wide and four storeys high, with the uppermost storey set back from the street frontage, and largely hidden behind the parapet, meaning the building appears 3 storey when viewed from street level. The rear element of the building extends in an L shape with an outrigger along the southern boundary. The remainder of the site comprises an open courtyard/carpark with an undercroft vehicular access from Middle Street.
- 8.15. Although relatively modern, the building is considered to be a well-proportioned and carefully detailed example of 1930s facadism which is sympathetic to neighbouring buildings and surrounding historical context. As such the building (specifically the façade) is considered to contribute positively to the Conservation Area and, its retention and refurbishment would be preferential, where possible.
- 8.16. Local Plan policy HE8 requires buildings that make a positive contribution to the character and appearance of a Conservation Area to be retained unless it has been demonstrated that the existing building is beyond economic repair, viable alternative uses cannot be found and the redevelopment of the site preserves the character of the Conservation Area and would produce substantial benefits that would outweigh the building's loss.
- 8.17. The application has been submitted with a supporting Structural Engineering Report which outlines the current condition of the building, the past/current

maintenance and the likely ongoing works required. The supporting evidence has not demonstrated conclusively that the existing building is beyond economic repair, it does however clarify that the building currently suffers from poor structural integrity and as a result has a limited lifespan. The structural report indicates that the façade has deteriorated in recent years and that significant works would be required in order to rectify the issues. The majority of the stonework would require replacement and the entire brick rear elevation would require replacement, which would compromise the appearance of the building and would require ongoing maintenance.

- 8.18. The proposed building would deliver a considerable amount of employment floorspace space and would assist in the regeneration of Middle Street; an area which has suffered from high vacancy rates and anti-social behaviour for many years. On this basis the demolition of the building is considered acceptable, subject to the erection of a high quality replacement building.
- 8.19. The design of the scheme has evolved positively from the pre-application proposals and advice provided by the council has been incorporated into the current scheme. The overall design concept has been shaped around the positive features of the existing building whilst paying respect to the adjacent buildings and surrounding Conservation Area.
- 8.20. The building proposed would be six storeys tall with the fifth and sixth storeys set back in addition to plant room located on the roof. The building steps down to three storeys within the rear element which would extend along the western (rear) boundary. The proposal would cover the majority of the site leaving a courtyard to the rear with an under-croft access for pedestrians and cyclists. The proposed footprint and scale of the building would be significant in comparison to the existing building however it is considered that the open courtyard would be sufficient to respect the urban grain of the Old Town Conservation Area.
- 8.21. The front façade would be divided into three bays with fenestration and vertical panels set between a stone framework. The façade would also feature a double height curved glazed section accommodating the reception area which would be a striking feature and is considered to add visual interest to the street whilst creating a successful junction between the building and the under croft access. The front elevation has been carefully designed in order to achieve an appropriate integration of horizontal and vertical proportions and the projecting stone work would provide a positive feature when seen from oblique views.
- 8.22. This arrangement is considered appropriate as it would reflect the existing building whilst paying respect to the Synagogue opposite. The parapet would replicate the height of the existing building which would provide a strong finish to the façade whilst concealing the setback upper storeys from direct views within the street.
- 8.23. The building would be finished in Portland stone cladding for the main frame of the façade with blue faience tile edge detailing with glazing with reveals to the front elevation. The rear elements of the building would be predominantly

glazed with sections of brick cladding. Overall the palette of materials is considered acceptable, and material samples shall be secured by condition in order to ensure an appropriate finish.

- 8.24. Heritage concerns were raised in relation to the installation of a glazed balustrade at fourth floor level as this would undermine the strong parapet line. The developer provided amended plans in order to set the balustrade back from the façade in addition to 3D visuals which illustrate that the balustrade would generally not be visible from street level. Whilst the heritage concerns are noted, the overall design is considered acceptable, and officers are satisfied that the balustrade would not be prominent within the streetscene.
- 8.25. Regard is given to the Supplementary Planning Guidance note 15 on Tall Buildings. This sets out guidance for development which is 18m or taller and/or significantly greater in height than surrounding development. As indicated above the proposed building would be six storeys and would have a max height of 21m. The policy guidance on tall buildings emphasises the importance of the design and it is possible for tall buildings to integrate successfully with their surroundings, if they are designed sensitively with regard to the local context.
- 8.26. The Design and Access Statement and the Tall Buildings Statement submitted in support of the application set out in detail the context of the site and the design process and describe how the proposal would sit in the wider landscape. The submissions include a number of views that indicate how the building would appear from locations on Middle Street.
- 8.27. Although the site does not lie within an area specifically identified as suitable for significantly taller buildings, there are a number of tall buildings within the vicinity of the site and, due to the tight and densely developed nature, the site would not be readily visible from any strategic view points. The application submission includes a detailed assessment of the scale of buildings within the area which are of comparable scale to the proposed building. Furthermore, as set out above, the upper storeys would be set back, creating the appearance of a four storey building.
- 8.28. When considering whether to grant planning permission for development in a conservation area the council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. Furthermore, when considering whether to grant planning permission which affects a listed building or its setting the Council has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 8.29. Case law has held that the desirability of preserving the character or appearance of a conservation area and/or the desirability of preserving a listed building or its setting must be given "considerable importance and weight.
- 8.30. It must also be noted that Paragraph 196 of the NPPF sets out that where a development proposal will lead to less than substantial harm to the significance

