

<b><u>No:</u></b>	<b>BH2020/00505</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>99 - 100 North Road &amp; 42 Vine Street Brighton BN1 1YE</b>		
<b><u>Proposal:</u></b>	<b>Erection of an additional storey to create 2no two-bedroom flats with terraces. Change of use of existing retail unit (A1) at 42 Vine Street to office (B1) incorporating replacement roof &amp; shopfront. Erection of first floor extension &amp; mezzanine extension to provide additional office space (B1) including refurbishment of existing office at 100 North Road.</b>		
<b><u>Officer:</u></b>	Russell Brown, tel: 296520	<b><u>Valid Date:</u></b>	17.02.2020
<b><u>Con Area:</u></b>	North Laine	<b><u>Expiry Date:</u></b>	13.04.2020
<b><u>Listed Building Grade:</u></b>	<b><u>EOT:</u></b>		
<b><u>Agent:</u></b>	Mrs Sarah Sheath Dowsett Mayhew Planning 63A Ship Street Brighton BN1 1AE		
<b><u>Applicant:</u></b>	Mr John Blake C/o Dowsett Mayhew Planning 63A Ship Street Brighton BN1 1AE		

## 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 **GRANT** planning permission subject to the following Conditions and Informatives:

### 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>
Location and Block Plan	TA1069/01	A	17 February 2020
Proposed Drawing	TA1069/20	B	17 February 2020
Proposed Drawing	TA1069/21	A	17 February 2020
Proposed Drawing	TA1069/22	C	18 June 2020
Proposed Drawing	TA1069/23	G	18 June 2020
Proposed Drawing	TA1069/24	F	15 June 2020
Proposed Drawing	TA1069/25	G	18 June 2020
Proposed Drawing	TA1069/26	D	01 May 2020
Proposed Drawing	TA1069/27	F	01 May 2020
Proposed Drawing	TA1069/28	C	01 May 2020
Proposed Drawing	TA1069/30	B	17 February 2020
Proposed Drawing	TA1069/31	A	17 February 2020
Proposed Drawing	TA1069/32	C	18 June 2020
Proposed Drawing	TA1069/33	G	18 June 2020
Proposed Drawing	TA1069/34	E	15 June 2020

Proposed Drawing	TA1069/35	G	18 June 2020
Proposed Drawing	TA1069/36	D	01 May 2020
Proposed Drawing	TA1069/37	F	01 May 2020
Proposed Drawing	TA1069/38	D	01 May 2020
Proposed Drawing	TA1069/39	F	18 June 2020
Proposed Drawing	TA1069/40	F	18 June 2020
Proposed Drawing	TA1069/SK61		18 June 2020

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.  
**Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
  
3. The development hereby permitted shall not 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 the proposed window, door and balcony treatments; and
  - d) 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.
  
4. Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.  
**Reason:** In order to protect adjoining properties from overlooking and noise disturbance and to comply with Policies QD14 and QD27 of the Brighton & Hove Local Plan.
  
5. Any new or replacement hard surfaces, including to the terraces hereby approved, shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.  
**Reason:** To reduce the risk of flooding from run-off and rain water and increase the level of sustainability of the development in compliance with Policies CP8 and CP11 of the Brighton & Hove City Plan Part One and SPD16.
  
6. The office accommodation hereby permitted as shown on drawing numbers TA1069/20 B, TA1069/21 A and TA1069/22 B shall be used as offices (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 Policies CP3 and SA2 of Brighton & Hove City Plan Part One.

7. The rooflights hereby approved shall have steel or cast metal frames finished in a black or dark grey colour, fitted flush with the adjoining roof surface and shall not project above the plane of the roof.

**Reason:** To ensure a satisfactory appearance to the development and to comply with Policies HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

8. All new and replacement rainwater goods, soil and other waste pipes shall be in cast iron and shall be painted grey and retained as such thereafter.

**Reason:** To ensure a satisfactory appearance to the development and to comply with Policies HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

9. Prior to the first 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 and materials;
- b. a schedule detailing sizes and numbers of all proposed trees and plants including details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes;
- c. details of the screening for the northern-most part of the terrace for Unit 2 to include type, 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 future occupiers and to comply with Policies QD15 and QD16 of the Brighton & Hove Local Plan, CP12 of the Brighton & Hove City Plan Part One and SPD06, SPD11 and SPD16.

10. The development hereby permitted shall not be first occupied until a scheme to enhance the nature conservation interest of the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall accord with the standards described in Annex 6 of SPD11 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 SPD11.

11. The development hereby permitted shall not be occupied until a scheme for the separate storage of office and residential 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 recycling in compliance with Policies QD27 of the Brighton & Hove Local Plan, CP8 of the Brighton & Hove City Plan Part One and WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

12. The development hereby permitted shall not be occupied until a scheme for separate and secure cycle parking facilities for the occupants of, and visitors to, the office and residential units have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

**Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with Policy TR14 of the Brighton & Hove Local Plan and SPD14.

13. Within 6 months of commencement of the development hereby permitted or prior to occupation, whichever is the sooner, a scheme shall be submitted to the Local Planning Authority for approval to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit. The approved scheme shall be implemented before occupation.

**Reason:** This condition is imposed in order to allow the Traffic Regulation Order to be amended in a timely manner prior to first occupation to ensure that the development does not result in overspill parking and to comply with Policies TR7 and QD27 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One and SPD14 Parking Standards.

14. Within three months of the date of first occupation a framework travel plan for the office development shall be submitted to and approved in writing by the Local Planning Authority. The framework travel plan shall thereafter be fully implemented in accordance with the approved details.

