

<u>No:</u>	BH2025/02088	<u>Ward:</u>	Queen's Park Ward
<u>App Type:</u>	Council Development (Full Planning)		
<u>Address:</u>	Oakley House Leicester Street Brighton BN2 0AZ		
<u>Proposal:</u>	Demolition of existing mixed-use building with ground floor commercial unit (Class E) and residential above (Class C3) and erection of new residential block (C3) with associated landscaped areas. (For information: Proposal is for building of up to five storeys and 20no flats for affordable housing). (Amended plans)		
<u>Officer:</u>	Emily Stanbridge,	<u>Valid Date:</u>	19.09.2025
<u>Con Area:</u>	Adjacent to Queens Park and East Cliff Conservation Areas	<u>Expiry Date:</u>	19.12.2025
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	04.11.2026
<u>Agent:</u>	Brighton And Hove City Council Architecture And Design Team, Place Hove Town Hall Norton Road Brighton BN3 3BQ		
<u>Applicant:</u>	Brighton And Hove City Council Hove Town Hall Norton Road Hove BN3 3BQ		

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.

Plan Type	Reference	Version	Date Received
Location Plan	EDS-BHCC-N-ZZ-DR-A-0010	B	01-Jul-26
Location Plan	EDS-BHCC-N-ZZ-DR-A-0012	B	01-Jul-26
Block Plan	EDS-BHCC-N-ZZ-DR-A-0014	B	01-Jul-26
Block Plan	EDS-BHCC-N-ZZ-DR-A-0016	B	01-Jul-26
Proposed Drawing	EDS-BHCC-N-ZZ-DR-A-002	G	01-Jul-26
Proposed Drawing	EDS-HMC-N-XX-DR-C-500	P4	01-Jul-26
Proposed Drawing	EDS-BHCC-N-SX-DR-A-14001	I	01-Jul-26
Proposed Drawing	EDS-BHCC-N-SX-DR-A-1400	I	01-Jul-26
Proposed Drawing	EDS-BHCC-N-05-DR-A-1005	L	01-Jul-26
Proposed Drawing	EDS-BHCC-N-04-DR-A-1004	K	01-Jul-26
Proposed Drawing	EDS-BHCC-N-03-DR-A-1003	L	01-Jul-26

Proposed Drawing	EDS-BHCC-N-02-DR-A-1002	K	01-Jul-26
Proposed Drawing	EDS-BHCC-N-01-DR-A-1001	K	01-Jul-26
Proposed Drawing	EDS-BHCC-N-00-DR-A-10000	L	01-Jul-26
Proposed Drawing	E001	P3	01-Jul-26
Proposed Drawing	DD671L05	F	01-Jul-26
Proposed Drawing	DD671L04	E	01-Jul-26
Proposed Drawing	DD671L02	J	09-Oct-26
Proposed Drawing	DD671L01	J	09-Oct-26
Proposed Drawing	EDS-BHCC-NS-SX-DR-A-1493	C	18-Sep-26
Proposed Drawing	EDS-BHCC-NS-SX-DR-A-1492	C	18-Sep-26
Proposed Drawing	EDS-BHCC-NS-SX-DR-A-1491	G	18-Sep-26
Proposed Drawing	EDS-BHCC-N-ZZ-DR-0006	C	18-Sep-26
Proposed Drawing	EDS-BHCC-N-ZZ-DR-A-0005	C	18-Sep-26
Proposed Drawing	EDS-BHCC-N-EL-DR-A-1303	K	18-Sep-26
Proposed Drawing	EDS-BHCC-N-EL-DR-A-1302	K	18-Sep-26
Proposed Drawing	EDS-BHCC-N-EL-DR-A-1301	K	18-Sep-26
Proposed Drawing	EDS-BHCC-N-EL-DR-A-1300	K	18-Sep-26
Report/Statement	Air Quality assessment		01-Jul-26
Report/Statement	Biodiversity net gain assessment		01-Jul-26
Report/Statement	BNG Metric		01-Jul-26
Report/Statement	Sunlight/daylight assessment (neighbours)		01-Jul-26
Report/Statement	Sunlight/daylight assessment (development)		01-Jul-26
Report/Statement	Energy Strategy		01-Jul-26
Report/Statement	Fire strategy		01-Jul-26
Report/Statement	Flood risk and drainage strategy		01-Jul-26
Report/Statement	Noise impact assessment		01-Jul-26
Report/Statement	Overheating assessment R3		08-Oct-26
Report/Statement	Transport assessment		01-Jul-26
Report/Statement	Bat Survey		15-Oct-25
Report/Statement	Preliminary Ecological Appraisal		15-Oct-25
Report/Statement	Borehole log		26-Aug-25
Report/Statement	Land contamination assessment		26-Aug-25
Proposed Drawing	RCo514/01		26-Aug-25
Report/Statement	Ground investigation report		26-Aug-25

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 be commenced until the scheme for the provision of affordable housing has been submitted and approved by the Local Planning Authority. The scheme shall demonstrate that a minimum of 40% of the residential accommodation to be provided will be affordable housing and will include details regarding the exact numbers, type, tenure and location of the affordable housing units.
Reason: To ensure the development delivers affordable housing in accordance with Policy CP20 of the Brighton & Hove City Plan Part One
4. The development hereby permitted shall not be commenced until an Employment and Training Strategy has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved strategy.
Reason: To ensure that the development contributes to employment and training opportunities in the city and to comply with policy CP7 of the Brighton and Hove City Plan Part Two.
5. The development hereby permitted shall not commence until full details of existing and proposed ground levels (referenced as Above Ordnance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.
Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with Policies DM18 and DM20 of Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One.
6. No development, including demolition and excavation, shall commence until a Site Waste Management Plan setting out how waste to landfill will be minimised has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved.
Reason: To maximise the sustainable management of waste and to minimise the need for landfill capacity and to comply with policies DM18 of the Brighton and Hove City Plan Part Two, CP8 of the Brighton & Hove City Plan Part One, WMP3 of the Waste Plan (2013), and RM0 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan.
7. No development, including demolition, shall take place until a Demolition/ Construction Environmental Management Plan (DEMP/CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:
 - (i) Timescales for the Proposed Development including the forecasted completion date;
 - (ii) Details 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) Measures to minimise disturbance to neighbours regarding issues such as noise and dust management, vibration, site traffic, and deliveries to and from the site;
- (iv) Measures to prevent mud/dust from tracking onto the highway;
- (v) Details of hours of construction including all associated vehicular movements
- (vi) Details of the construction compound including plant and material storage and manoeuvring areas;
- (vii) A plan showing construction traffic routes.

The construction of the development shall be carried out in full compliance 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.

8. The mitigation measures of construction impacts measures detailed in the approved Air Quality Assessment rev B dated June 2026, to include: regular inspections to monitor dust and record inspection results, erection of screens or barriers around dusty activities and removal of materials that have a potential to produce dust from the site shall be implemented prior to construction and thereafter retained for the duration of the build.

Reason: To safeguard the amenities of future occupiers and to comply with Policies DM20 and DM40 of the Brighton & Hove City Plan Part Two.

