

<b><u>No:</u></b>	<b>BH2023/02163</b>	<b><u>Ward:</u></b>	<b>Wish Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Shermond House 58 - 59 Boundary Road Hove BN3 5TD</b>		
<b><u>Proposal:</u></b>	<b>Erection of a two-storey detached office building (Class E) with car parking retained at ground floor and new cycle storage, in car park to rear of existing building.</b>		
<b><u>Officer:</u></b>	Michael Tucker, tel: 292359	<b><u>Valid Date:</u></b>	23.08.2023
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	18.10.2023
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Lewis And Co Planning SE Ltd Lewis & Co Planning 2 Port Hall Road Brighton BN1 5PD		
<b><u>Applicant:</u></b>	Mr A Abboudi C/o Lewis And Co Planning 2 Port Hall Road Brighton BN1 5PD		

## 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	TA1396/01	D	23 August 2023
Proposed Drawing	TA1396/10	F	1 August 2023
Proposed Drawing	TA1396/11	E	1 August 2023
Proposed Drawing	TA1396/12	E	1 August 2023
Proposed Drawing	TA1396/13	E	1 August 2023
Proposed Drawing	TA1396/14	D	1 August 2023
Proposed Drawing	TA1396/15	E	1 August 2023
Proposed Drawing	TA1396/16	D	1 August 2023
Proposed Drawing	TA1396/17	E	1 August 2023
Proposed Drawing	TA1396/18	F	1 August 2023

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

**Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

3. No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a

written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

The archaeological work shall be carried out in accordance with the approved written scheme of investigation and a written record of all archaeological works undertaken shall be submitted to the Local Planning Authority for approval in writing within 3 months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is agreed in advance and in writing with the Local Planning Authority.

**Reason:** To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policies DM31 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.

4. No development, including demolition, shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:
  - (i) The phases of the Proposed Development including the forecasted completion date(s)
  - (ii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
  - (iii) A scheme of how the contractors will minimise disturbance to neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site
  - (iv) Details of hours of construction including all associated vehicular movements
  - (v) Details of the construction compound
  - (vi) A plan showing construction traffic routes

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

**Reason:** As this matter is fundamental to the protection of amenity, highway safety and managing waste throughout development works and to comply with policies DM20, DM33 and DM40 of Brighton & Hove City Plan Part 2, policy CP8 of the Brighton & Hove City Plan Part One, and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03 Construction and Demolition Waste.

5. Notwithstanding any details shown on the approved plans, no development above ground floor slab level of any part of the development hereby permitted shall take place until details 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/details of all brick and tiling
  - b) samples/details of all hard surfacing materials
  - c) samples/details of the proposed window and door treatments
  - d) samples/details 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 DM18 of Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One.

6. Notwithstanding the plans hereby approved, prior to first occupation of the development hereby permitted, a Car Park Layout and Management Plan shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained and maintained in accordance with the plan for use at all times.  
**Reason:** To ensure the development provides for the needs of all occupants and visitors to the site, to ensure the provision of satisfactory facilities for all users of the car park including pedestrians and the mobility and visually impaired and to comply with SPD14 Parking Standards, Policy CP9 of the City Plan Part One and Policy DM33 of the City Plan Part Two.
7. The development hereby permitted shall not be first occupied until details of disabled car parking provision for the occupants of, and visitors to, the development has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.  
**Reason:** To ensure the development provides for the needs of disabled staff and visitors to the site and to comply with policy DM36 of Brighton & Hove City Plan Part 2, and SPD14: Parking Standards
8. The development hereby permitted shall not be occupied until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out and provided in full in accordance with the approved details prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.  
**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and to comply with Policies DM18 and DM21 of Brighton & Hove 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.
9. Prior to first occupation of the development hereby permitted, swept path vehicle analysis drawings shall have been submitted to and approved in writing by the Local Planning Authority, to demonstrate that vehicles are able to sufficiently manoeuvre into and out of the site, as well as to utilise the proposed car parking bays as indicated on the approved Car Park Layout Plan as required under condition 6.  
**Reason:** To comply with Policy CP9 of the City Plan Part One and Policy DM33 of the City Plan Part Two.
10. Within 6 months of first occupation of the non-residential development hereby permitted a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM New Construction rating of 'Very Good' shall be submitted to, and approved in writing by, the Local Planning Authority.