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

15. Neither of the residential units hereby approved shall be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).

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

16. Neither of the residential units hereby approved shall be occupied until each residential unit built has achieved as a minimum, a water efficiency standard of not more than 110 litres per person per day maximum indoor water consumption.  
**Reason:** To ensure that the development is sustainable and makes efficient use of water to comply with Policy CP8 of the Brighton & Hove City Plan Part One.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that the scheme required to be submitted by Condition 13 should include the registered address of the completed development; an invitation to the Council as Highway Authority (copied to the Council's Parking Team) to amend the Traffic Regulation Order; and details of arrangements to notify potential purchasers, purchasers and occupiers of the restrictions upon the issuing of resident parking permits.
3. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
4. The water efficiency standard required under Condition 16 is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.

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

- 2.1. This application relates to Numbers 99 and 100 North Road which are located on the northern side of North Road in central Brighton. The two buildings have developed separately and are of different architectural style. No. 99 is located at the corner with Vine Street, comprising three storeys with parapets which form the main element of the building's skyline. The ground floor has been heavily modified, but the upper floors' decorative stucco survives; an elaborate panel depicting a lion and lettering 'The Red Lion' reveal the building's historic use as a public house. The building's corner position and decorative finish elevate its

prominence in the streetscene. It contributes greatly to the character and special interest of the North Laine Conservation Area in which it is located.

- 2.2. No. 100 appears to date to the early-mid 20th century, with a stone/concrete ground floor and brick above. The large openings and double-height of the ground floor relate to its original use as a bus depot. It displays a restrained art deco style, again with parapet, which forms the main element of the skyline.
- 2.3. The building to the immediate east of no. 100 (the Fountain Head) completes the block. It is two storeys in height and substantially lower than no. 100. The difference in height is particularly prominent in views up the road from the east. It has a brick slip frontage with rendered panels.
- 2.4. The buildings lie within the North Laine Conservation Area. To the east is the Valley Gardens Conservation Area, which includes the junction between Marlborough Place and Gloucester Place (the A23), from where the buildings can be seen at the junction with North Road. There are several listed buildings in the vicinity, the closest being 31-32 and 33-36 Marlborough Place to the east, all Grade II listed.
- 2.5. Planning permission is sought for the erection of an additional storey to create 2, two-bedroom flats with terraces, together with the erection of a first floor extension and a mezzanine extension to provide additional office space (Use Class B1) including the refurbishment of the existing office at 100 North Road. The change of use of the existing retail unit (Use Class A1) at 42 Vine Street to office (Use Class B1) incorporating a replacement roof and shopfront is also proposed. Changes were made during the course of the application to reduce the number and revise the height of the east-facing windows, as well as to add a parapet wall to the rear section of the eastern elevation and to the southern elevation, and to show the cladding horizontally.

### 3. RELEVANT HISTORY

- 3.1. **BH2001/01059:** Change of use of part of existing commercial garage to offices (Class B1a) together with external alterations to North Road and Vine Street elevations; demolition of remainder of commercial garage to Vine Street and redevelopment of site along with vacant site adjacent 21-26 Vine Street, to create six houses and two flats; change of use of numbers 1 and 2 Cheltenham Place from ancillary accommodation for commercial garage to form two houses, involving external alterations - 100 North Road, 1& 2 Cheltenham Place & 26/27 Vine Street. Approved 30 September 2002
- 3.2. **BH2003/03564:** Construction of additional storey to provide third floor offices and two selfcontained flats - 100 North Road. Refused 7 January 2004
- 3.3. **BH2004/00455/FP:** Construction of additional storey to provide two flats together with alterations to roof. Re-submission of previously refused application ref - BH2003/03564 - 100 North Road. Refused 1 April 2004, but allowed on appeal on 1 February 2005

- 3.4. **BH2006/00295:** Redevelopment of 36 Vine Street and conversion of depot building to form new office building, with additional office space at third floor facing North Road - 100 North Road & 36 Vine Street. Refused 27 April 2006
- 3.5. **BH2006/00295:** Demolition of 36 Vine Street and roof of the depot building to the rear of 100 North Road - 100 North Road & 36 Vine Street. Refused 11 April 2006
- 3.6. **BH2007/04427:** Change of use of first and second floors from retail (A1) to offices (B1), infill extension at second floor level on Vine Street elevation, insertion of new window at first floor North Road elevation, and new shop front - 99 North Road. Allowed on appeal (non-determination) 23 October 2008
- 3.7. **BH2009/01163:** Change of use from former vehicle depot (sui generis) to retail (A1) – Rear of 100 North Road. Approved 5 August 2009
- 3.8. **BH2010/01036:** Change of use of ground floor and basement from retail unit (A1) to café (A3) - 99 North Road. Approved 11 October 2010
- 3.9. **BH2015/02982:** Erection of additional storey to create 2 no. two bedroom flats and 1 no. one bedroom flat (C3) - 99 & 100 North Road. Refused 8 February 2016 for the following reasons:
  1. The proposed additional storey by virtue of its scale, bulk, form, height and positioning would represent a prominent and incongruous addition in terms of the impact on the skyline and the perceived bulk of the buildings. Furthermore, the proposal applies a consistent architectural style and roofline across the two buildings which are distinctly different due to their age, architectural style and historic uses. By extending across the two plots, the distinction between the two is blurred and the legibility of their individual histories obscured. This is exacerbated by the consistent roof form, which further unites the two buildings. This would create a monolithic skyline which increases the massing and bulk of the buildings. For these reasons, the proposed development would have a significantly harmful impact on the character and appearance of the recipient buildings and the wider Conservation Area contrary to policies QD1, QD2, QD14 and HE6 of the Brighton & Hove Local Plan.
  2. The proposed roof terrace, by virtue of their situation and elevated position would have an overbearing impact on occupiers of nos. 24 North Place, 1a Vine Street, 1b Vine Street, 7 North Road and 8 North Road, resulting in significant levels of overlooking and loss of privacy. As such, the proposed development would be contrary to policy QD27 of the Brighton & Hove Local Plan.
- 3.10. The appeal was dismissed on 28 July 2016, but the second reason for refusal was rejected as were parts of the first refusal reason.
- 3.11. **BH2019/02174:** Erection of an additional storey to create 1no three-bedroom flat & 2no two-bedroom flats with terraces. Change of use of existing retail unit (A1) at 42 Vine Street to office (B1) incorporating replacement roof & shopfront.

