

<u>No:</u>	BH2022/01855	<u>Ward:</u>	St. Peter's And North Laine Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	62-63 Old Steine And 3 Palace Place Brighton BN1 1EF		
<u>Proposal:</u>	Conversion from office (Class E) to residential (Class C3) incorporating amendments to internal layout to create 11no. flats, with associated alterations.		
<u>Officer:</u>	Sonia Gillam, tel: 292265	<u>Valid Date:</u>	04.07.2022
<u>Con Area:</u>	Valley Gardens	<u>Expiry Date:</u>	03.10.2022
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	09.11.2022
<u>Agent:</u>	ABIR Architects Ltd Unit 1, Beta House St Johns Road Hove BN3 2FX		
<u>Applicant:</u>	Brighton & Hove City Council Property & Investment Team Unit 1, Fairway Trading Estate Eastergate Road Moulsecoomb Brighton BN2 4QL		

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 a s106 agreement and the following Conditions and Informatives as set out below:

Heads of Terms:

Affordable Housing

On-site provision of 3 Affordable Units (30%).

Employment Strategy

A contribution of £3,300 and an Employment and Training Strategy.

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	0570.PL.001	B	18 October 2022
Proposed Drawing	0570.PL.002		7 June 2022
Location and block plan	0570.EXG.001		7 June 2022

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 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 CP15 of the Brighton & Hove City Plan Part One.
4. The railings and gates shown on the approved plans shall be painted black within one month of installation and shall be retained as such thereafter.
Reason: In the interests of the character and appearance of the development and the visual amenities of the area and to comply with policies HE6 of the Brighton & Hove Local Plan, CP15 of the Brighton & Hove City Plan Part One and DM26 of the Submission City Plan Part 2.
5. No external works to the building as hereby approved shall be carried out until full details of the new railings, plinth and gate, including 1:1 scale section details of each element, have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.
Reason: As this matter is fundamental to the acceptable delivery of the permission to ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.
6. No external works to the building as hereby approved shall be carried out until details of the new or replaced external entrance doors to the ground floor, in the form of 1:20 scale elevations and sections, have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.
Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan. CP15 of the Brighton & Hove City Plan Part One and DM26 of the Submission City Plan Part 2.
7. The development hereby approved shall not be commenced 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 and DM42 of the Submission City Plan Part Two.
8. 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 policies TR14 of the Brighton & Hove Local Plan, DM36 of the Brighton & Hove Submission City Plan Part Two, and SPD14 Parking Standards.

9. The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan, Policy DM21 of the Submission City Plan Part 2, 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.

10. The wheelchair accessible dwelling(s) hereby permitted as detailed on drawing no. 0570.PL.001 received on 7 June 2022 shall be completed in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings) prior to first occupation and shall be retained as such thereafter. All other dwelling(s) hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.

11. The development hereby permitted shall not be first occupied until a scheme for soundproofing of the units has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in strict accordance with the approved details prior to the first use of the development hereby approved, and shall thereafter be retained as such.

Reason: To safeguard the amenities of the occupiers and adjoining uses and to comply with policies SU9, SU10, and QD27 of the Brighton & Hove Local Plan, and Policies DM20 and DM40 of the Submission City Plan Part 2.

12. None of the residential units hereby approved shall be occupied until each residential unit 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.

13. Prior to first occupation of the development hereby approved, an Energy and Sustainability Statement demonstrating how carbon emissions will be reduced, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in strict accordance with the approved details prior to the first use of the development hereby approved, and shall thereafter be retained as such.

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.

14. Prior to first occupation of the development or prior to installation of the proposed PV panels and air source heat pumps (whichever is sooner) hereby approved, full details of positioning and specifications shall be submitted to and agreed in writing. The PV panels and air source heat pumps shall be installed in accordance with the agreed details prior to occupation and shall be maintained as such thereafter.