9. Other than demolition or works to trees, no development hereby permitted shall take place until details of the construction of the green roof, including a detailed management and maintenance plan in relation to drainage for the green roof has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved details.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to contribute to sustainability and biodiversity to comply with policies DM37, DM42 and DM43 of the Brighton & Hove City Plan Part Two and CP18, CP10 and CP11 of the Brighton & Hove City Plan Part One and SPD16: Sustainable Drainage.

10. Other than demolition work or work to trees, no development hereby permitted shall take place until CCTV surveys for any drainage elements which are proposed to be reused are undertaken and have been submitted to an approved in writing by the Local Planning Authority.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policies DM42 and DM43 of the Brighton & Hove City Plan Part Two and CP11 of the Brighton & Hove City Plan Part One and SPD16: Sustainable Drainage.

11. No development shall take place until an ecological design strategy (EDS) addressing compensation and enhancement measures and including as a minimum 20 swift cavities, 20 bee bricks and at least one bat brick/box has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:

- a) purpose and conservation objectives for the proposed works;
- b) review of site potential and constraints;
- c) detailed design(s) and/or working method(s) to achieve stated objectives;
- d) extent and location /area of proposed works on appropriate scale maps and plans;
- e) type and source of materials to be used where appropriate, e.g. native species of local provenance;
- f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- g) persons responsible for implementing the works;
- h) details of initial aftercare and long-term maintenance;
- i) details for monitoring and remedial measures;
- j) details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To ensure that any adverse environmental impacts of development activities can be mitigated, compensated and restored and that the proposed design, specification and implementation can demonstrate this, and to contribute to a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, the National Planning Policy Framework and Policy DM37 of the City Plan Part 2.

12. 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
- b. samples/details of all hard surfacing materials
- c. samples/details of the proposed window, door, stair core glazing and balcony 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.

13. No development above ground floor slab level of any part of the development hereby permitted shall take place until large scaled detailed drawings of the following are submitted to and approved in writing by the Local Planning Authority: Typical bay studies to include full details of doors, windows and their reveals, cills, heads and jambs at a scale of 1:20 and sections at a scale of

1:10, parapet details and principal and secondary building entrances including doors, surrounds, canopies, light, signage and access arrangements at an appropriate scale. The approved details shall be incorporated within the development.

Reason: To ensure a satisfactory appearance to the development and to ensure a high-quality and legible street frontage, to comply with policies DM18 of Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One.

14.

- a) No development, other than demolition, shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and the natural and historical environment, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and a verification plan. The scheme shall be implemented as approved. The remediation scheme shall resolve the inconsistency in the submitted assessment as to whether a 300 mm or 600 mm clean-soil cover is proposed and provide an appropriate specification having regard to the final landscaping proposals.
- b) The development hereby permitted shall not be occupied until a verification report demonstrating that the approved remediation scheme has been fully implemented and completed has been submitted to and approved in writing by the Local Planning Authority. The verification report shall include the results of any sampling and monitoring undertaken in accordance with the approved verification plan and shall demonstrate that the site is suitable for its intended use.

Reason: To safeguard the health of future occupiers and users of the site and to comply with Policy DM41 of the Brighton & Hove City Plan Part Two.

15. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out in the affected area until a method statement identifying, assessing the risk and proposing remediation measures has been submitted to and approved in writing by the Local Planning Authority.

The approved remediation measures shall be carried out as approved and, where appropriate, a verification report shall be submitted to and approved in writing by the Local Planning Authority before the affected part of the development is occupied.

Reason: To ensure that any contamination not previously identified is appropriately assessed and remediated, to safeguard the health of future occupiers and users of the site and to comply with Policy DM41 of the Brighton & Hove City Plan Part Two.

16. The dwelling(s) hereby approved shall be implemented in strict accordance with the internal layouts detailed on the proposed floorplans EDS-BHCC-N-00-DR-A-10000 rev L, EDS-BHCC-N-01-DR-A-1001 rev K, EDS-BHCC-N-02-DR-A-1002 rev K, EDS-BHCC-N-03-DR-A-1003 rev L and EDS-BHCC-N-04-

DR-A-1004 rev K received 1ST July 2026 unless otherwise agreed in writing by the Local Planning Authority. The internal layouts shall be retained as first implemented thereafter.

Reason: To ensure an acceptable standard of accommodation for future occupiers is provided and maintained thereafter and to comply with policy DM1 of the Brighton and Hove City Plan Part Two.

17. Access to the flat roofs 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 DM20 and DM21 of Brighton & Hove City Plan Part 2.

18. The north facing balcony to flat 4 and east facing balconies to flats 9, 13 and flat 17 shall comprise an opaque balustrade to a height of 1.3m and shall thereafter be permanently retained as such.

Reason: To safeguard the privacy of the occupiers of the adjoining properties and to comply with Policies DM20 and DM21 of Brighton & Hove City Plan Part 2.

19. None 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.

20. The development hereby approved should 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 and enhance sustainability, to comply with policies DM44 of the Brighton & Hove City Plan Part Two and CP8 of the Brighton & Hove City Plan Part One.

21. Prior to first occupation of the development hereby approved, details of the proposed photovoltaic array referred to in the application including appearance (including protrusion and angle of the PV), siting, layout, number and output shall be submitted to and approved in writing by the Local Planning Authority. The photovoltaic array shall then be installed in accordance with the approved details prior to first occupation.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and has an acceptable appearance and to comply with policies CP8, CP15 and CP12 of the Brighton & Hove City Plan Part One and DM26, DM18 and DM44 of the Brighton & Hove City Plan Part Two.

22. Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development

shall have been submitted to and approved in writing by the Local Planning Authority. This shall also include dimensions of the lift and all doorways and access corridors leading to the cycle store. 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 DM33 of the Brighton & Hove City Plan Part Two.

23. The development hereby permitted shall be implemented in accordance with the acoustic mitigation measures, ventilation arrangements, window specifications and window-opening controls set out in the approved Noise Impact Assessment and the Part O Report, Project 5353, Revision R3, dated 8 October 2026. The approved measures shall be fully implemented before first occupation and retained thereafter.

Reason: To ensure that acceptable internal noise levels and thermal comfort can be achieved concurrently, to safeguard the amenity and health of future occupiers, and to comply with Policies DM1, DM20 and DM40 of the Brighton & Hove City Plan Part Two.

24. The air-source heat pumps proposed within the development shall be installed with the acoustic screening, proprietary acoustic kits and vibration isolation measures detailed in the approved Noise Impact Assessment by Anderson Acoustics Ltd, reference 7722_001R_4-0_RHM, Issue 4 dated 23 June 2026. The mitigation measures shall be implemented before the plant is brought into use and retained thereafter.

Reason: To safeguard the amenities of occupiers of adjoining properties and future occupiers of the development and to comply with Policies DM20 and DM40 of the Brighton & Hove City Plan Part Two.

25. Noise associated with plant and machinery throughout the development shall be controlled such that the Rating Level, calculated at 1-metre from the façade of the nearest proposed residential unit, shall not exceed a level 5dB(A) below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:2014.

Reason: To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.

26. The hard surface of the external landscaping 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 and pollution and increase the level of sustainability of the development and to comply with policies CP8 & CP11 of the Brighton & Hove City Plan Part One and DM42 and DM43 of the Brighton & Hove City Plan Part Two and SPD16: Sustainable Drainage.