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

11. The development hereby approved shall achieve a minimum Energy Performance Certificate (EPC) rating 'B'.  
**Reason:** To improve the energy cost efficiency of existing and new development and help reduce energy costs to comply with policy DM44 of the Brighton & Hove City Plan Part Two.
12. The premises hereby permitted shall be used as an office (Use Class E(g)(i)) only and for no other purpose (including any other purpose in Class E 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 safeguard the amenities of local residents, and to comply with Policy CP3 of Brighton & Hove City Plan Part One and Policy DM20 of the Brighton & Hove City Plan Part Two.
13. At least one bee brick shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.  
**Reason:** To enhance the biodiversity of the site and to comply with Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
14. The development hereby permitted shall incorporate at least four (4) swift bricks/boxes within the external walls of the development and shall be retained thereafter.  
**Reason:** To enhance the biodiversity of the site and to comply with Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
15. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of the construction of the green roofs have been submitted to and approved in writing by the Local Planning Authority. The details shall include a cross section, construction method statement, the seed mix, and a maintenance and irrigation programme. The roofs shall then be constructed in accordance with the approved details and shall be retained as such thereafter.  
**Reason:** To ensure that the development contributes to ecological enhancement on the site and in accordance with Policy DM37 of Brighton & Hove City Plan

Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

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 details of the BREEAM assessment tools and a list of approved assessors can be obtained from the BREEAM websites ([www.breeam.org](http://www.breeam.org)).
3. The applicant is advised that Part L - Conservation of Fuel and Power of the Building Regulations 2022 now requires non-residential development to have achieved a 27% improvement on the carbon emissions against Part L 2013.
4. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level and preferably adjacent to pollinator friendly plants.
5. Swift bricks/boxes can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height of approximately 5 metres above ground level, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting them above windows or doors. Swift bricks should be used unless these are not practical due to the nature of construction, in which case alternative designs of suitable swift boxes should be provided in their place where appropriate.

## **2. SITE LOCATION**

- 2.1. The application relates to the rear car park area of a three-storey building on the eastern side of Boundary Road, Portslade. The site is located within the Boundary Road District Centre identified within City Plan Part One and Part Two, with the existing building forming part of the prime frontage of the district centre. The site is located within an Archaeological Notification Area.
- 2.2. The site is located in a mixed area with commercial and residential uses to the north, west and south on Boundary Road. To the east, Worcester Villas comprises residential uses in semi-detached and terraced dwellings.
- 2.3. The existing building comprises retail (Class E) on the ground floor and residential flats (C3) above, with Prior Approval having recently been granted for the conversion of the upper floors.

### 3. RELEVANT HISTORY

- 3.1. **BH2022/02102** - Erection of a two-storey detached office building (Class E) with car parking retained at ground floor and new cycle storage, in car park to rear of existing building. Refused by the Planning Committee for the following reason: *“The proposed development, by reason of the proposed east- and west-facing first floor glazing and proximity to neighbouring dwellings, would give rise to an increase in actual and perceived overlooking of residents of Shermond House and on Worcester Villas. This would cause an unacceptable loss of amenity to these occupiers and would be contrary to Policy DM20 of the City Plan Part Two.”*
- 3.2. **BH2022/01188** - Application for Approval of Details reserved by Condition 2 (Secure Cycle Parking) of application BH2018/01843. Approved
- 3.3. **BH2020/00996** - Prior approval for change of use at first and second floors from offices (B1) to residential (C3) to form 10no. one bedroom flats. Approved
- 3.4. **BH2020/00905** - Erection of additional storey to create new office space (B1), installation of external lift shaft at rear, revisions to vehicle and cycle parking. Refused, appeal dismissed
- 3.5. **BH2019/01352** - Extension to the roof of existing building to create new office space (B1), installation of external lift tower at rear of building, increased vehicle and cycle parking and new bin storage to the ground floor car park. Refused, appeal dismissed
- 3.6. **BH2018/01843** - Prior approval for change of use at first and second floors from offices (B1) to residential (C3) to form 10no one bedroom flats. Approved

### 4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the erection of a two-storey detached office building (Use Class E) in the rear car park of Shermond House which is a mixed-use office and residential building. The proposed building would be accessed from Boundary Road via the existing undercroft passage.
- 4.2. The proposals are a resubmission of a recently refused application (BH2022/02102) and incorporate a revised design to address the reason for refusal (relating to overlooking) of this previous application. The first-floor window apertures to the east and west elevations are now proposed to be infilled with metal cladding.