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. Southern Water requires a formal application to be made for any new connection to the public sewer.
3. The water efficiency standard required by condition 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

- 2.1. Numbers 62-63 Old Steine together with 3 Palace Place are two interlinked buildings forming one end of a period block within the Valley Gardens Conservation Area. The buildings are four storeys in height above a basement level and contribute positively to the appearance and character of the conservation area.
- 2.2. Palace Place to the rear is a small street laid out following the demolition of service areas and offices of the Royal Pavilion after 1850. A pedestrian passageway runs from Old Steine to Palace Place between the site and Pavilion Gardens. The bus shelter immediately outside the site on Old Steine is grade II listed, a former tram shelter dating from 1926.
- 2.3. The property is described as having been vacant since 2017 and was last used predominantly as offices (Use Class E).

3. RELEVANT HISTORY

- 3.1. **PRE2021/00163** Pre-application Advice
The redevelopment involves converting the building to full residential use and creating 11 no. self-contained units for BHCC Property and Investment Team.
- 3.2. **PRE2020/00097** Pre-application Advice
Proposed change of use; Conversion of existing to mixed use development of 11 residential units (C3) to the ground and upper floors. Basement retained for B1, D1 or D2.
- 3.3. **BH2019/01843** Prior approval for change of use from office (B1) to residential (C3) to form 10 no self-contained flats. Withdrawn.
As despite the lawful B1 use, it was not possible to demonstrate that the entire premises were and had been in B1 use since April 2011
- 3.4. **BH2017/02433**
Installation of ramp and external steps with balustrading. Approved 19/10/2017.
- 3.5. **BH2010/02204**
Application for Approval of Details Reserved by Conditions 4, 5 and 6 of application BH2010/00678. Approved 01/09/10
- 3.6. **BH2010/00678**
Change of use of basement, ground and first floors of 62-63 Old Steine from offices (B1) to a life skills centre (D1). External alterations including removal of vents, reinstatement of entrance door in existing window opening, removal of existing door and insertion of window, installation of pavement lights and creation of new flat roof over proposed lift. Approved 25/05/10
- 3.7. **BH2001/00252/FP**
Renewal of temporary planning permission BH1997/01771/FP granted on 12 January 1998 for change of use to "The Old Steine Centre" to help homeless people with an alcohol problem. Approved 28/03/2001.
- 3.8. **BH2001/00241/FP**
Renewal of temporary planning permission BH1999/02392/FP granted on 17 November 1999 for installation of externally vented ventilation fans to one ground floor and one first floor window. Approved 05.04.2001.
- 3.9. **BH1999/02392/FP**
Installation of externally vented ventilation fans to one ground floor and one first floor window. Approved 17.11.1999.
- 3.10. **BH1998/00528/FP**
Modification of condition No.7 (to permit opening hours between 08:00 and 18:00) and removal of condition No.10 (requiring the installation of an access

ramp prior to commencement of use) of planning permission BH1997/01771/FP granted on 12/01/98. Approved 22/04/1998.

3.11. **BH1997/01771/FP**

Change of use to 'The Old Steine Centre' to help homeless people with an alcohol problem; disabled access provision also proposed. Approved 12/01/1998.

4. APPLICATION DESCRIPTION

- 4.1. The application seeks permission for the conversion from the existing office use (Class E) to residential (Class C3) use, incorporating amendments to the internal layout to create 11no. flats, with associated alterations. The proposed dwellings would provide medium term housing for local people on the Council's housing register.
- 4.2. The scheme would provide 11 one bedroom units. As originally submitted, the scheme included a 2 bedroom unit, however, this was subsequently amended to be a 1 bedroom unit following concerns raised regarding the standard of accommodation.