of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

- 8.31. For the reasons set out above, it is considered that the proposal would not result in significant harm to the setting of adjacent listed buildings nor the surrounding Old Town Conservation Area. The loss of the existing building is considered to 'less than substantial' in the terms set out in the NPPF, however the harm is not considered so significant as to warrant the refusal of the application, when taking account the public benefits associated with the proposal; including the improvement to the streetscape through the implementation of a high quality development with an active frontage, and the resultant knock on effects this would likely in contributing to the regenerating the area.
- 8.32. Overall it is considered that the development would sit well in the street scene and as a contemporary design would make a positive contribution to the character of the street whilst paying respect to the adjacent listed buildings and wider conservation area. The proposed landscaping and courtyard will add significant quality to the appearance of the scheme. The visual impact of the scheme would be acceptable and would comply with local and national planning policies which seek to secure a high standard of design.

Impact on Amenity:

- 8.33. The site is set within a central area which consists of a tight urban grain resulting in a high density in terms of built form. The vicinity comprises a mix of uses, the majority of which are commercial and a number associated with leisure and the night time economy. There are also a number of residential sites interspersed within the local area including several which are located within close proximity to the application site as set out below:
- Avalon Court (5 storey block of flats to the north)
 - 63 Middle Street and 64 Middle Street (four storey block of flats to the east of Middle Street)
 - 71 Middle Street (3 storey block of flats to the east of Middle Street)
 - 13A Middle Street (flat above the Hop Pole Pub)

Scale bulk and overshadowing

- 8.34. The existing building is four storeys in height and leaves the majority of the rear courtyard area open. The proposed building would be six storeys in height in addition to a setback section housing the plant room, and the courtyard would be reduced. The proposed building would therefore be significantly larger than the existing arrangement and therefore would result in additional overshadowing and loss of outlook to neighbouring windows. The majority of the adjacent buildings are however commercial uses and the existing courtyard is surrounded to the east, west and south by tall buildings. 78 West Street and 7-8 Middle Street to the south adjoins the site has been granted permission in 2017 for a building of similar scale to the current proposal; works relating to the development are currently underway. Furthermore, the section of the site nearest to the closest residential units would include the landscaped courtyard and would step down in height to three storeys, which is comparable in scale to the adjacent buildings and would allow for outlook above the roof.

- 8.35. It is agreed that the building would introduce new bulk within the area that is currently open, however, given the local context and tight urban grain, the new building would respect the general pattern of development in this area, with large buildings sited alongside and to the rear of smaller buildings. As such introducing a building of this scale and in this arrangement is in keeping with the area.
- 8.36. In regard to sunlight and daylight, the application submission includes a detailed sunlight and daylight report which sets out that all adjacent windows tested would achieve acceptable levels of daylight/sunlight.
- 8.37. Overall in regard to overshadowing and daylight, it is acknowledged that the proposed building is significant in scale and located within close proximity to residential units. However taking into account all factors, including the benefits which the proposed development would deliver, it is considered that the resultant situation would be acceptable and the harm which would be caused is not of a magnitude which would warrant refusal of planning permission.

Overlooking/Loss of Privacy

- 8.38. Regarding overlooking, the proposed windows and balconies to the northern and eastern elevations of the new block, will result in additional overlooking towards 13A Middle Street and Avalon Court. The resultant relationships will impact upon the sense of privacy that some neighbouring residents benefit from. However, the existing building includes a number of windows facing to the north including several which are located within close proximity to 13A Middle Street which would be removed as part of the development. Furthermore, as detailed above the proposed development would step down to a comparable height nearest to adjacent residential units and would retain a sufficient level of separation due to the retained courtyard. Additionally, the proposed building would be in keeping with the pattern of development in the area, the site is in a central location where large buildings are characteristic and a level of overlooking is to be expected. Overall it is considered that the resultant relationships would be appropriate.