### 5. REPRESENTATIONS

- 5.1. **Twelve (12)** letters of objection, raising the following points:
  - Overdevelopment
  - Poor design

- Loss of privacy
- Blocks light
- Worsened parking availability
- Noise and disruption during building work
- Noise disturbance
- Query need for more offices
- Health risks from poor ventilation
- Too similar to recent refused application
- Could be converted into more housing at a later date
- Windows could be reinserted
- Further applications should be prevented
- Out of character for the area

5.2. **Councillor Sankey** has objected to the application and asked for it to be heard at Planning Committee. A copy of this objection is attached to this report.

5.3. Full details of representations received can be found online on the planning register.

## 6. CONSULTATIONS

6.1. **Economic Development:** No comment

6.2. **Environmental Health:** No comment received

6.3. **Planning Policy:** No comment

6.4. **UK Power Networks:**

The proposed development is in close proximity to a substation. If the proposed works are located within 6m of the substation, then they are notifiable under the Party Wall etc. Act 1996. The Applicant should provide details of the proposed works and liaise with the Company to ensure that appropriate protective measures and mitigation solutions are agreed in accordance with the Act. The Applicant would need to be responsible for any costs associated with any appropriate measures required.

6.5. **Southern Water:**

Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

6.6. It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

6.7. **Sustainable Transport:**

The height of the vehicle access undercroft is not sufficient to allow for fire pump access. Confirmation of the alternative fire strategy is therefore required to ensure compliance with building regulations.

- 6.8. Limits on the height of vehicles, swept path analysis, disabled parking, car and cycle parking layout and management. Refuse and recycling details, and a Construction Environment Management Plan should be secured by condition.

## **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 City Plan Part Two (adopted October 2022);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- Shoreham Harbour Joint Area Action Plan (adopted October 2019).

## **8. POLICIES**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

CP2 Sustainable economic development

CP3 Employment land

CP8 Sustainable buildings

CP9 Sustainable transport

CP10 Biodiversity

CP11 Flood risk

CP12 Urban design

CP15 Heritage

#### Brighton & Hove City Plan Part Two

DM11 New Business Floorspace

DM12 Regional, Town, District and Local Shopping Centres

DM18 High quality design and places

DM20 Protection of Amenity

DM31 Archaeological Interest

DM33 Safe, Sustainable and Active Travel

DM40 Protection of the Environment and Health - Pollution and Nuisance



DM44 Energy Efficiency and Renewables

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste

SPD14 Parking Standards

**9. CONSIDERATIONS & ASSESSMENT**

9.1. The main considerations in the determination of this application relate to the principle of the development, the design and appearance of the proposals, the impact upon neighbouring amenity and sustainable transport matters.

**Principle of Development:**

9.2. Policy CP2 of the City Plan Part One positively encourages sustainable economic growth and seeks to both secure inward investment and support the provision of small- and medium-sized employment floorspace.

9.3. The NPPF in paragraphs 119 and 120 encourage planning decisions to promote the more effective use of land that has previously been developed.

9.4. The site is located in a mixed-use area, with the site itself already being host to both residential and commercial uses. The introduction of additional office (Class E) space is therefore considered not to be inappropriate. Furthermore, the car park area to the rear comprises 'previously developed land' and is stated to be under-utilised for its current purpose. The proposal would therefore represent a more effective use of the site.

9.5. The proposals are therefore considered to be in accordance with Policy CP2 of the City Plan Part One and NPPF paragraph 119 & 120.

9.6. It is recognised that there is some tension with Policy DM11 of the City Plan Part Two which requires new office (Class E(g)(i)) floorspace to, inter alia, provide for well-designed buildings and layouts that are flexible and suitable for subdivision.

9.7. The proposed building is unlikely to lend itself to subdivision due to its relatively small size (187sqm GIA) and layout. The potential for alternative industrial use would also be limited given the constraints presented by the neighbouring residential dwellings to the east and west.