Erection of first floor extension & refurbishment works to existing office (B1) space at 100 North Road. Refused 19 November 2019 because the proposed additional storey by virtue of its scale, bulk, height and positioning would represent an over-dominant, prominent and incongruous addition in terms of the impact on the skyline, clearly visible in views from North Road, Cheltenham Place and North Place. For these reasons, the proposed development would have a significantly harmful impact on the character and appearance of the host buildings, the streetscene and the North Laine and Valley Gardens Conservation Areas contrary to Policies QD5, QD14 and HE6 of the Brighton & Hove Local Plan and CP12 and CP15 of the City Plan Part One.

#### **4. REPRESENTATIONS**

##### **4.1. Thirteen (13) objections** were received raising the following concerns:

- a) The new property on the roof, roof terraces and first floor offices would cause overshadowing, loss of light and overlooking, and would be visually overbearing, with a consequential impact on the physical and mental health of residents.
- b) The submitted plans do not show the windows and rooflights at the rear of 40 Vine Street and some of the windows in 37-40 Vine Street, which is misleading.
- c) The drawings do not show any balustrades, which would be required to meet building control regulations, and would be visible from the street.
- d) The outdoor area in Section EE/FF seems likely to be a smoking area, which would increase noise, pollution and fire risk, particularly as it is a small enclosed space and the resulting echo will amplify sounds coming from within.
- e) There seems to be little reference to Cheltenham Place and the effect on properties and residents at the south end of the street.
- f) Further development would exacerbate noise and odour issues from ducts and air conditioning units located on the existing roof.
- g) The height of the building being out of proportion to the width of the road would channel street noise leading to louder noise at night. Car fumes would also accumulate in the street.
- h) There are no recycling and refuse facilities for the offices and there are not Paladin bins on the street as suggested in the drawings
- i) Neither the appearance nor the size of the enlarged building would be appropriate. The style of the architecture is totally discordant with the North Laine Conservation Area and with the building itself. The height of the new building will be out of scale and out of character with the rest of the North Laine area.
- j) The new roof planned for the warehouse unit in Vine Street is also too high & would dominate the little cottages to the rear.
- k) The proposed additional floor would be visible from Cheltenham Place, North Place obliquely from North Road and is even larger than refused application BH2015/02982, and would be overdevelopment.
- l) It is difficult to quantify the degree of harm to the wider conservation area from the vague statements in the DAS, but there is an acknowledgement that harm would result, and 'less than substantial' could be significant.



- m) None of the flats are designated as affordable housing, which further calls into question their benefit to the community.
- n) The new designs do not appear to have taken into account any of the previous concerns raised by neighbours. The continued and total disregard for the local community by the developer highlights that any issues which might arise during construction are likely to be ignored and suggests that they lack either or both the experience and resources required for a project of this scope.
- o) Permitting this would consequently have a detrimental effect on the property value of a large number of residents in the neighbourhood.
- p) The increase in noise and nuisance during the building works would impact on the lives of those living in the area.

4.2. **North Laine Community Association** has objected to the application for the following reasons:

- a) Their comments remain the same as the previous application which was refused.
- b) Concerns remain about the bulk of the additional storey and its impact on Vine Street residents and those at the southern end of Cheltenham Place, where their rear gardens won't have any sunlight. It is disappointing that the impact on residents has not been addressed. These proposals would adversely impact the amenity of neighbouring properties due to the likely noise and disturbance, increased overlooking and loss of privacy that would result from the terraces.
- c) The development changes the massing of the building, is out of scale with the neighbouring properties, and will have a significant effect on the character of the conservation area. The additions will increase the bulk of the building and will be visible from most of North Road.
- d) The proposed additional storey would also be visible in views from North Place and would interrupt the established and distinctive parapet line of the building and of the skyline established by the parapets, eaves and roof ridges in this section of North Road and Vine Street by way of its bulk and monolithic prominence. It appears over-dominant in relation to the existing building and would be intrusive in long views.
- e) This application would neither preserve nor enhance the character and appearance of the North Laine Conservation Area as it contravenes Policies QD1, QD2, QD4, QD14, QD27 and HE6 of the Brighton and Hove Local Plan as well as SPD12.

4.3. **Councillor Deane** has objected to the application as submitted. A copy of the correspondence is attached to the report.

## 5. CONSULTATIONS

### 5.1. Heritage:

3D visuals / photomontages of the proposal have not been provided to assist with visual impact assessment as requested.