5. REPRESENTATIONS

- 5.1. **Two (2)** letters received objecting to the proposal for the following reasons:
- Impact on conservation area
 - Not appropriate location for council housing

6. CONSULTATIONS

External:

- 6.1. **Brighton and Hove Archaeological Society:** No objection
The development is unlikely to affect any archaeological deposits.
- 6.2. **County Archaeologist:** No objection
No significant archaeological remains are likely to be affected by the proposals.
- 6.3. **Southern Water:** No objection subject to a formal application for a connection to the public foul sewer to be made by developer.
- 6.4. **Sussex Police:** No objection

Internal:

- 6.5. **City Clean:** No objection
On-street refuse and recycling containers can be used by occupants.
- 6.6. **Economic Development:** No objection

Requires a developer contribution of £3,300 and an Employment and Training Strategy.

- 6.7. **Heritage:** No objection
Requires a condition relating to the submission of large scale details of entrance doors.
- 6.8. **Planning Policy:** Comment
The proposed 11 affordable housing units would contribute towards the City Plan housing target and five-year housing land supply and would also help address the city's substantial affordable housing needs. The application is not supported by any evidence of active commercial marketing for employment uses. In absence of this, it is considered that the redundancy of the premises for employment uses has not been clearly demonstrated and the application, as it stands, fails to comply with Policy CP3.
- 6.9. **Private Sector Housing:** No objection
Scheme considered and no comments offered.
- 6.10. **Sustainability:** No objection subject to conditions relating to Biodiversity Net Gain, Energy and Sustainability Statement, Water Use.
- 6.11. **Sustainable Drainage:** No objection subject to conditions relating to foul water disposal.
- 6.12. **Sustainable Transport:** No objection subject to a condition relating to cycle parking provision.

7. MATERIAL CONSIDERATIONS

- 7.1. 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.
- 7.2. 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 JAAP (adopted October 2019).
- 7.3. 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.

8. **POLICIES**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

SA2 Central Brighton

SA3 Valley Gardens

CP1 Housing delivery

CP3 Employment Land

CP8 Sustainable buildings

CP9 Sustainable transport

CP11 Flood risk

CP12 Urban design

CP14 Housing density

CP15 Heritage

CP19 Housing mix

CP20 Affordable Housing

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

TR7 Safe Development

TR14 Cycle access and parking

SU9 Pollution and nuisance control

SU10 Noise Nuisance

QD5 Design - street frontages

QD27 Protection of amenity

HO5 Provision of private amenity space in residential development

HO13 Accessible housing and lifetime homes

HE6 Development within or affecting the setting of conservation areas

Brighton & Hove City Plan Part Two

The Inspector published her Final Report into the Examination of the City Plan Part Two 19 July 2022. The Report is a material consideration. The Inspector has concluded that with her recommended changes (the schedule of changes as appended to the Report) that the Plan is sound and can be adopted. The Inspector's report concludes the examination of City Plan Part Two. City Plan Part Two policies, as amended by the Inspector's schedule of Main Modifications, can be afforded significant weight but they will not have full weight until the City Plan Part Two is formally adopted.

DM1 Housing Quality, Choice and Mix

DM18 High quality design and places

DM20 Protection of Amenity

DM26 Conservation Areas

DM29 The Setting of Heritage Assets

DM31 Archaeological Interest

DM33 Safe, Sustainable and Active Travel

DM36 Parking and Servicing

DM40 Protection of the Environment and Health - Pollution and Nuisance

DM42 Protecting the Water Environment

DM43 Sustainable Urban Drainage

Supplementary Planning Documents:
SPD03 Construction & Demolition Waste
SPD09 Architectural Features
SPD12 Design Guide for Extensions and Alterations
SPD14 Parking Standards
SPD16 Sustainable Drainage
SPD17 Urban Design Framework

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations relating to the determination of this application are the principle of the proposed development, design and the impact upon the character and appearance of the surrounding conservation area, impact on neighbouring residential amenity, the standard of accommodation and highways and sustainability implications.