9.8. Whilst this is acknowledged, on balance it is considered that refusal would not be warranted on these grounds as the proposed building is otherwise well designed with inclusive level access to the ground floor, as well as suitable natural light and outlook. In addition, given the aforementioned site constraints it is considered that the proposed building is at the limit of what could comfortably be accommodated in terms of the scale of the building and the amount of floorspace provided internally.

9.9. Policy CP3 identifies the need for new business space within the city, and Policy DM11 acknowledges the pressure on the existing stock from Permitted

Development and Prior Approval changes of use. This increases the weight given to the benefits of the scheme in making more effective use of the existing site with it being considered that the redevelopment of the site for office use, even though not fully in accordance with Policy DM11, would nevertheless be a more efficient use of the site than as an off-street vehicle parking area.

- 9.10. It is therefore considered that the proposal is acceptable in principle as it would accord with Policy CP2 and the NPPF paragraph 119, and that whilst there would be partial conflict with Policy DM11 this would be outweighed by the above factors and would not warrant refusal.
- 9.11. In view of the above and in the interests of neighbouring amenity it is considered appropriate to attach a condition restricting the use of the building within the meaning Class E to offices (E(g)(i)), and to remove 'permitted development' rights for changes of use. This will allow for the implications of any future changes of use of the building to be fully assessed.

**Design and Appearance:**

- 9.12. The proposal comprises a two-storey building with a flat roof. The building would be finished in brickwork and would have a 'green' roof with rooflights and PV panels and grey fenestration. There would be grey metal cladding panels between fenestration to the northern side elevation, and grey metal cladding to the first-floor window apertures to the east and west elevations. This last feature would address the reason for refusal of the previous application pertaining to overlooking and loss of privacy, whilst retaining the balance and composition of the elevations and avoiding an overly bulky or top-heavy appearance that would result from a solely brickwork finish at first floor.
- 9.13. In terms of urban grain and the siting of the proposed building, it is recognised that the introduction of a new building in this location presents a challenge given the currently open nature of the rear of the site. Whilst there are existing examples of detached buildings set to the rear of the primary buildings fronting onto Boundary Road (for example immediately to the south of the site), these are of a single-storey scale and therefore result in minimal visual disruption or incongruity.
- 9.14. The proposal is two-storeys in height and therefore would have a greater impact in terms of its massing and relationship with the surrounding neighbours than the existing single-storey buildings. There would be some visual disruption to the otherwise open character of the area between the rear of Boundary Road and Worcester Villas.
- 9.15. However, it is considered on balance that the resultant harm in terms of design and appearance would not be significant enough to warrant refusal of the application. The scale and massing of the proposed building would remain significantly lower than that of the existing buildings fronting Boundary Road, and together with the proposed flat roof form would, despite its increased scale relative to existing rear buildings, nevertheless achieve a subservience appropriate for its location at the rear of the site.

- 9.16. In terms of detailed design, the proposed building is considered acceptable. The proposed pattern of fenestration would display consistency in terms of proportion and alignment and is considered acceptable. The material finish would not be out of keeping for the area, although full details are recommended to be secured by condition.
- 9.17. It is recognised that applications for two-storey developments to the rear of the buildings fronting Boundary Road have been refused in the past.
- 9.18. For example, application BH2016/05009 at 57 Boundary Road proposed an additional first floor to the existing single-storey dwelling immediately to the south of the application site, and was refused due to its "scale, massing and site coverage", having an "unduly dominant, discordant and unsympathetic relationship with the adjacent properties and an overbearing impact on the appearance of the wider area, contrary to policy QD14 and QD27 of the Brighton & Hove Local Plan".
- 9.19. Every development must however be assessed on its own merits. The application site for BH2016/05009 was substantially more constrained for space than for the current application, with a significantly greater degree of plot coverage and accordingly a reduced separation distance to site boundaries and neighbouring buildings. It is further noted that BH2016/05009 provided no wider public or economic benefits beyond increasing the floor area of the existing dwelling.
- 9.20. It is therefore considered that, whilst there would be some harm resulting from the scale of the proposed building, the current application is, on balance, considered to be acceptable in terms of design and appearance and would accord with Policy CP12 of the City Plan Part One and Policy DM18 of the City Plan Part Two.