- 5.2. The 2004 application approved on appeal in 2005 is given little weight and the 2015 appeal decision is more relevant.
- 5.3. The re-roofing works between Vine Street and Cheltenham Place would be obscured by the existing development and therefore no comment is made regarding this aspect as it will unlikely be visible from the public realm.
- 5.4. The proposed additional storey would have a setback from the parapet on all the street elevations, but despite this would be highly visible looking west along North Road and from Cheltenham Place above the Fountain Head pub. It would be prominent in these views and would add bulk to the building, exacerbating the dominance of 100 North Road over the Fountain Head pub, having a harmful impact on the character and appearance of the North Laine Conservation Area.
- 5.5. This increase in height and bulk over the Fountain Head pub would also be visible from more distant views, such as from Marlborough Place within the Valley Gardens Conservation Area. The proposed additional storey would interrupt the consistent ascending roofline up North Road.
- 5.6. Views of the bulk of the proposed additional storey, although setback from the parapet, would be highly visible from the entire length of North Place directly opposite. This visual impact would have a harmful impact on the character and appearance of the North Laine Conservation Area.
- 5.7. There does not appear to be any justification behind the proposed solid panel and domestic sized doors or the proposed changes to the windows on the façade of 42 Vine Street, which are completely out of character with the conservation area.
- 5.8. The increase in parapet height to 42 Vine Street and the Vine Street elevation of 100 North Road to match that of 99 North Road is contrary to SPD12 given that the street has a mixed and varied roof line. The parapet height increase does not appear to have any function, other than to partially obscure the additional storey.
- 5.9. The resulting appearance of the proposal would create an overly prominent and out of character roof line within the North Laine and Valley Gardens Conservation Areas, the character and appearance of which it would fail to preserve or enhance, contrary to Local Plan Policy HE6. Overall, the proposal is considered to be an overdevelopment of the site. Whilst the harm to the conservation areas would be less than substantial, only minimal public benefits would arise from the development that do not outweigh this harm.
- 5.10. Following amendments to show an extended parapet and first floor windows to the east elevation in addition to the provision of CGIs, the following comments were given:
- 5.11. In the CGI view from North Place, due to the setback of the proposal, the first floor and parapet level of 100 North Road remain as the dominant built forms. The materiality of the proposal will be essential to ensuring that it recedes into

the background. From this view, a small section of the Fountain Head public house can be seen, which reads as the lower tier of a stepping down in the built form with the setback of the proposal from the east minimising the perceived bulk of 100 North Road.

- 5.12. In the CGI looking north-west toward the subject site from North Road, the proposal is visible above the neighbouring Fountain Head public house. As the proposed additional storey is substantially setback from the street front and the eastern boundary, the proposal reads as a taller building in the background of the development and not necessarily on top of 100 North Road. Similar to the North Place CGI, the existing street frontage and parapet of 100 North Road remain the dominant elements of the site.

**5.13. Urban Design:**

Generally, the reduction in scale is an improvement, especially with regard to the street scene of North Road which is unlikely to be affected by the additional storey being set back significantly from this elevation. Added to this, the revised proposal is improved in that when viewed from North Road or North Place, the additional storey is perceived only over 100 North Road. However, it is difficult to properly assess this without 3D visualisations of the proposals.

- 5.14. There remain concerns over the impact on Vine Street as the proposed additional storey is significantly closer to this elevation than the adjacent roof structures to the north. The applicant states that the revised proposals are approximately the scale of the approved 2005 scheme, so there may not be much that can be done about this. Again, 3D visualisations would assist greatly in assessing whether the proposals would be visible from this narrow street.
- 5.15. The Proposed Cheltenham Place / East Streetscene Elevation appears to make reference to the front parapet of 100 North Road and could alleviate concerns with regard to the perceived height of proposals on this elevation. However, the recess in plan at first floor level is not proposed to be infilled and thus it is unclear how this parapet is to be expressed in reality. The improvement to perceived height on the east elevation will be most successful if the new section of parapet is aligned with and is a continuation of the existing parapet to the eastern flank of 100 North Road, because this will allow the additional storey to be set back from the parapet.
- 5.16. The roofline of the proposed additional storey has been rationalised to omit the step up in height between the two existing units, now presenting as less haphazard in appearance; this is considered to be an improvement.
- 5.17. The roofline has also been detailed to provide a distinctive horizontal conclusion to the additional storey, which helps to ground it and lessen its perceived height. This could be taken further, into a brise-soleil for example, to cast greater shadow and thus reduce perception of the proposals even more.
- 5.18. The proposed vertical standing seamed metal cladding has been omitted in favour of a horizontally oriented cladding system. This is considered to be an

improvement in reducing the perceived height of the additional storey and creating a more elegant appearance.