Principle of the Development

- 9.2. Policy CP1 in City Plan Part One sets a minimum housing provision target of 13,200 new homes for the city up to 2030. However, on 24 March 2021 the City Plan Part One reached five years since adoption. National planning policy states that where strategic policies are more than five years old, local housing need calculated using the Government's standard method should be used in place of the local plan housing requirement.
- 9.3. The local housing need figure for Brighton & Hove using the standard method is 2,311 homes per year. This includes a 35% uplift applied as one of the top 20 urban centres nationally. The council's most recent housing land supply position is published in the SHLAA Update 2021 which shows a five-year housing supply shortfall of 6,915 (equivalent to 2.1 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).
- 9.4. The addition of 11 units would make a contribution to meeting the housing target.

Loss of Employment Space

- 9.5. Policy CP3.5 states that the loss of unallocated sites or premises in, or whose last use was, employment use (Use Classes B1-B8) will only be permitted where the site or premises can be demonstrated to be redundant and incapable of meeting the needs of alternative employment uses (Use Classes B1-B8). The policy also states that, where loss is permitted, the priority for re-use will be for alternative employment generating uses or housing. It should be noted that under the changes to the Use Classes Order introduced on 1 Sept 2020, employment uses previously classed as B1a now fall under Class E

(Commercial, Business and Service Uses). However, the CPP1 marketing requirements for office uses still apply.

- 9.6. The application states that the property has been vacant since 2017 and the proposal to convert the building to residential is based on increased demand for good quality affordable accessible housing in this area of the city. Current private sector rented temporary accommodation units in the St. Peter's and North Laine Ward contracts are coming to an end and there are challenges with securing appropriate good quality privately rented temporary accommodation in this area which provides value for money for the Council.
- 9.7. The application is supported by an Office Demand and Viability Assessment prepared by a commercial agent. The report comments that Old Steine is an established office location, however demand for such accommodation has decreased in recent years, with a number of buildings having been converted to residential use. In addition, there are more major office and employment areas within walking distance around Queens Road and Brighton railway station.
- 9.8. The assessment states there is likely to be limited commercial demand for the building in its current configuration, due to the building's size, design and layout. It would require extensive refurbishment to bring it back into occupiable condition and would still lack the extra amenities, such as an open-plan layout, increasingly expected in a modern office. The cost of such refurbishment would be considerable and high risk. The report concludes that the property has significant limitations as an office use and would only be sellable in the market as a residential conversion opportunity.
- 9.9. Notwithstanding the poor quality and layout of the existing building, to satisfy Policy CP3.5, there is a general expectation that commercial marketing is undertaken for at least one year, which has not been the case in this instance. For this reason, it is considered that the redundancy of the premises for employment uses has not been clearly demonstrated and the application, as it stands, fails to fully comply with Policy CP3.
- 9.10. However, the overall justification for the loss of the office space is considered reasonable with regard to the constraints of the building, refurbishment costs and alternative modern office facilities nearby, which are all considerations of policy CP3. Given this, together with the fact the scheme proposes 100% affordable accommodation, does weigh in the applications favour. Whilst it is acknowledged the scheme does not fully comply with the requirements of policy CP3, on balance the scheme is considered acceptable.
- 9.11. The principle of converting the building to residential accommodation, providing 100% local authority affordable housing for people in need on the housing register, weighs heavily in favour of the proposal, somewhat mitigating the lack of marketing and failure to comply fully with Policy CP3. It is considered that, given the above, an exception could be made in this instance, pending other planning considerations as outlined below.