27. Notwithstanding the approved landscaping drawings, prior to occupation of the development hereby permitted, a scheme for hard and soft 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:
- details of all hard and soft surfacing to include the type, position, design, dimensions and materials and any sustainable drainage system used;
 - a schedule detailing sizes and numbers/densities of all proposed trees/plants and details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
 - details of all boundary treatments to include type, position, design, dimensions and materials;
- Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to provide ecological and sustainability benefits, to comply with policies DM22 and DM37 of Brighton & Hove City Plan Part 2, and CP8, CP10, CP12 and CP13 of the Brighton & Hove City Plan Part One.
28. All ecological measures and/or works shall be carried out as part of the development in accordance with the details contained in the Preliminary Ecological Appraisal (CSA Environmental, July 2024) and Bat Survey Report (CSA Environmental, September 2024) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.
- Reason:** To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified, and to provide a net gain for biodiversity as required by the National Planning Policy Framework, Section 40 of the Natural Environment and Rural Communities Act 2006, Policy CP10 of the Brighton & Hove City Plan Part One and Policy DM37 of City Plan Part Two.
29. The development hereby permitted shall not be first occupied until details of external lighting, which shall include details of; levels of luminance, hours of use, predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors, hours of operation and details of maintenance have been submitted to and approved in writing by the Local Planning Authority.
- The external lighting shall be installed, operated and maintained in accordance with the approved details and thereafter retained.
- Reason:** To safeguard the amenities of the occupiers of adjoining properties and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.

30. 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 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.

31. The development hereby permitted shall not be occupied until the dwellings hereby permitted have been completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) and shall be retained in compliance with such requirement 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 DM1 of Brighton & Hove City Plan Part 2.

32. The development hereby permitted shall not be occupied until a scheme of highway works has been submitted to and approved in writing by the Local Planning Authority relating to works at the front of the building (Edward Street) and at the rear (Leicester Street) to include:

- Raised soft landscaping areas on the site's frontage (Edward Street)
- The use of highway land furthest north as communal garden space
- Footway surfacing improvements on the western edge of the site
- Resurfacing of footways on Leicester Street to include the removal of the crossover on the eastern edge of Leicester Street and its replacement with a footway.
- Installation of a crossing point (pair of dropped kerbs and tactile paving) between the two communal garden areas
- Formalisation of the partial bay at the rear of the building into a marked loading bay.
- The private footprint of the outbuilding to the northwestern corner of the building will become public highway

The approved highway works shall be fully implemented in accordance with the approved details prior to the first occupation of the development and shall thereafter be retained.

Reason: In the interests of highway safety and to comply with policies DM33 of Brighton & Hove City Plan Part 2, CP9 of the Brighton & Hove City Plan Part One.

- 33.
- i) The site shall not be occupied until a scheme of Travel Plan measures to promote sustainable transport to and from the site has been submitted to and been approved in writing by the Local Planning Authority. The

Travel Plan Scheme should include but not be limited to, the following measures:

- provision of sustainable transport promotional material readily available to residents and visitors including cycle and bus routes and a schedule of sustainable travel activities and events
 - details of how the Travel Plan will be monitored
 - provision of a travel pack for residents - it should be positive in design and content, and strongly promote the measures and incentives which shall include, but not be limited to the promotion of the following:
 - Car club membership and driving credit
 - Bikeshare bundles
 - Bus – free/discounted bus travel
 - Bike vouchers towards the purchase of a bicycle or accessories/servicing
 - Cycle training
 - Cycle maintenance sessions
- ii) One year after full occupation, a monitoring report shall be provided containing the results of a questionnaire survey showing resident awareness of the travel plan measures and offers and their opinions, and an incentive report detailing take up and participation, to the Local Planning Authority for review and approval.

Reason: To ensure the promotion of safe, active and sustainable forms of travel and comply with policies DM35 of Brighton & Hove City Plan Part 2, and CP9 of the Brighton & Hove City Plan Part One.

34. No part of the development hereby permitted shall be first occupied or brought into use until written evidence, such as Secure By Design certification, has been submitted to and approved in writing by the Local Planning Authority to demonstrate that the scheme has incorporated crime prevention measures.

Reason: In the interests of crime prevention in this busy central location, to comply with policies CP12, SA6 and CP13 of the Brighton & Hove City Plan Part One.

35. No development (including any demolition, site clearance or enabling works) shall take place until:

- A Biodiversity Gain Plan (BGP) has been prepared in broad accordance with the Biodiversity Net Gain metric dated June 2024, Biodiversity Net Gain Assessment dated August 2025 and Preliminary Ecological Appraisal dated July 2024.
- The BGP has been submitted to and approved in writing by the Local Planning Authority.

Reason: Based on the information available, this permission will require the approval of a Biodiversity Gain Plan by the local planning authority before development is begun [and before each phase of development where development is phased] because none of the statutory exemptions or transitional arrangements are considered to apply. The effect of paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 is that planning permission granted for the development is deemed to have been granted subject to the condition ("the biodiversity condition"). Also 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.

36. The development hereby permitted shall not be first occupied until a Completion Report, evidencing the habitat enhancements set out in the approved Biodiversity Gain Plan, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development delivers biodiversity net gain in accordance with Schedule 7A of the Town and Country Planning Act, 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. Existing Controlled Parking Zone/Residents' Parking Scheme: You are advised that details of the development will be passed to B&HCC as Traffic Authority administering the Controlled Parking Zone, of which the development forms part, so they can determine whether occupiers should be eligible for residents' parking permits.
3. Where asbestos is found/suspected on site, it will fall under the Control of Asbestos Regulations 2012, overseen by the Health and Safety Executive. Further information can be found here: HSE: Asbestos - health and safety in the workplace
4. The applicant should be aware that whilst the planning permission may be granted, should any complaints be received with regards to noise, odour, fumes or vibration, this does not preclude this department from carrying out an investigation under the provisions of the Environmental Protection Act 1990.
5. 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.

6. The applicant is advised that Part L - Conservation of Fuel and Power of the Building Regulations 2022 now requires each residential unit built to have achieved a 31% reduction in carbon emissions against Part L 2013.
7. To align with policy DM33 of the Brighton & Hove City Plan Part Two, cycle parking must be secure, convenient, accessible, well lit, well signed, near the main entrance (without its use obstructing the public highway) and sheltered. The LHA's preference is for 'Sheffield' type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22. Additional provision should be made for tricycles, reclining cycles and cargo bikes that can be accessed conveniently.
8. The applicant is advised that they must enter into a Section 278 (including S38) Agreement, and apply for any required Stopping Up orders, with the Highway Authority, prior to any works commencing on the adopted highway. These would relate to works on the site's Edward Street frontage and at the rear on Leicester Street. Work must not commence until a start date has been agreed with Streetworks following technical acceptance of the detailed design by the City Council as Local Highway Authority.
9. The Biodiversity Gain Plan must relate to development for which planning permission is granted, and specify as a minimum the following matters:
 - i. Information about the steps taken or to be taken to minimise the adverse effect of the development on biodiversity,
 - ii. A completed Metric tool calculation
 - iii. The pre-development biodiversity value of the onsite habitat (shown on scaled plans),
 - iv. The post-development biodiversity value of the onsite habitat (shown on scaled plans),
 - v. Any registered offsite biodiversity gain allocated to the development and the biodiversity value of that gain in relation to the development,
 - vi. Any biodiversity credits purchased for the development.
 - vii. Any such other matters as the Secretary of State may by regulations specify including the requirements of Article 37 C of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)Commencing development which is subject to the biodiversity gain condition without an approved Biodiversity Gain Plan could result in enforcement action for breach of planning control.