- 5.19. Whilst the proposed cladding has been changed from vertical to horizontal, it still presents a somewhat flat and unforgiving aesthetic. As such, consideration should be given to material composition and detailing to create a lightweight and highly textural appearance to contrast the existing buildings (predominantly brick masonry and stucco). For example, large expanses of glazing, perforated shutters, green walls and rain-screen cladding systems are all ways to build a layered, textural architectural aesthetic with depth, shadow and interest.
- 5.20. More greenery should be proposed. Green walls and terrace planting will help to soften the material / aesthetic impact of the proposals and significantly improve biodiversity gains on the site.
- 5.21. Following amendments to show an extended parapet and first floor windows to the east elevation in addition to the provision of CGIs, the following comments were given:
- Generally, this is an improvement; the extended parapet wall to the east is successful in reducing the perceived mass of the additional storey.
  - The materiality of the additional storey could still be improved. The applicant should include green wall elements to the south and east elevations to soften its impact.
  - Additional windows in the eastern elevation of the additional storey would also help to soften the appearance.
- 5.22. **Planning Policy:**  
The proposed residential units would be on a windfall site and make a small contribution towards the City's housing target. The provision of two bed units is welcomed as this reflects the significant need for family sized accommodation and reflects the Council's housing mix requirements. Both units will include private roof terraces and no concerns are therefore raised regarding private amenity space.
- 5.23. Although no viability evidence has been submitted to support criterion (b) of Local Plan Policy SR8 regarding the loss of the retail unit at 42 Vine Street, its very close proximity to the North Laine retail area means that no concerns are raised in this instance. It is further noted that the 2009 planning permission for the change of use of the premises to A1 imposed a condition restricting the use to the sale of clothes, footwear, bags, purses and jewellery only.
- 5.24. There is a significant need for new employment floorspace, particularly in the central Brighton area, and the provision of 713.5m<sup>2</sup> of B1 is therefore welcomed and supported by Local Plan Policy EM4 and City Plan Policy CP2.
- 5.25. Policy WMP3e of the WMP requires proposals for new development to identify the location and provision of facilities intended to allow for the efficient management of waste, e.g. location of bin stores and recycling facilities. These are indicated on the submitted plans and no concerns are raised

- 5.26. **Transport:**  
No objections are raised to the two pedestrian accesses from Vine Street and one from North Road.
- 5.27. No objections are raised to the site continuing to have no existing vehicular access.
- 5.28. The site does not currently contain any car parking spaces, and this is to remain the case as with this proposal. The proposal has the potential to generate a demand of approx. one vehicle. Any overspill parking would be managed given the site's location within Controlled Parking Zone (CPZ) Y where there is high demand for parking indicated by permit uptake of over 98%. Therefore, it is recommended that the residential development is made car-free by condition.
- 5.29. In accordance with SPD14, the parking allowed for B1 office space located in the Central area is disabled parking only.
- 5.30. In terms of cycle parking provision, 13 cycle spaces are required to be provided for B1 office use and 14 are provided on the ground floor, which is acceptable subject to further details of and amendments to the design. Semi-vertical racks are not considered acceptable and 50% of spaces should be provided via Sheffield stands.
- 5.31. SPD14 requires showers and changing facilities to be provided for all office developments of 500m<sup>2</sup> and above, which should cater for a minimum of 10% of staff. It is requested that these be provided.
- 5.32. The ground floor plan indicates two cycle parking spaces will be provided for residential use, which is in accordance with SPD14. Bicycles being accessed in the same store as the bins is not acceptable as access would not be convenient and they would not be secure.
- 5.33. The proposal has the potential to result in a small uplift in trips, but the impact on the surrounding highway and transport network would not be severe.

## **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. 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990
- 6.3. 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 Joint Area Action Plan (October 2019)

6.4. 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. **RELEVANT POLICIES**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications but any greater weight to be given to individual policies will need to await the outcome of the Regulation 19 consultation. The council will consider the best time to carry out the consultation after the coronavirus (Covid-19) restrictions are lifted.

#### Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP2	Sustainable economic development
CP3	Employment land
CP8	Sustainable buildings
CP10	Biodiversity
CP12	Urban design
CP15	Heritage

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

TR4	Travel plans
TR7	Safe Development
TR14	Cycle access and parking
SU10	Noise nuisance
QD5	Design - street frontages
QD10	Shopfronts
QD14	Extensions and alterations
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
EM4	New business and industrial uses on unidentified sites
SR8	Individual shops
HE6	Development within or affecting the setting of conservation areas

#### Supplementary Planning Documents

SPD02	Shop Front Design
SPD03	Construction & Demolition Waste
SPD09	Architectural Features
SPD11	Nature Conservation and Development
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards

#### Supplementary Planning Guidance

SPGBH9	A Guide for Residential Developers on the Provision of Outdoor Recreation Space
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#### Other Documents

Urban Characterisation Study 2009

East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan - Policy WMP3d and WMP3e

## **8. CONSIDERATIONS & ASSESSMENT**

- 8.1. The main considerations in the determination of this application relate to the principle of development, the proposed design, and its impact on heritage assets, landscaping and biodiversity, impact on neighbouring amenity, the standard of accommodation created. and the impact on the highway network.

#### **Principle of development:**

- 8.2. The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually.
- 8.3. The Council's most recent housing land supply position published in the SHLAA Update 2019 shows a five year housing supply shortfall of 1,200 (equivalent to 4.0 years of housing supply). As the Council is currently unable to demonstrate a five year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 8.4. The site counts as a small 'windfall site', bringing the benefit of providing two additional housing unit to the city, and contributing to the City's ongoing five year supply requirements. A net increase of two dwellings (such as that in this proposal) would be a minor contribution to meeting that supply.
- 8.5. Regarding the proposed change of use of the existing retail unit (Use Class A1) at 42 Vine Street to office (Use Class B1), this is assessed against Local Plan Policy SR8. Whilst it has not been demonstrated that an A1 use is no longer economically viable in that particular unit, it is very close to the North Laine retail area. Therefore, local residents within its catchment would still be within easy

walking distance of a comparable shop so no concerns are raised in this instance. Compliance with criterion (b), relating to the loss of a retail unit, is assessed in the relevant section of this report.