Housing Provision

- 9.12. It is recognised that the creation of 11 additional residential units would make a positive contribution towards the city's housing target as set out in City Plan Policy CP1.
- 9.13. Policy CP19 criterion c. states that sites coming forward as 'windfall' development will be required to demonstrate that proposals have had regard to housing mix considerations and have been informed by local assessments of housing demand and need. Also, criterion d. requires that all new residential development will have regard to the characteristics of existing neighbourhoods and communities to ensure that development makes a positive contribution to the achievement of mixed and sustainable communities. The supporting text to Policy CP19 (paragraph 4.213) sets out the broad mix of housing sizes that should be aimed for across the city as a whole, though the text also makes reference to site suitability (paragraph 4.215) as one of the factors that will determine the range and variety of housing.
- 9.14. The conversion would provide 11 one-bedroom flats (a mix of single and double occupancy). In this case, the proposed mix is responding to the identified need for accommodation for people on the Housing Register. The location of the city centre site and the constraints of the building which has no outdoor space is considered more conducive to the single occupancy units and would not likely be as suitable for family accommodation. In this instance a conversion solely containing single bed units is considered acceptable in respect of housing mix. The units would be a welcome addition to the City's housing stock.
- 9.15. Policy CP20 sets out that up to 30% of the proposed units should be affordable. The policy sets out that this should be an onsite provision or as an equivalent financial contribution. The applicants have confirmed that the site will provide 100% affordable housing. Whilst this provision is welcomed, the s106 Legal Agreement can only secure the number of units that would ensure policy compliance.
- 9.16. Given the above, the principle of the conversion to residential is considered acceptable as it would deliver additional housing of a type which is in demand. However other planning issues, as set out below, also need to be considered.

Design and Appearance:

- 9.17. Chapters 12 (Urban Design), 14 (Housing density) and 19 (Housing mix) of the City Plan set out aims to secure a high standard of design and development which pays respects to site constraints and the character of the area surrounding the site. The property is unlisted; however, it is located within the Valley Gardens Conservation Area.
- 9.18. 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. Case law has held that the desirability of preserving or enhancing the character or appearance of a conservation area should be given "considerable importance and weight".

- 9.19. The conversion of this property to eleven self-contained flats would bring the historic buildings back into use, which is a clear heritage benefit. The original use of the buildings would have been residential, and the proposal is also appropriate to the mixed-use character of the conservation area.
- 9.20. No harmful alterations are proposed to the public elevations. There would be new CCTV cameras at each entrance however these entrances are not prominent in the street scene so any harmful impact on the conservation area would be very minor. The roof level photovoltaic panels and air source heat pumps plus associated guard railing would not be visible from ground level in the locations shown, so there would be no significant impact on the conservation area arising from these.
- 9.21. The plans indicate new gates and railings in the public footway between the building and the Royal Pavilion Gardens. The drawings show these to exactly match the existing railings at the southern end of the gardens. There is no objection to this provided that the new railings, plinth and gate are carefully detailed to match the existing. The Council's Heritage Officer has advised that they should be painted black to distinguish this space from the gardens, and to match the first-floor balcony above. This can be secured by condition.
- 9.22. The Planning Statement states that the proposed design incorporates a steel front door however there is no indication of this on the plans, which refer only to a new single leaf door to the Palace Place elevation to match the existing double leaf door. Therefore, details of both external entrance doors should be sought by condition.
- 9.23. Given the above, the proposal would be a suitable form of development on this site, which would not harm the character and appearance of the conservation area, in accordance with policy HE6 of the Brighton & Hove Local Plan, CP15 of the Brighton & Hove City Plan Part One, and policy DM26 of City Plan Part 2 (which can be given significant weight). Subject to the above conditions, the Council's Heritage Officer has no objections to the scheme.

Standard of Accommodation:

- 9.24. Policies DM20 and QD27 seek to ensure a good standard of amenity for future occupiers of the proposed development and this requirement is one of the core planning principles of the NPPF. Indeed, the updated NPPF requires that all developments provide a 'high' standard of amenity for future occupiers, which is a high bar that goes beyond amenity being merely 'adequate' or 'acceptable'. Although not yet adopted, the Proposed Submission City Plan Part 2 policies indicates direction of travel and now carries significant weight as a material planning consideration. Policy DM1 sets out Nationally Described Space Standards (NDSS) for dwellings.
- 9.25. The 11 units would each have one bedroom, and are a mix of single and double occupancy. The proposed units would comply with minimum space standards above. The overall design and layouts would provide good circulation space and

rooms are well proportioned and all benefit from good levels of outlook, natural light and natural ventilation.