2. SITE LOCATION

- 2.1. The application site is located at the junction of Tillstone Street and Edward Street and also at the southern end of Leicester Street running behind the site. Edward Street is a busy east west route within the City centre and is heavily dominated with vehicles and as such acts as a barrier between the residential areas on either side of Edward Street. The topography of the area is such that the site slopes from north to south, and slopes slightly upwards from east to west.

- 2.2. Whilst the site itself is not located within a conservation area, both the East Cliff and Queens Park Conservation areas are in close proximity and encircle the site to the south and west/north respectively. To the north of the site, at the northern end of Tillstone Street is Queens Park, a registered park and garden. To the west of the site, on Egremont Place are 3no three-storey Grade II listed buildings (numbers 57-59). The properties to the north on Egremont Place are unlisted but form similar 19th century buildings.
- 2.3. The site currently comprises a commercial unit at ground floor level (currently used on a temporary basis by 'The Wood Store') with a small customer parking area to the rear on Leicester Street and residential accommodation on the floors above. The existing buildings on the site are 1-3 storeys high and of post-war architectural style and are of no architectural or historical significance.
- 2.4. The site is located within an area of the city allocated for strategic redevelopment under Policy DA5 of the City Plan (Eastern Road and Edward Street Area).

3. RELEVANT HISTORY

Oakley House

- 3.1. **PRE2024/00251** Demolition of existing building, containing commercial space with 6 council rented flats above. New building to maximise provision of affordable housing. Written response provided January 2025

Response summary

- Some units will have restricted internal light levels and outlook- needs addressing
- The elevation that abuts Egremont Place would give rise to an unneighbourly impact- needs addressing
- Whilst the top storey has helped, a lower transition corner to the northeast should be considered, 4 storeys is suggested
- The angling away of the western façade helps to open up the alley
- Deck access not wholly successful
- Housing mix is acceptable
- Design could be improved by setting back the main building line on Tillstone Street
- The western part of the development should be set further back and consideration given to removing the third storey
- Impacts on neighbouring amenity will need to be addressed
- Sunlight/daylight impacts should be assessed
- Public realm should be increased.

- 3.2. **PRE2024/00188** Affordable housing development including demolition of existing building, and a new building to maximise provision of affordable housing. Written response provided November 2024

- 3.3. **PRE2024/00116** Affordable housing development including demolition of existing building and a new building to maximise provision of affordable housing. Written response provided August 2024
- 3.4. **PRE2021/00044** The proposed development consists of the demolition of the existing building and erection of residential flat block staggering up from 3 storeys to 6 storeys to provide 23 affordable residential units. Written response provided July 2021
- 3.5. **PRE2020/00043** Demolition of existing garage site and erection of residential flat block staggering up from 3 storeys to 5 storeys. Written response provided July 2020
- 3.6. **PRE2019/00140** Redevelopment of the site to create a mixed use, affordable housing scheme incorporating student and council accommodation. Written response provided August 2019

4. RELEVANT HISTORY AT OTHER SITES

Car Park Adjacent to Malthouse Court and Hereford Court, Lavender Street and Land Adjoining 2 Tillstone Street And 4 Park Street (Opposite the site to the south)

- 4.1. **BH2025/02089** Erection of 2no new residential blocks (Class C3) with associated landscaped areas. (For information: Proposal is for a twelve storey over 55s apartment building of 36no flats for affordable housing with community floorspace and six storey residential building of 17no flats for affordable housing). Under Consideration

35 - 36 Egremont Place (Re-development area to the north of the site)

- 4.2. **BH2025/01069** Application to vary condition 1 of planning permission BH2022/02167 (provision of 25 dwellings) to allow greater retention of existing buildings and amended site layout, housing mix and associated landscaping/parking. Under consideration
- 4.3. **BH2022/02167** Part demolition and part retention of the existing care home buildings (C2) to provide 25 dwellings (C3) in a mix of houses and flats with associated parking and landscaping. Approved October 2024

5. APPLICATION DESCRIPTION

- 5.1. Planning permission is sought for the demolition of the existing mixed-use building which comprises a ground floor commercial unit (Class E) currently occupied as a retail store and workshop and residential accommodation (Class C3) on the floors above, comprising 6 units of accommodation.
- 5.2. The proposals comprise the erection of a new residential scheme (Class C3), comprising a building of up to 5 storeys to provide 20no. affordable residential

dwellings. The main part of the building comprises 5 storeys, reducing in height to 4 storeys to the east fronting Tillstone Street and 2 storeys to the west adjacent to Egremont Place. The development proposes the following units:

- 9 x 1 bed, 2 person units
- 8 x 2 bed, 4 person units
- 3 x 3 bed, 5 person units

5.3. This application follows extensive pre-application discussions for the redevelopment of this site as noted in summary above.

5.4. During the lifetime of this application, amendments have been received in response to comments made by officers. The principal amendments to the scheme are as follows:

- The reduction in the height of the main building from 6 storeys to 5 storeys
- The removal of the western projection above first floor level, increasing the separation distance to Egremont Place
- The reduction in height of the North-East corner fronting Tillstone Street from 6 storeys to 4 storeys to assist in the transition down to the adjacent terraced properties.

5.5. Other changes include amendments to the balcony arrangements and elevational detailing, rotation of the stair core and improvements to cycle parking provision and landscaping.

5.6. The amended drawings have been subject to reconsultation.

6. REPRESENTATIONS

6.1. **Fifteen (15)** letters of representation have been received objecting to the proposed development on the following grounds:

- Adverse impact on listed buildings
- Adverse impact on Conservation Area
- Inappropriate height and scale of the development
- Overdevelopment of the site
- Poor design and not in keeping with character of the area
- Proximity to boundaries
- Overshadowing and loss of light to neighbouring properties
- Loss of privacy and overlooking
- Overbearing impact
- Noise impact
- Impacts on neighbouring properties during construction/dust and vibration
- Concern the community areas will attract antisocial behaviour
- Additional traffic and inadequate parking provision
- No improvement is proposed to supporting infrastructure or amenities
- Loss of view
- Impact on property values

- 6.2. **One (1)** letter of comment has been received which raises the following points:
- The development of affordable housing is supported given the need of all housing in Brighton
 - A strategic plan of our city centre needs to be considered
 - The city needs to consider the use of all available city land on a large city-wide scale to better meet the needs of urban development and local communities. Certain households may prefer residential areas rather than living in the city centre.
 - The tall building policy is an effective way of maximising the value of city centre land.
 - Good architectural design in a city centre location should be one of the priorities, this project could set a good example.
 - The development should take maximum advantage of the south facing sea view by building tall on Edward Street.