- 8.6. In terms of the proposed office use, there is an existing office with a workshop area on the first floor and a kitchenette area on the mezzanine above. The site is within the Built-Up Area and the Central Brighton area (defined by City Plan Part One Policy SA2), which is a designated prime office area in accordance with City Plan Part One Policy CP3. Therefore, the principle of the office use in this location is considered acceptable in policy terms.
- 8.7. The Council's Employment Land Study (December 2012) sets a requirement for 112,240m<sup>2</sup> of new office floorspace to be provided in the City up to 2030, and also outlines significant demand for new office floorspace in Brighton and Hove. Policies SA2 and CP3 (as well as Draft City Plan Part Two Policy DM11, indicating a future direction of travel) encourage opportunities for new office and commercial uses within the Central Brighton area, support proposals for the upgrade and refurbishment of existing office accommodation to meet modern standards, the improvement in resource efficiencies and of the environment and townscape of the site.
- 8.8. In respect of Local Plan Policy EM4, as already noted there is a demonstrable need for new office floorspace in the City. In addition, the site benefits from its close proximity to Brighton train station as well as bus stops in Valley Gardens and Victoria Gardens; the proposal would not result in a loss of residential floorspace, or have a detrimental impact on a designated nature site; it is not considered to lead to a detrimental increase in traffic or noise, or on residential amenity; and the proposed mezzanine and ground floor yards provide more than adequate amenity space. Therefore, the proposed development is considered to accord with Policy EM4.
- 8.9. The proposed office extension and refurbishment of the existing would deliver much-needed new, higher quality and efficiently laid out floorspace, capable of being divided further allowing suitable flexibility for future occupiers. As such, this element of the proposal is given substantial weight in the decision-making process.

**Design and Heritage:**

- 8.10. 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.
- 8.11. Case law has held that the desirability of preserving the character or appearance of a conservation area must be given "considerable importance and weight".
- 8.12. Following the refusal of the previous application (ref. BH2019/02174), the scale of the additional storey has been reduced so that it almost matches the scale of the extension approved at appeal in 2005 (thereby removing the three bed flat previously proposed); and the footprint of the additional floor is now very similar



to the appeal scheme in that it would sit over the southern half of the site and feature a staggered arrangement (the eastern unit being closer, but still 10.3m from the North Road frontage with the western unit set a further 3.65-4m back). The currently submitted scheme has been further amended, as previously mentioned.

- 8.13. Officers' attention has been brought to the fact that BH2004/00455/FP was determined under previous Local Plan policies, albeit they were in Second Deposit Draft form. However, it is not considered that significant changes were made to their wording in the now adopted document and, where superseded, their thrust is replicated in the current City Plan Part One policies. The policies cited that have now been superseded are ENV.3, ENV.22, QD1, QD2, QD3 and QD4 and these have been replicated in by City Plan Part One Policies CP8, CP12 and CP14. As such, given that it was assessed against very similar policies to those in the current development plan, it is considered that the decision forms a material consideration in the determination of this application.
- 8.14. Application BH2015/02982, which was dismissed at appeal on 28 July 2016, is also a material consideration. Officers note that some of the concerns raised in representations about the current proposal were rejected by this Appeal Inspector. In assessing the differences between the current scheme and the appeal scheme it should be noted that the Inspector identified the following key issues in determining that appeal:
- Views of the proposed additional floor over the Fountain Head public house from North Road and Cheltenham Place, and its prominence in views from that direction up North Road given its bulk and effect of exacerbating the dominance of the existing building over the public house.
  - Views of the proposed additional floor from North Place from where it would appear prominent due to the small setback behind the parapet wall combined with its height; the additional bulk above the building would dominate it when viewed from this direction.
  - Insufficient information about any railing required above the balustrade to the front of the building, especially above no. 99. A glass balustrade would be reflective and consequently draw attention to the proposed development, exacerbating the dominating effect it would have on the existing and surrounding buildings within the conservation area.
- 8.15. The first two issues mentioned above were evident in the refusal reason for the more recent application, BH2019/02174, in addition to its significantly harmful impact on the character and appearance of the host buildings, the streetscene and the North Laine and Valley Gardens Conservation Areas.
- 8.16. As previously mentioned, the scale and bulk of the additional storey has now been reduced to that previously approved at appeal and the addition over 99 North Road has been removed so the current proposal is also differently positioned. Furthermore, it is approx. 0.5m lower than the previous scheme. Whilst it is approx. 0.39m higher than the extension approved at appeal in 2005, it appears that the provision of an appropriate floor zone, floor to ceiling heights, a roof finish and the parapet were not accounted for in the approved scheme.