Noise Impact/Operation of Commercial Uses

- 8.39. The proposed development is commercial in nature and would include a mixture of uses including office and leisure uses within the units at ground/basement fronting onto Middle Street. The application submission does not provide exact details/layouts of the proposed uses in order to allow some flexibility for the future operator/occupier of the site, however it is indicated that unit L00.06 (basement and ground floor) is to be a restaurant/bar and L00.07 (ground floor) is to be a café used in association with the main office use.
- 8.40. The proposal indicates that the restaurant/bar use will be open 10:00am - 02:30am Monday - Friday, 10:00am - 03:30am on Saturdays and 10:00am - 01:30am on Sundays and Banks Holidays. Given the central location, and the comparable opening hours of the existing and nearby uses, the proposed opening hours are considered acceptable in this case and can be secured by condition.

- 8.41. As the submission includes a lack of detail relating to the exact nature of the intended uses of the commercial units, an operational management plan shall be secured for approval at pre-occupation stage; a time when an operator for this site has been identified.
- 8.42. The site also includes roof plant which has the potential to generate noise impact. Exact details for the ventilation have not been included for the proposed A3/A4 uses however it is considered likely that some sort of ventilation will be required. Overall it is considered that any potential for nuisance or pollution arising from and to the development in terms of noise, lighting, odour or contamination can be satisfactorily dealt with by condition.

Summary

- 8.43. The proposed development would have a partial impact on amenity. Loss of outlook and overlooking would be caused however the number of residential units effected is relatively low and all windows would achieve acceptable daylight/sunlight levels. Furthermore, it is considered that the resultant scenario and relationships would be in keeping with the pattern of development in the immediate area, and a degree of enclosure and overlooking caused by larger buildings is expected in a central location. On this basis therefore, taking into account all factors, including the benefits which the proposed development would deliver, it is considered that the resultant situation would be acceptable and the harm which would be caused is not of a magnitude which warrants the refusal of planning permission.

Sustainable Transport:

- 8.44. This existing pedestrian/vehicle access is through the undercroft to the rear of the site. The new primary pedestrian access to the proposed development will be via the main office lobby directly from Middle Street. There are separate accesses to each commercial unit, into the lobby of the development and to the outside garden courtyard area to the north. A new undercroft would be included providing access for pedestrians and cycles to the rear/courtyard area. This arrangement is considered acceptable.
- 8.45. Following amendments, the proposed cycle parking would including a total of 39 spaces, 25% of which would be Sheffield stands. Shower/changing facilities are also provided within the cycle parking area to cater for a minimum of 10% of staff. This element of the proposal is therefore acceptable and in accordance with SP14 guidance. Implementation of the cycle parking shall be secured by condition.
- 8.46. Within the Central Area, the maximum parking allowance for B1, A3 and A4 uses is for disabled parking only. The proposed development does not include any on site parking and is therefore acceptable in this regard. As the carpark to the rear of the site is to be removed, the vehicle access and crossover is no longer required. The transport team requested that this newly created space could be used to provide two disabled parking bays in order to serve the development.

- 8.47. The transport also team raised concerns relating to the use of the loading bay as it was unclear from the original submission whether a refuse vehicle would be able to access the bay given the constraints of the narrow street. The loading bay has now been made larger and a swept path analysis has been provided which indicates that a refuse vehicle would be able to access the loading bay and vehicles would be able to pass.
- 8.48. The applicant has agreed to the requested highway works set out above which can be secured via a s278 agreement.
- 8.49. With regards to trips to and from the site, the potential impact of the proposed mixed use has been considered with regard to the impact of a re-activation of the existing office use and commercial uses of the site could have. With regards to vehicle movements, the proposed development would result in an additional 8 vehicle trips within peak hours which is not considered significant and therefore no objections are raised in this regard. It is considered that the proposed development would result in an additional 239 person trips on a 24 hour daily basis and therefore a sustainable transport contribution of £23,900 is required in addition to a Travel Plan to promote sustainable transport to and from the site, as set out in more detail below.
- 8.50. A delivery and serving management plan has been submitted with the application in order to address how this aspect of the development will be achieved. The submission indicates that deliveries will utilise the existing loading bay on Middle Street, approximately 13m to the north of the site. The management plan indicates that the proposed development is likely to generate approximately 9 daily vehicle trips per day. The sustainable transport team have raised concerns relating to the applicant's calculation used on order to establish the rate of vehicle movements per day as it does not take account of the specific types of vehicles/deliveries which would take place in addition to the likely dwell times. On this basis, an amended Service and Delivery Management Plan can be secured by condition.
- 8.51. Overall, subject to the conditions and s106 recommendations set out above, which include measures to address the deficiencies in the applications submission, the proposed development is considered to be acceptable in regard to sustainable transport impacts.