**Impact on Amenity:**

- 9.21. Policy DM20 of the City Plan Part Two states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 9.22. The neighbours most likely to be affected by the proposed development are the occupants of the flats on the upper floors of the existing building on the site (Shermond House 58-59 Boundary Road), the single-storey dwelling directly to the south at the rear of 57 Boundary Road, and the dwellings on Worcester Villas to the east of the site (principally nos. 2-8). To the north of the site is a car park area.
- 9.23. The building would be set 9m away from 58-59 Boundary Road. Together with the mutual east-west orientation of the buildings this is considered an acceptable separation distance to avoid significant impact in terms of overshadowing and loss of light. The residential use in this neighbouring building is located on the upper storeys (first and second floors), above the notably high commercial ground floor level, and as such the proposals are considered unlikely to result in

unacceptable loss of outlook or sense of enclosure given that the parapet of the proposed building does not exceed the top of the first-floor window openings for Shermond House.

- 9.24. The reason for refusal of the previous application related to overlooking, both actual and perceived, from the first-floor glazing to the east and west elevations. The current proposal includes solid metal cladding to infill these apertures to eliminate overlooking, and it is considered that this would overcome the concerns raised previously by removing any views outwards to the east and west.
- 9.25. The neighbour at the rear of 57 Boundary Road would not be significantly affected in terms of overshadowing or loss of light due to its location to the south of the proposed building. Whilst the separation distance to this neighbour would be close at 3.5m, the likely resulting impact in terms of enclosure and overbearingness is considered acceptable as the main bulk of the proposed building would be set further apart at 5.5m, and that the primary fenestration of the neighbour does not face north. There is no fenestration proposed facing southwards.
- 9.26. The proposed building would be set 3.7m away from the eastern site boundary, with an overall separation distance of 19 to 22m between the rear elevation of the proposed building and the rear elevation of the dwellings directly to the east on Worcester Villas (19m for no. 4 Worcester Villas which has a single-storey rear extension). It is considered that the proposed building would be sufficiently spaced from the eastern neighbours to avoid a significant harmful impact in terms of direct overshadowing or loss of light. It is recognised that the proposal would be visible from the rear windows and gardens of these neighbours and that there would be some resultant impact on the outlook from these dwellings and garden areas. However, it is considered that the level of harm in this regard would be not significant, given the separation distance involved, the relatively modest scale of the proposals and the flat roof form further reducing the bulk of the building on the eastern boundary of the site. The concerns raised previously regarding harmful overlooking eastwards are considered to have been addressed through the proposed infilling of these first-floor window apertures with metal cladding.
- 9.27. As identified above, the site to the north comprises off-street car parking and the addition of clear glazed windows to the northern elevation (to allow for some outlook given the infilling of the eastern and western first floor windows) is considered acceptable.
- 9.28. In terms of noise and activity, the proposed office (Class E) use is considered appropriate for the area and with a projected 20 employees is unlikely to result in significant harm for neighbours. This is subject to the condition restricting the use within Class E as other uses within this Class may have a significantly greater impact in this regard.