- 8.17. Officers consider that the revised proposals resolve the concerns raised by the Appeal Inspector in 2016 and those mentioned in the previous report, given the removal of the additional storey over no. 99 (the corner unit) and therefore the reduced proximity of the additional storey to the Vine Street boundary.
- 8.18. In terms of the views of the building and additional floor from the east up North Road, and over the Fountain Head pub, the impact from the revised proposal on the character and appearance of the host buildings, the streetscene and the wider Conservation Area is considered to be less detrimental than the previous two schemes given the increased set back, the provision of a continuous parapet wall to successfully help conceal the additional floor, improved articulation to the windows so that they reference the datum of the existing parapet to 100 North Road, and a more considered approach to aesthetics and materiality. This has been demonstrated in the Verified Views that show the additional floor over the Fountain Head pub in addition to from the end of North Place, which were identified as the key views by the Inspector.
- 8.19. Regarding the set back, the western unit (Unit 1) would now be set back between 3.65m and 4m from the edge of the roof on the North Road frontage, 5.9m from the Vine Street frontage and by 1.9m from the Cheltenham Place frontage. These are identical distances to those approved on appeal in 2005. Furthermore, the eastern unit (Unit 2) would be set back from the edge of the roof on the North Road frontage by approx. 10.3m and 1.9m from the Vine Street frontage. These measures are considered to significantly reduce the visual impact of the proposed additional storey, even from the end of North Place, such that it would not only be set back substantially from the existing facades but would also not compete with or impose upon the existing architectural detailing of the historic facades below.
- 8.20. Officers recognise that the proposal does cause some harm to the North Laine and Valley Gardens Conservation Areas, but it is considered that this is less than substantial. Paragraph 196 of the NPPF sets out that, where this is the case, the harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. In this case, the provision of additional and improved office accommodation in addition to two new family sized dwellings is cumulatively considered to outweigh the less than substantial harm to designated heritage assets.
- 8.21. It is recognised that the extension would be visible in views westwards over the Fountain Head public house, both closer to the site and further away. However, the visibility of the extension does not make it harmful in itself. As stated above, the visibility of the extension has been reduced by virtue of the reduced scale and the increase to the height of the parapet wall as shown in the Verified Views. In combination with the improved appearance and materiality of the extension, this is now considered to outweigh the less than substantial harm previously identified. The scale and visibility of the extension is also akin to that previously considered acceptable by the Inspector in 2005. Detailed drawings and material samples are recommended to be secured by condition.

- 8.22. It is acknowledged that providing windows to the second floor flat would only have had limited benefit to future occupiers as secondary, obscure glazed windows for additional light. This has been compensated for through the addition of rooflights.
- 8.23. It is noted that concern has been raised by the Heritage Officer about the uniform parapet height, which was amended to make it so following comments by the Urban Design Officer. Officers can confirm that this element of the proposal is not contrary to SPD12, which refers to the retention of a varied roof-line and 'levelling up' buildings to a uniform height where a street has developed with buildings of varying height and scale, since this change is just to the parapet. Furthermore, the roof height of the extension is also contiguous which is supported given that the extension would be of a modern design and appearance that would contrast with the historic buildings below, as found by the Appeal Inspector for BH2015/02982.
- 8.24. It is acknowledged that the Heritage Officer has raised an objection to the proposed solid panel and domestic sized doors and the proposed changes to the windows on the façade of 42 Vine Street. However, these issues were not raised during the course of the previous application, nor did they form part of the refusal reason. As such, it is considered unreasonable to now consider those objectionable. In any case, the loss of two poor quality metal framed sash windows and double height retail warehouse-style doors would not warrant a reason for refusal. The proposed set of doors still within the large existing opening and taller windows are considered to be more appropriate for the proposed use of this part of the ground floor as offices, allowing much-needed natural light in. They can be conditioned as timber framed.
- 8.25. As such, the application would be compliant with City Plan Part One Policy CP12, Local Plan Policy QD14 and paragraphs 127 and 130 of the NPPF that require developments to add to the overall quality of the area through being visually attractive as a result of good architecture, to be sympathetic to local character and the surrounding built environment, to optimise the potential of the site and to improve the character and quality of an area. Furthermore, the latter paragraph makes it clear that design should not be used as a valid reason to object to development where it accords with clear expectations in plan policies.

**Landscaping and Biodiversity:**

- 8.26. No information has been provided with regard to landscaping, but it is possible that some existing hard surfaces would be replaced and there would be new areas of decking, for example, to the proposed terraces. A condition would be imposed to ensure that hard surfacing is porous and / or permeable. The ground floor shows that four new trees would be planted, which is welcomed subject to the species selection and tree pit design. This can be encompassed within a condition to include any new hard surfacing and planting, which could help to deliver a biodiversity net gain on site.
- 8.27. Given that the submitted Biodiversity Checklist identifies that there is none on site, limited measures would be needed to provide a biodiversity net gain in line with City Plan Part One Policy CP10 and the Environment Bill. It is

recommended that a scheme to enhance the nature conservation interest of the site is secured by condition. The use of green walls, for example, would help to soften the impact of additional floor.

**Impact on Neighbouring Amenity:**

- 8.28. Paragraph 127 of the NPPF states that planning decisions should ensure that developments create places that promote health and well-being, with a high standard of amenity for existing and future users.
- 8.29. As noted within the planning history, a previous scheme (BH2015/02982) went to appeal and was dismissed, but the second refusal reason, relating to the proposed roof having an overbearing impact and resulting in significant levels of overlooking and loss of privacy, was rejected.
- 8.30. The Appeal Inspector noted that the proposed roof terraces would provide views for future occupiers over the roofs of surrounding buildings and that any overlooking would be mutual within this densely developed city centre location and would be at an oblique angle looking down towards windows. In any case, screening for the northern-most part of the terrace for Unit 2 can be secured by condition in the event of an approval. He also considered that *“In terms of the effect on daylight and sunlight levels to surrounding properties, the limited additional height and set back from the edge of the existing roof would be sufficient to ensure that it would not materially affect light levels to surrounding properties”* and that *“the proposed development would not cause material harm to the living conditions of ... 7, 8 and 24 North Road and 1a-1b Vine Street with particular regard to privacy and outlook”*.
- 8.31. Furthermore, the delegated report for BH2015/02982 considered that *“the positioning of the proposed additional storey, including a set back from front and side elevations, together with the bulk and height of the development and the distance from the nearest residential properties is such that no significant overshadowing of nearby properties would occur beyond the existing arrangement.”*
- 8.32. Given the significant reduction in the footprint, scale, bulk and height of the additional storey now proposed in comparison to the previous two schemes, it is considered that the impact on neighbours in terms of sunlight, daylight, overshadowing, outlook and privacy would be much reduced and would not be objectionable. The increase in set-backs from the frontages have also helped in this regard. Furthermore, it would be considered unreasonable to raise such issues now given that these have not been found to be reasons for refusal by the Appeal Inspector.
- 8.33. In the event of an approval, a condition would be added to prevent the flat roof over the extension being used as a roof garden, terrace, patio or similar amenity area.
- 8.34. Consideration has been given as to whether it would be appropriate to attach a condition regarding the opening hours of the office use. However, as a condition is proposed retaining the office floorspace and removing permitted development