- 9.26. It is noted that all the rooms of the rear ground floor unit and the bedrooms of the front ground floor unit face onto a pedestrian passageway; however narrow residential passageways and 'twittens' are not unusual within the city centre, although it is acknowledged that the close proximity to the windows raises the potential for noise and lack of privacy. However, given that access to the passage would be restricted to the public by a 'gate order' between certain times (6pm-8am), the layout of the ground floor flats is considered to be acceptable. To the front of the property the accommodation would front a busy pedestrian street.
- 9.27. Local Plan Policy HO5 requires the provision of private useable amenity space in new residential development where it is appropriate to the scale and character of the development. No amenity space is proposed; however, it is recognised that this would be a conversion of a historic building and that the site is constrained. Furthermore, the building is close to many public recreation areas, such as Pavilion Gardens and the Seafront. Therefore, the lack of private outside space would not warrant refusal in this instance.
- 9.28. It is acknowledged that the front of the building is located on a busy city centre road with a bus stop sited adjacent in Old Steine. Licensed events also regularly take place in the area. Therefore, it is recognised that noise from existing surrounding uses could be a potential issue for residents. In terms of proposed layouts, living rooms would be sited to the front of the property facing Old Steine, rather than the bedrooms which are proposed further to the rear of the building. This is considered appropriate in terms of limiting noise nuisance. Notwithstanding this, it is recommended that a soundproofing scheme is sought by condition to mitigate the noise from the city centre location. This could include appropriate glazing; the Council's Heritage Officer has confirmed that appropriate slimline or secondary double glazing is likely to be acceptable in heritage terms.
- 9.29. Furthermore, it is noted that the upcoming implementation of the Valley Gardens Phase 3 scheme will ensure that the area in front of the building is pedestrianised, with the traffic and bus stops located much further away on the other side of Old Steine. Once this phase is implemented, the site is expected to see an improvement in respect of both noise and air quality.
- 9.30. A store for refuse and recycling is proposed at basement level. The City Clean Team has confirmed that existing on-street refuse and recycling containers would be available for use by occupants.
- 9.31. Overall, given the above, it is considered that a good standard of accommodation would be provided and that the scheme is acceptable in this respect.

Sustainable Transport:

- 9.32. The additional dwellings are not considered to lead to a significant increase in person and vehicle trips and therefore the development is unlikely to have a severe impact on the highway and surrounding transport network. Pedestrian access to the site will remain unchanged from both Old Steine and Palace Place; this is acceptable.
- 9.33. The site is proposing no car parking and a store for 13 cycles which is in line with SPD14 parking policy. The cycle store would be provided in the basement and would be accessed by a set of stairs. It is acknowledged that this is not ideal, however given the constraints of the site it is considered acceptable in this instance.
- 9.34. It is noted that, to help reduce antisocial behaviour in the area by defining public and private space, a gate order is proposed to restrict access to the public between certain times (6pm-8am) to the pavement areas linking Palace place with the Old Steine adjacent to the Pavilion gardens. The gates would be on a timer and residents can come and go with a key. Signage would direct the public to an alternative route during the restricted hours. There is no objection to these proposals. Although this would be agreed by a separate department within the council.

Sustainability:

- 9.35. Proposed sustainability measures including air source heat pumps, photovoltaic panels, thermal insulation, the refurbished windows. The Council's Sustainability Officer has recommended submission of an Energy and Sustainability Statement demonstrating how carbon emissions will be reduced, plus the Building Regulations optional standard for water consumption. These measures can be secured by condition.