7. CONSULTATIONS

Internal

7.1. **Air Quality** No objection

The vehicle trip emissions are considered acceptable. Ambient air quality at the site is relatively clean for an urban area.

7.2. **Arboriculture** No objection

There are no trees within or in proximity of this site. Comments will be provided on the species and sizing of proposed trees under future landscaping proposals.

7.3. **Archaeology** No objection

No significant archaeological remains are likely to be affected by the proposals.

7.4. **Ecology** No objection subject to conditions

Given the nature, scale and location of the proposed development, there are unlikely to be any significant ecological impacts on any designated sites or semi-natural habitats. The site is also unlikely to support protected species that would be impacted by the development.

- 7.5. Provided the recommended mitigation, compensation and enhancement measures are implemented, the proposed development can be permitted from an ecological perspective. It is though considered that the landscaping proposals could go further in the biodiversity benefit it offers.

7.6. **Economic development** No comment

7.7. **Environmental Health** No objection subject to conditions

The Noise Assessment has been undertaken using recognised standards and demonstrates that acceptable internal noise levels can be achieved through the glazing and ventilation specifications.

- 7.8. A revised overheating assessment has been submitted which incorporates the measures set out within the Noise Assessment. This is considered to adequately demonstrate that the acoustic window opening restrictions and overheating strategy are compatible.
- 7.9. The Environmental Investigation and associated information submitted provides an adequate basis for determining this application. Conditions relating to remediation works should be sought by condition.
- 7.10. **Heritage Comment**
The proposed replacement development would represent a change in scale with the building rising from 2 storeys at its western end up to 5 storeys towards the east. The increased height has the potential to introduce more prominent built form into views from and towards the adjoining conservation areas.
- 7.11. The stepped massing with recessed upper storey and use of brick provide some transition between the historic terraces and the taller buildings further south and east along the Edward Street corridor. The stepped form also provides a transition between the three-storey listed terrace at 57-59 Egremont Place and the taller existing buildings further to the east and south.
- 7.12. While the demolition of the existing Oakley House would not result in the loss of heritage significance, the replacement building would introduce a taller and more prominent form adjacent to the Queen's Park and East Cliff Conservation Areas and in proximity to the Grade II listed buildings at 57-59 Egremont Place.
- 7.13. This would consequently result in a low level of harm to the significance of the conservation areas and to the setting of the adjacent listed buildings.
- 7.14. **Net Zero Further information required**
The applicant has provided an overheating analysis which is compliant with Part O. The applicant has also provided drawings to reflect the number of PV panels specified in the energy strategy.
- 7.15. Further information is sought in relation to compliance with energy efficiency requirements, EPC ratings and evidence of water use targets.
- 7.16. **Policy Support**
The proposal would accord with policies that seek the efficient use of development sites and maximising development potential.
- 7.17. The site is located within DA5 Eastern Road and Edward Street development area as identified in the adopted City Plan Part 1. A priority for the development area is to secure significant improvements to the public realm and townscape.

- 7.18. Policy CP12 identifies the Eastern Road/Edward Street area as one of the areas in the city for taller development. SPD17 specifies indicative building heights for the area as mid-rise with limited tall buildings.
- 7.19. The site is not within a shopping area or local parade and whilst retaining a commercial use at ground floor would maintain an active frontage, the loss of this to provide a fully residential scheme with affordable housing is supported in principle.
- 7.20. The net gain of 14 affordable housing dwellings would make a welcome contribution towards the city's housing targets. The dwelling mix is considered acceptable.
- 7.21. **Private sector housing** No comment
- 7.22. **Strategic Housing** Support
The application proposes to provide in excess of 40% of the homes as affordable and is therefore compliant with policy. The homes will be provided at affordable rent levels in line with policy. The proposals provide a significant increase in housing.
- 7.23. **Sustainable drainage** No objection subject to conditions
Additional information is sought by condition in relation to CCTV surveys for any drainage elements to be re-used and a maintenance and management plan for the green roof.
- 7.24. **Sustainable transport** No objection subject to conditions
The site lies within a sustainable transport corridor. The cycle parking facilities are considered acceptable in principle subject to further information. The principle of the car free development is considered acceptable. There are a number of improvements proposed to Edward Street and Leicester Street which are acceptable in principle but must be secured by a S278 agreement. Travel Plan and CEMP required via condition.
- 7.25. **Urban Design** Support
The amended proposal represents a significant design improvement over the original submission. Subject to conditions relating to external materials, lighting strategy and a detailed entrance design, the scheme is considered acceptable in urban design terms.
- External
- 7.26. **BRE:** Comment
The scope of the assessment in terms of residential properties included appears reasonable and covers the nearest buildings to the proposed development site. The assessment compares the existing situation with the proposed development.
- 7.27. The methodologies used in the Rights of Light Consulting report are in line with those given in the BRE Report 'Site layout planning for daylight and sunlight: a guide to good practice'.

- 7.28. Based on the results in the Rights of Light Consulting report, the development would result in some minor adverse impacts to neighbouring properties in terms of daylight and sunlight. In addition, moderate adverse impacts are anticipated to the levels of sunlight in 2 neighbouring rear gardens.
- 7.29. The methodologies used in the Pope report which assess the daylight/sunlight provision to the scheme, are not fully in line with the BRE Report and BS EN17037 'Daylight in buildings'.
- 7.30. **East Sussex Fire and Rescue** No comment
- 7.31. **Historic England** No comment
- 7.32. **Scottish Gas Network** No objection
- 7.33. **Southern Water** No objection subject to conditions
There is adequate capacity in the local sewerage and surface water networks to accommodate the development.
- 7.34. **UK Power Networks** Comment
There are HV/LV underground cables on the site running within close proximity to the proposed development.

8. MATERIAL CONSIDERATIONS

- 8.1. 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
- 8.2. 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 revised October 2024);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
 - Shoreham Harbour Joint Area Action Plan (adopted October 2019).

9. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part 2

DM1	Housing Quality, Choice and Mix
DM18	High quality design and places
DM19	Maximising Development Potential

DM20	Protection of Amenity
DM22	Landscape Design and Trees
DM26	Conservation Areas
DM28	Local Heritage assets
DM33	Safe, Sustainable and Active Travel
DM36	Parking and Servicing
DM37	Green Infrastructure and Nature Conservation
DM40	Protection of the Environment and Health - Pollution and Nuisance
DM43	Sustainable Urban Drainage
DM44	Energy Efficiency and Renewables

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
DA5	Eastern Road and Edward Street Area
SA6	Sustainable Neighbourhoods
CP1	Housing delivery
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP13	Public streets and spaces
CP14	Housing density
CP15	Heritage
CP19	Housing mix
CP20	Affordable Housing

Waste & Minerals Plan Policy

WMP3e Waste Management in New Development

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD11	Nature Conservation & Development
SPD14	Parking Standards
SPD17	Urban Design Framework

10. CONSIDERATIONS & ASSESSMENT

- 10.1. The main considerations in the determination of this application relate to the principle of the proposed development, design and the impact upon the character and appearance of the surrounding streetscene and Conservation Areas, impact on neighbouring residential amenity, housing type and mix, the standard of accommodation proposed, and sustainability, biodiversity and highways implications.