Sustainability, Biodiversity and Environmental Matters:

- 8.52. The application contains a BREEAM Pre-Assessment which shows that the development is capable of meeting a BREEAM standard of 'excellent'. This is welcomed and complies with policy CP8.
- 8.53. SPD10 seeks opportunities to secure improvements to biodiversity via development. A Biodiversity Checklist has been submitted which indicates that the site has no biodiversity value presently, and this is confirmed by the County Ecologist. The development does however provide the opportunity to include measures to enhance biodiversity and this can be secured by condition to comply with relevant policy. Conditions are recommended to secure details of

the green roof, details bird nesting boxes and bee/insect boxes, and details of a landscaping scheme which includes planters.

- 8.54. The application contains a Drainage and Flood Risk Strategy which concludes that the risk of flooding from all sources is low and the proposed development will not adversely affect neighbouring properties in terms of flood risk. A detailed maintenance plan of the sustainable drainage can be secured by condition.
- 8.55. A preliminary Ground Contamination Risk Assessment Report has been submitted to establish the expected ground conditions, the development history and current use of the site in order to investigate potential land contamination. The report indicates that no sources of contamination have been identified however a discovery strategy is recommended and can be secured by condition.

Air Quality:

- 8.56. The site is located adjacent to an Air Quality Management Area due to the high levels of traffic associated with the A259 to the south and West Street to the west. A net increase in daily trips including vehicle trips is expected however this would not amount to a level considered severe.
- 8.57. Soft landscaping is to be secured as part of the development which will have some positive impact upon air quality. Furthermore, as detailed above a number of measures are to be secured to encourage use of sustainable transport modes, and the proposal will not include any on-site vehicle parking.
- 8.58. The proposed development will be designed to achieve BREEAM excellent as set out above and will include a number of sustainable measures including renewable energy sources such as air source heat pumps and photovoltaic panels.

9. CONCLUSION:

- 9.1. The proposed development would provide 2500sqm of Grade A office space within a central sustainable location where regeneration is encouraged. The proposed development would be significant in comparison to the existing building, however it is considered that a larger building can be accommodated on the site whilst respecting the Old Town Conservation area and adjacent listing buildings.
- 9.2. The proposed building and associated landscaping are considered to represent an appropriate redevelopment of the site which would introduce a contemporary building into the street scene.
- 9.3. The proposed development is acceptable in transport, sustainability and ecological terms subject to conditions / s106 requirements recommended to secure the necessary measures.

- 9.4. The scheme would result in the loss of the existing building, which is regrettable, however it has been demonstrated that the building is in poor state and would require substantial works to rectify which would compromise its appearance. Furthermore, as set out above, the proposed replacement building is considered high quality and appropriate within this context.
- 9.5. The proposed new building would have a slight negative impact upon neighbouring amenity, however the resultant scenario would be in keeping with the pattern of development in a central area such as this and overall the harm which would be caused does not warrant the refusal of planning permission.
- 9.6. Overall, it is considered that the scheme would deliver substantial benefits including; a significant delivery of high quality office space which would meet modern requirements, an active frontage which would help to kickstart the much needed regeneration of the street and a well designed modern building which would complement the nearby heritage assets. Overall, approval of planning permission is recommended subject to the conditions and s106 requirements set out in sections 1 and 11.

10. EQUALITIES

- 10.1. The proposed development would provide two additional on-street disabled parking bays.

11. DEVELOPER CONTRIBUTIONS

S.106 Agreement

The contributions required would be allocated and spent as follows:

- A contribution of £10,600 to the Council's Local Employment and Training Strategy.
- A Sustainable Transport contribution of £23,900 to be put towards pedestrian footway and crossing improvements on routes serving the development site including, but not limited to, Middle Street and the A259 Kings Road/ Grand Junction Road.
- A Travel Plan to promote sustainable transport use by future occupiers/users of the site including:
 - A travel Pack to each new employee;
 - Interest-free loans to employees for the purchase of bus and rail season tickets and bicycle purchase;
 - Provision and maintenance of cycle tools and maintenance stands for future employees
 - Establishing a Bicycle User Group for employees including doctor bike sessions; and
 - Providing and maintaining a notice board in the development containing information on road safety, local sustainable travel options, Travel Plan objectives, targets, measures and progress.

- A Section 278 Agreement to reinstate the redundant vehicle crossover, reinstate the double yellow lines, increase the size of the loading bay to the north of the site and install two disabled parking bays adjacent to the site on Middle Street.
- A Construction Environmental Management Plan

In the event that the draft S106 agreement has not been signed by all parties, the application shall be refused for the following reasons:

1. The proposed development fails to provide necessary sustainable transport infrastructure improvements in the vicinity of the site and therefore fails to address the requirements of Policies CP7 and CP9 of the Brighton and Hove City Plan Part One.
2. The proposed development fails to provide adequate travel plan measures to encourage use of sustainable transport modes and therefore fails to address the requirements of Policies CP7 and CP9 of the Brighton and Hove City Plan Part One.
3. 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 and Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
4. 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 and Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.