rights to allow a change of use, it is considered that in this instance it is not necessary to impose such a condition.

- 8.35. As such, it is not considered that this proposal would have any additional impacts on neighbouring amenity, including in terms of noise (other than that emanating from construction works, which is not a planning consideration). It is also worth noting that the potential impact from future office tenants and anyone smoking within the voids and outside spaces is also not a planning consideration.

**Standard of Accommodation:**

- 8.36. Policy QD27 of the Brighton and Hove Local Plan aims to secure a good standard of living accommodation for current and future occupiers in all new developments. Accommodation should therefore provide suitable circulation space within the communal spaces and bedrooms once the standard furniture has been installed, as well as good access to natural light and air in each habitable room.
- 8.37. The 'Nationally Described Space Standards' were introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments. Although these space standards have not been formally adopted into the Brighton and Hove City Plan, they provide a useful guideline on acceptable room sizes that would offer occupants useable floor space once the usual furniture has been installed.
- 8.38. Two flats are proposed: a two bedroom, four person dwelling (Unit 1) and a two bedroom, three person dwelling (Unit 2). According to Officers' calculations, at 72m<sup>2</sup> and 70m<sup>2</sup> both are compliant with the GIAs outlined within the NDSS (61m<sup>2</sup> and 70m<sup>2</sup> respectively) as are the bedrooms sizes, and this is therefore acceptable. The floor to ceiling height at second floor level would be 2.35m, which is considered acceptable.
- 8.39. In terms of outlook, ventilation and natural lighting, Unit 1 has triple aspect to the north, south and east thereby benefitting from cross-ventilation whilst Unit 2 only has single aspect, but this is to the west and considered acceptable since the flat would receive sufficient sunlight.
- 8.40. As such, the proposed development is considered to offer acceptable living conditions for future occupiers, compliant with Local Plan Policy QD27.

**Highways:**

- 8.41. Car-free development is considered acceptable, especially since the permit uptake rate within CPZ) Y is 98%, which is above the industry standard indication of parking stress at 85%. The restriction on future residents of the proposed flats from applying for a parking permit is recommended to be controlled by condition.
- 8.42. Whilst sufficient office and residential cycle parking spaces are proposed to be provided on the ground floor, the racks and location of the latter would not be acceptable. It is considered that details can be secured by a prior to occupation condition in the event of an approval and provided once the internal layout has

been formalised, which also applies to the showers and changing facilities for the offices.

- 8.43. In terms of refuse and recycling bins, these have been shown on the ground floor, but it is unclear whether these are for the offices or residential, or both. They should be separate and therefore a pre-occupation condition can be added in the event of an approval. The location of the paladin bin on the street is shown incorrectly on the plans but is considered unlikely to be of sufficient capacity to serve the proposed development in addition to the existing properties so should not be relied upon.
- 8.44. The proposal has the potential to result in a small uplift in trips, but the impact on the surrounding highway and transport network would not be considered to be severe.
- 8.45. Given that Council policy supports the shift away from car usage and towards more sustainable forms of transport, including walking and cycling, it is considered that a framework travel plan for the future occupiers of the offices is required, and which is an important tool to assist with this.
- 8.46. As such, subject to the imposition of suitable conditions, the impact on highways would be acceptable.

**Sustainability:**

- 8.47. City Plan Part One Policy CP8 requires new residential development demonstrate efficiency in the use of water and energy, setting standards that mirror the national technical standard for water and energy consumption. Therefore, conditions are recommended to ensure the development met those standards.

**Issues raised by consultation:**

- 8.48. Issues regarding health of residents, Building Regulations, smoking by future occupiers, disruption from building works, existing pollution, noise and odour issues, community engagement from the developer and property values are not relevant planning considerations and therefore have not been taken into account in the determination of this application. It is also worth noting that Policies QD1, QD2, QD3 and QD4 were superseded and not retained as policies once City Plan Part One was adopted in March 2016 .

## **9. CONCLUSIONS**

- 9.1. The scheme makes a minor contribution to the Council's housing targets in addition to a significant contribution to the City's supply of office floorspace, which is considered to outweigh the less than substantial harm caused to designated heritage assets. The scheme otherwise satisfactorily overcomes the previous refusal reason by proposing a much reduced extension in terms of scale and massing that would not significantly affect residential amenity and would provide a good standard of accommodation. As such, this application is recommended for approval subject to conditions.

## **10. EQUALITIES**

- 10.1. It is noted that the residential units would be accessible by a lift as would the offices on the mezzanine and first floor levels. Furthermore, level access is provided at ground floor level. Given the significant size of Unit 1, this would be more suitable for wheelchair users, but both could function as wheelchair accessible dwellings.