Principle of development

- 10.2. The application site is situated within an area designated for strategic development under policy DA5 (Eastern Road and Edward Street Area). CPP1 identifies that spatially the majority of new developments will be located on brownfield sites within the city's built-up area and that this is directed to eight specific development areas of which policy DA5 is one. These areas are proposed to accommodate a significant amount of development as they contain the potential capacity and opportunities for change.
 - 10.3. The main aim of policy DA5 is to make Eastern Road and Edward Street more attractive for all residents as well as visitors, workers and employers. The strategy for the development area is to secure significant improvements to the public realm and townscape, making the area more attractive, accessible and safer.
 - 10.4. Local priorities to achieve this strategy include, improving the public realm, promoting and investing in safe and sustainable transport improvements, improving air quality, making efficient use of sites, enhancing urban biodiversity and for developments to incorporate low and zero carbon energy.
 - 10.5. The proposed redevelopment of Oakley House is considered to contribute to the main aims of the policy by making efficient use of the site to provide additional housing within the city. Further the proposals incorporate a scheme of highways works to improve the pedestrian experience along Edward Street and Leicester Street, through improvements to the highway's infrastructure and also the public realm through soft landscaping proposals. The application also includes supporting information in regard to air quality and energy efficiencies which are discussed further below.
 - 10.6. It is therefore considered that the development proposals address the principle aims of policy DA5 of the CPP1.
- Loss of commercial floorspace
- 10.7. The ground floor has historically been in retail use. It is understood that since the 1970's the commercial unit at ground floor was occupied by Oakley Motor and Marine which sold and serviced outboard engines. This commercial unit comprised a split level with a ground floor showroom and upper-level stores and workshop.
 - 10.8. The site is currently occupied by "The Wood Store" on a short 'meanwhile' short-term lease. The current business collects, recycles and re-uses reclaimed waste wood.
 - 10.9. The site does not form part of a shopping area or local parade and as such is not protected under policies DM12 or DM13 of the City Plan Part 2. Whilst ideally retaining a commercial use at ground floor would maintain an active street frontage on Edward Street, this is not proposed and the loss of the existing commercial unit to provide a residential scheme with affordable housing is supported in principle.

- 10.10. The site is near to the St James Street District Centre and other commercial units (including retail) along Edward Street. It is therefore not considered that the loss of this commercial unit would result in a deficiency of retail units for the local community.

Provision of Housing

- 10.11. 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, local housing need calculated using the Government's standard method should be used in place of the local plan housing requirement because the council cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer) and, separately, because the most recent Housing Delivery Test indicates that the delivery of housing is less than 75% of the housing requirement over the previous three years. The local housing need figure for Brighton & Hove using the standard method is 2,487 homes per year. A 20% buffer is then applied to this figure to reflect the most recent Housing Delivery Test measurement (published in August 2026) for the council being less than 85%.
- 10.12. The council's most recent housing land supply position is published in the SHLAA Update 2025 which shows a five-year housing supply shortfall of 10,442. This is equivalent to 1.5 years of housing supply.
- 10.13. 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 (Policy S3). The proposal would result in a net gain of 14 dwellings on the site which is welcomed.
- 10.14. A minimum of 40% affordable housing units would be secured via condition (as this is the target within policy CP20), although as a council scheme it is understood the intention is to provide the whole scheme (all 20 units) as affordable. The gain of affordable dwellings on this site would make a welcome contribution towards the city's housing target and to meeting local affordable housing needs in accordance with Policy CP1 Housing delivery and CP20 Affordable Housing and is afforded significant weight.

Design and Heritage

- 10.15. City Plan Policies CP12 and DM18 expects all new development to raise the standard of architecture and design in the city, establish a strong sense of place by respecting the character and urban grain of the neighbourhood, and ensure residential development is of a density that is appropriate and achieves excellence in sustainable building design and construction. Policy DM19 seeks to ensure developments make the most effective and efficient use of sites. Heritage focused City Plan Policies CP15, DM26 and DM29 seek to ensure the significance of Heritage assets is preserved or enhanced in relation to development in the City, with exceptions (harm) allowed if justified through the accumulation of public benefits as per the NPPF as part of a balanced judgement.

- 10.16. The application site is situated on the northern side of Edward Street. Edward Street as noted above is a busy thoroughfare characterised by high volumes of traffic and key pedestrian routes. The site lies on sloping land, with levels falling from north to south.
- 10.17. The site is currently occupied by a commercial unit at ground floor level, with a small customer parking area accessed from Leicester Street to the rear, and residential accommodation on the upper floors. The existing building on the site is of post-war construction and not considered to make a positive contribution to the architectural, historic, or townscape significance of the area. The existing building rises to 3 storeys at the southeast corner with a double height space at ground floor level.
- 10.18. The site itself is not located within a conservation area. However, it is closely bordered by both the East Cliff and Queen's Park Conservation Areas. In addition, to the west on Egremont Place, are Nos. 57-59, a terrace of three-storey Grade II listed buildings.
- 10.19. The Character Statement for the Queen's Park Conservation Area places considerable emphasis on the cumulative contribution of groups of buildings and the consistency of architectural details and materials to the character and appearance of the conservation area.
- 10.20. In considering whether to grant planning permission for development which affects a listed building or its setting, the Council has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. In addition, when considering whether to grant planning permission for development within the setting of 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.
- 10.21. Case law has held that the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses and the desirability of preserving or enhancing the character or appearance of a conservation area should be given "considerable importance and weight".
- 10.22. The proposed development includes the demolition of the existing building on the site. The demolition of Oakley House is not considered to result in the loss of any heritage significance, a view which is supported by heritage officers.
- 10.23. The immediate character of the area is predominantly one of low-rise, closely spaced residential development. However, further eastwards (approx. 65m+) on Eastern Road are mid-rise flatted developments of 7 storeys which are seen in the context of the application site. Additionally, to the southeast of the site, on the southern side of Edward Street is Hereford Court and Wiltshire House which comprise of 17 storeys. The car park to the south of the site (on the opposite side of Edward Street) relating to Hereford Court is the subject of a separate planning application submitted by the council (BH2025/02089) and is currently under consideration.