#### **Sustainable Transport:**

- 9.29. The changes made to the scheme since the recent refused application would not materially bear upon the transport considerations of the development.
- 9.30. The previous application included a Transport Assessment by Reeves Transport Planning. The Transport consultee reviewed this document (as part of the previous application) and raised no objection to the application, subject to a number of conditions to be attached.
- 9.31. The proposal is considered unlikely to result in a significant increase in trip generation compared to the existing use.
- 9.32. The site is an existing car park, understood to provide 16 spaces, controlled by a barrier. The proposal retains 7 car parking spaces, and whilst the proposed bays appear to be acceptable in terms of dimension, there is no disabled parking space(s) indicated, and no swept path analysis to demonstrate acceptable manoeuvrability. These matters can be resolved through the recommended condition securing a Car Park Layout and Management Plan and Swept Path drawings. This would also be expected to confirm the proposed allocation between the retail occupier and the proposed office building.
- 9.33. It is recognised that there would be a loss of nine on-site car parking spaces as a result of the proposal. The site is however located within a Controlled Parking Zone (CPZ), as are the neighbouring residential roads, with the issuance of parking permits at the discretion of the Local Highways Authority. Any uplift in overspill car parking demand arising from the development can therefore be managed within the CPZ permits system, and the loss of on-site car parking spaces is considered not to be objectionable given the site's sustainable location close to shops, services, the train station, and bus stops serving a number of different routes across the City.
- 9.34. The access to the rear of the site is via an undercroft passage from Boundary Road. The concerns of the Transport consultee regarding the limited height of this access are noted. An alternative fire safety strategy will be required, however this falls within the remit of the building regulations.
- 9.35. Pedestrian access would be via the same undercroft passage as vehicles, and whilst this is not ideal it is nevertheless acknowledged that the volume of traffic is below the typical threshold at which a material risk to pedestrian safety could occur. No objection is raised to the pedestrian access arrangements on this basis.
- 9.36. Cycle parking is indicated on the proposed plans for both the existing flats at Shermond House and for the proposed office space, in two separate stores. The applicant has confirmed that the larger store to the rear of the site (14 spaces) would be for residents, whilst the smaller store to the north (6 spaces) would be for the office building. The provision of 6 covered, secure cycle parking spaces for the office building exceeds SPD14 guidance which would require a minimum of 4 spaces, so is considered acceptable.

- 9.37. The re-provision of 14 covered, secure cycle parking spaces for the residential flats is acknowledged to be a reduction in spaces compared to the existing provision (which comprises 18 uncovered spaces). However, 14 spaces nevertheless complies with SPD14 minimum standards for the ten flats, and moreover the proposed spaces are covered whereas the existing spaces are uncovered, and this is considered a significant benefit in terms of the attractiveness of the facilities. Accordingly, the re-provided cycle parking for the residential flats is considered acceptable on balance.
- 9.38. Small delivery vehicles could load/unload on-site, whereas larger vehicles would have to remain on Boundary Road. This is considered acceptable given the low number of expected delivery trips.
- 9.39. Construction works have the potential to impact upon highway safety, journey time and local amenity and as such a Construction Environment Management Plan can be secured by condition, in accordance with the comments of the Transport consultee.

**Sustainability:**

- 9.40. Sustainability measures in accordance with Policy CP8 of the City Plan Part One and Policy DM44 of the City Plan Part Two can be secured by condition. These include achieving BREEAM 'very good', a 27% improvement over Building Regulations Part L requirements and a minimum Energy Performance Certificate rating of 'B'.
- 9.41. Details of refuse and recycling facilities are not indicated on the plans and can be secured by condition.

**Other Considerations:**

- 9.42. Conditions requiring at least one bee brick and four swift bricks/boxes (1 per 50sqm of floorspace) have been attached to improve ecology outcomes on the site in accordance with the Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
- 9.43. The proposals include a green roof and a condition is proposed to secure full details of this element.
- 9.44. The site is located within an Archaeological Notification Area, and a Heritage Statement has been provided with the application. It is considered that the proposals are unlikely to result in significant Archaeological impact as the site comprises previously developed land, however as some ground works are necessary it is nevertheless considered appropriate to secure a Written Scheme of Investigation (WSI) by condition.

**Conclusion**

- 9.45. The proposal as amended is considered acceptable in principle, as it would accord with the aims and objectives of Policy CP2 of the City Plan Part 1 and the NPPF in making more effective use of the existing site and would provide economic benefits in the provision of new office space in a sustainable location.

The proposals do not fully comply with Policy DM11 of the City Plan Part 2 however this is considered to be acceptable in this instance given the constraints of the site. Whilst some concerns are held regarding the two-storey scale of the proposed building in terms of visual disruption to the otherwise relatively open character of the site this is considered not to cause significant harm in design terms and would not be considered of sufficient weight to justify refusal. The proposed building (as amended) is considered acceptable in terms of detailed design. The concerns regarding the impact upon neighbouring amenity have been overcome through the infilling of the first-floor front and rear window apertures. Outstanding Transport, Sustainability, Biodiversity and Archaeology matters can be addressed through conditions.

9.46. On balance therefore, approval is recommended, subject to conditions.

## **10. EQUALITIES**

10.1. The proposals allow for level access to the ground floor office space.