10. CONCLUSION

- 10.1. It is acknowledged that to satisfy Policy CP3.5, there is a general expectation that commercial marketing is undertaken for at least one year, which has not been the case in this instance. For this reason, it is considered that the redundancy of the premises for employment uses has not been clearly demonstrated and the application, as it stands, fails to fully comply with Policy CP3. However, the constraints of the building, refurbishment costs and policy support for lost office space to be used for housing, particularly affordable housing, are noted. It is also recognised that there are modern office sites nearby.
- 10.2. The development would bring the historic buildings back into use and provide 11 new dwellings for the City, of a good size and standard. The units would contribute towards the City Plan housing target and five-year housing land supply and would also help address the city's substantial affordable housing needs, by providing 100% local authority affordable housing for people on the housing register. There are no significant amenity or highways issues.

- 10.3. Given the above, it is considered that, in this instance, an exception can be made to policy and the scheme can be recommended for approval.

11. COMMUNITY INFRASTRUCTURE LEVY

- 11.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. It is estimated that the amount of CIL liability for this application is £142,640. The exact amount will be confirmed in the CIL liability notice which will be issued as soon as it practicable after the issuing of planning permission.

12. DEVELOPER CONTRIBUTIONS

- 12.1. Affordable housing Not less than 3 Affordable Housing Units to be provided on site as per policy CP20 of the City Plan Part One which seeks 30% Affordable Housing provision on a net gain of between 10-14 units.
- 12.2. Local Employment scheme: Based upon the current adopted Developer Contributions Technical Guidance, £3,300 plus the submission of an employment and training strategy in respect of the construction phases of the development.
- 12.3. In the event that the draft S106 agreement has not been signed by all parties within 12 weeks of the date of the permission, the Head of Planning is authorised to refuse the application for the following reasons:
1. The proposed development fails provide to provide the provision of affordable housing with regard to the requirements of Policies CP1, CP19 and CP20 of the Brighton and Hove City Plan Part 1.
 2. The proposed development fails to provide a financial contribution towards the City Council's Local Employment Scheme to support local people in employment within the construction industry, contrary to policy CP7 of the City Plan Part 1 and the City Council's Developer Contributions Technical Guidance.
 3. The proposed development fails to provide an Employment and Training Strategy specifying how the developer or their main contractors will provide opportunities for local people to gain employment or training on the construction phases of the proposed development, contrary to policy CP7 of the City Plan Part 1 and the City Council's Developer Contributions Technical Guidance.

13. EQUALITIES

- 13.1. Policy DM1 of the CPP2 states that a proportion (5%) of all new dwellings on larger sites should be built to a wheelchair accessible standard. One ground floor wheelchair accessible unit is proposed which can be secured by condition. The

existing access to the west would be level to serve the wheelchair accessible unit.

- 13.2. All units (other than wheelchair accessible unit) would be M4(1) Visitable, rather than M4(2) Accessible and Adaptable as required to be policy compliant. The application states that conversion of the existing historic building into fully compliant M4(2) new dwellings is challenging for several reasons. Access to the property to the north is via an existing stepped entrance that is part of the character of the building. A ramped approach is not possible as it would need to be on the public footpath and the underground BT services under the path restrict the construction.
- 13.3. Furthermore, installation of a new lift and provision of associated fire/smoke lobbies would impact on project viability. It would restrict the layout plan, reduce the number of residential units by up to 4 and potentially impact on the space standards that could be achieved. It is confirmed that the capital cost and ongoing maintenance of a lift would prove uneconomic in the proposed scheme.
- 13.4. Policy DM1 recognises that there may be some instances when an exception to an element of the requirements might be justified, such as the viability of providing a lift or a conversion of a historic building. Given the nature of the scheme and the justification provided above, the access proposals in this instance are considered acceptable.

14. CLIMATE CHANGE/BIODIVERSITY

- 14.1. The application site is brownfield land within a sustainable location with excellent access to public transport links and local facilities. The works would modernise and refurbish the existing building. Cycle parking is proposed, reducing reliance on cars.