- 10.24. The site is situated in policy development area DA5 under City Plan Part One. The policy defines this area as being mixed in character in terms of the scale of buildings, uses and building types with the central area dominated by modern residential tower blocks. It identifies that the main issues for the area are poor quality public realm and townscape and that the area is dominated by a busy road. The strategy for this development area is to secure significant improvements to the public realm and townscape making the area more attractive, accessible and safer for residents, employees and visitors.
- 10.25. The application site is located within a tall buildings area, as identified within SPD17. These areas are considered suitable for taller development in principle, subject to detailed design. The site is located within area 4 which encompasses Eastern Road and Edward Street. This document suggests indicative height ranges within this area of mid-rise buildings of up to 8 storeys with some limited opportunities for tall (9-15 storeys) buildings that do not harmfully impact designated heritage assets. This is discussed in further detail below.
- 10.26. The proposed development comprises a building of up to 5 storeys to provide 20 units of residential accommodation. During the lifetime of the application, in response to officer's concerns, the scheme has undergone significant amendment.
- 10.27. As a result of these amendments the scale of the development has been reduced. The height of the overall building has been reduced to 5 storeys, through the removal of a recessed sixth storey. Further reductions to the height and bulk of the development have also taken place to the west of the development, towards Egremont place through the removal of a western projection above first floor level, lowering the height of the proposal towards the nearby listed buildings to 2 storeys. As a result of which, the part of the development in closest proximity to the western boundary is now set at a lower level than the 3-storey listed terraced properties. The 5-storey element of the development is therefore appropriately set off the western boundary with a visual gap to the rear elevations of the listed terrace, reducing the impact to the setting of these heritage assets, and results in only limited heritage harm.
- 10.28. The frontage of the building on Tillstone Street has also been reduced to 4 storeys on the northeastern corner to help the transition in scale to the terraced properties to the north. The stepped massing along Tillstone Street creates a more appropriate and sympathetic relationship with the residential terraces to the north. The reduction in height also reduces the visual impact of the development to the adjoining conservation area, providing a more sensitive transition.
- 10.29. It is acknowledged that the proposed development would represent a change in scale from those properties to the north and west within the Queen's Park Conservation Area and that this has the potential to introduce more prominent built form into views from and towards the adjoining conservation area, particularly from the northern low-rise terraces. However, the revised stepped

massing does provide some transition between the historic terraces in the immediate townscape and the taller buildings further south and to the east. The applicants have produced verified views of the development which demonstrate the scale of development in relation to adjoining properties. These views demonstrate how the existing low-rise terraces already sit in the context of mid-rise and tall buildings and that the additional height on this site wouldn't appear out of context with wider views along the Edward Street corridor.

- 10.30. It is acknowledged that the amendments made do not entirely remove the heritage impacts arising from the development (namely the increased prominence of the proposed building) however, the heritage officer advises that the resultant harm to the significance of the conservation area and setting of the listed buildings is low level.
- 10.31. It is acknowledged that the proposed development along Tillstone Street would project slightly beyond the main building line established by the terraces to the north. However, the proposed western elevation would align with the eaves detailing of the front projecting bays of the northern terrace. Given the site's corner plot position, it is considered that a greater degree of flexibility can be had in regards to its placement. The development would form a standalone building rather than forming a direct continuation of the terrace. Furthermore, Leicester Street provides additional separation between the application site and the adjoining conservation area, creating a visual break that helps to mitigate the impact of the development on the character and appearance of the nearby heritage assets. The distant views from Queens Park looking south would still be maintained through to the sea (and views of Grade II listed St Marys Church). The position of the building in the context of Tillstone Street is therefore considered acceptable.
- 10.32. The proposed simple contemporary design is considered appropriate and would be sympathetic to the overall character and appearance of the area. The amended plans have addressed initial concerns relating to the position of balconies and elevational detailing. Over the course of the application, additional detailing has been incorporated into the designs which includes: additional detailing such as soldier courses to both the parapet at roof level and to the top of windows, recessed brick panels around windows, additional brick detailing to the western elevation and the opening up of the south facing balconies on the western side. These details have been incorporated into the verified views that have been produced for this scheme. It is considered that these design details work well and add visual interest and verticality into the proposals. The design changes have resulted in a building with less visual prominence and a simplified architectural composition when compared to the original scheme.
- 10.33. The predominant material proposed across the development is brick which is considered appropriate. Brick is an important component of the surrounding areas, and the use of a brick facade provides a degree of visual continuity.

- 10.34. Whilst the material schedule put forward by the applicant is considered broadly acceptable, full samples shall be secured by condition due to the sensitive location and prominence of the new building. Large scale details of the architectural detailing are also sought. The urban design officer has also requested a condition to secure detailed drawings of the building entrances which is recommended.
- 10.35. In accordance with policy DA5, the development offers the opportunity to improve the public realm and provide more attractive pedestrian routes. On Edward Street this has been achieved through soft landscaping and seating areas along the southern elevation. In addition, the new building has been designed with an angled southwestern edge to accommodate a wider opening into the pedestrian passageway which runs north to south along the western boundary of the site from Edward Street, creating a safe and more inviting pedestrian link to Leicester Street behind. The development is therefore considered to address the aims of policy DA5. The development is also considered to meet the key design priorities set out in SPD17.
- 10.36. Overall, the proposals are considered to form a suitable development, which although recognised as causing some low-level harm to the character of the adjoining conservation areas and listed buildings, has public benefits which, subject to other considerations can be considered to outweigh the harm anticipated. This assessment has been undertaken in line with the 2026 NPPF (HE6 and HE7). The public benefits in this instance include the provision of housing, including affordable dwellings, for which there is a significant identified need. The proposals are considered to make effective and efficient use of the site, as required by policy and the NPPF.
- 10.37. The design and appearance of the proposed development is considered to be in accordance with policies CP12 and CP15 of the Brighton and Hove City Plan Part One and DM18, DM19, DM26 and DM29 of the Brighton and Hove City Plan Part Two and the Urban Design Framework SPD17.

Standard of accommodation

- 10.38. Policy DM20 of the City Plan Part 2 seeks to ensure a good standard of amenity for future occupiers of 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 accommodation. This is reflected in Policy DM1 which also adopts the Nationally Described Space Standards (NDSS) for dwellings. The schedule of accommodation is as follows:

Name	Occupancy	Area
Flat 1	2B4P	72.0sqm
Flat 2	1B2P	52.4sqm
Flat 3	2B4P	72.0sqm
Flat 4	2B4P	71.4sqm
Flat 5	2B4P	72.0sqm
Flat 6	1B2P	52.4sqm
Flat 7	1B2P	51.4sqm
Flat 8	2B4P	72.0sqm

Flat 9	1B2P	51.1sqm
Flat 10	3B5P	96.0sqm
Flat 11	1B2P	41.4sqm
Flat 12	2B4P	72.0sqm
Flat 13	1B2P	51.1sqm
Flat 14	3B5P	96.0sqm
Flat 15	1B2P	51.4sqm
Flat 16	2B4P	72.0sqm
Flat 17	1B2P	51.1sqm
Flat 18	3B5P	96.0sqm
Flat 19	1B2P	51.4sqm
Flat 20	2B4P	72.0sqm

- 10.39. The submitted information shows that the new residential units would meet minimum standards in relation to the NDDS. The gross internal areas of each unit including the sizes of bed spaces and storage areas show compliance with the minimum space standards.
- 10.40. Policy DM1 states that all new residential development will be required to provide useable private outdoor amenity space appropriate to the scale and character of the development.
- 10.41. Each of the residential units proposed has access to a private balcony measuring between 6.4sqm and 10.8sqm. This is considered to provide sufficient space for external seating. In addition to this, the development includes communal gardens to the north of the development which provide areas of planting, community growing spaces, a tool store and seating. It is considered that these areas combined provide sufficient useable outdoor amenity space for future occupants of this development and is welcomed. Full details on the planting and landscaping proposals are recommended to be sought by condition.
- 10.42. The proposed residential units have been designed to meet M4(2) regulations in accordance with policy DM1 with regard to 'adaptable' and 'accessible' dwellings. It is acknowledged that policy DM1 also states for proposals providing more than 10 dwellings, 10% of the affordable units and 5% of all the residential units should be suitable for occupation by a wheelchair user.
- 10.43. However, the applicants have advised that owing to the site constraints which include the topography around and through the site, none of the new units are designed to be fully wheelchair accessible. It is recognised that this is a drawback of the scheme. However, a lift is proposed to all levels of accommodation to ensure step free access within the development and any units with level access showers will be advertised with a mobility rating and let to those with a matching need. The housing strategy team raise no objection to this. On balance the provision of adaptable dwellings in this instance is acceptable.
- 10.44. It should be noted that the live application to the Edward Street South site (opposite), which has been submitted concurrently proposes 8 of the new

homes as fully wheelchair accessible (15%) which would exceed policy requirements. It is noted however that at this stage no formal weight can be given to this as the application remains under consideration.

- 10.45. In addition to the NDSS, consideration must also be given to the standard of accommodation for new residents in relation to light and outlook.
- 10.46. Whilst 14 of the units proposed would be dual aspect, providing good levels of ventilation, light and outlook, the proposals do include 6 single aspect units. These units are located centrally within the southern elevation of the development, facing onto Edward Street. It is acknowledged that single aspect flats should be avoided where possible, although given site constraints, and if effective use of the site is to be made, then a limited number may be acceptable.
- 10.47. The application is supported by a Daylight and Sunlight Assessment dated June 2026 by Pope assessing provision of daylight and sunlight to the scheme itself. The Building Research Establishment has been instructed by the Council to review the applicant's assessment. BRE's assessment of the submitted "daylight" assessment advises that the methodology used to assess daylight provision did not use current guidelines. The daylight assessment does however confirm that the Vertical Sky Component and average daylight factor have improved when compared with the original scheme. Whilst this is noted it is considered that due to a number of factors including site orientation and the layout and the amount of glazing proposed the development would continue to provide acceptable living condition for future occupiers in regards to the provision of daylight.
- 10.48. 6 single aspect units of accommodation (one bedroom, 2 person units) are single aspect facing towards the south with full height glazing proposed. Both the bedroom and living areas are positioned in closest proximity to the windows proposed thereby receiving the greatest light levels. The hallway, bathroom and kitchen area are positioned further northwards receiving more limited light levels. Whilst the units feature quite deep plan forms (7m), the kitchen areas do form part of the open plan living arrangement thereby receiving some level of light from the south.
- 10.49. In regard to the "sunlight" provision, whilst correct guidelines have been used, the assessment is somewhat unclear as to where the specific measurements have been taken from. However, with regards to sunlight provision, recommendations are based on at least one habitable room (preferably a living room) in a dwelling being able to receive at least 1.5 hours of sunlight on the 21st of March.
- 10.50. The development has been designed so that the living areas to each unit, with the exception of flat 4, have their primary outlook within 90 degrees of due south. Those units whose primary outlook is not towards the south are dual aspect. The majority of the proposed units within the site face south over Edward Street and feature large areas of glazing, increasing opportunities for sunlight provision.

- 10.51. The submitted sunlight assessment for units within the proposed development, suggests that all but one of the 20 proposed living areas would meet sunlight recommendations. From the assessment provided and the orientation of proposed units, it is suggested that 95% of the living areas within the development would meet the recommendations of BRE. Whilst one unit (unit 4) would appear to not meet the recommended sunlight criteria due to its primary outlook facing north, the kitchen/living space of this unit is dual aspect, providing good outlook for future occupants and the overall standard of accommodation is acceptable.
- 10.52. Outlook generally across the proposed development would be acceptable with sufficiently sized windows located within all habitable rooms. Three units (flats 1, 4 and 5) located on the western side of the development would each have a second bedroom that would receive limited outlook. These rooms would be served by an angled oriel window which comprises a solid panel with high level glazing to the centre facing towards Egremont Place with slimmer glazed areas to the south and north. This compromise has been reached in order to protect the amenity of neighbouring properties to the west. Given that these are the second bedrooms within these units and that the impacts are limited to only 3 bedrooms across the development, this on balance is considered acceptable.
- 10.53. The standard of accommodation delivered overall would be good and acceptable whilst some economised levels of light and outlook can be accepted for some of the proposed units. It is acknowledged that the proposed development would result in some residential units experiencing limited levels of daylight within predominantly kitchen areas, however, this harm is limited and is weighed against the need to make effective use of this city centre site and the significant public benefit arising from the provision of housing including affordable housing.
- 10.54. It is noted that the development includes a number of windows at ground floor to the western, eastern and southern sides which are at street level. In order to protect the privacy of future occupiers, buffer planting is proposed to these areas to provide some set back from passing pedestrians.
- 10.55. It is also necessary to consider any potential noise issues in accordance with CPP2 policy DM40 given the proximity of Edward Street which is a busy main road.
- 10.56. The application is supported by a Noise Impact Assessment which includes suggested mitigation measures to ensure that internal noise levels are acceptable to future occupiers. These include specific measures to the external building fabric and trickle ventilators. Environmental Health officers have raised no objection to the proposals subject to conditions to secure the measures identified within the submitted report and acoustic screening to the rooftop air source heat pump.

- 10.57. The application is supported by an Overheating Assessment which incorporates the restrictions set out within the Noise Assessment. This demonstrates that the two strategies are compatible and that with the recommended mitigation measures, thermal comfort can be achieved for future residents.
- 10.58. The proposed development, subject to conditions, is considered to provide an acceptable standard of accommodation for future residents in compliance with City Plan policies.

Impact on amenity

- 10.59. Policy DM20 of the City Plan Part 2 states that planning permission for any development or change of use will not be granted where it would cause unacceptable loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 10.60. The proposal represents an increase in the scale and massing compared to the existing building, with potential impacts on neighbouring occupiers in terms of outlook and sunlight and daylight. The amended plans which have reduced the scale of the building have also reduced potential impacts in this regard.

Outlook

- 10.61. It is acknowledged that given the increase in height of the new building, compared to that existing on the site, the outlook of some neighbouring properties would be impacted by the additional built form to an extent.
- 10.62. Properties to the east, on the opposite side of Tillstone Street and to the south on Edward Street have windows which directly overlook the site. In both cases, the neighbouring properties are separated from the development by a road, providing sufficient separation distance so not to cause significant harm to the outlook from living spaces. Further, in relation to Tillstone Street, the new development would only be positioned opposite No.2 with the remaining terraced properties to the north not directly looking onto the development.
- 10.63. Immediately north of the site is No.7 Tillstone Street. Similarly, this property is separated from the application site by the access into Leicester Street. Though it is acknowledged that this is a smaller side road it nevertheless provides spacing between the two sites of a minimum of approx. 8m. In addition, the southern wall of No.7 which faces the application site, comprises a blank façade with no window openings. Whilst side openings to the front bay and rear outrigger are visible, these windows are either considered secondary or likely to serve non-habitable rooms and therefore no significant harm to the outlook of these spaces would result.
- 10.64. The properties most likely to experience any impacts to outlook are those to the west of the development on Egremont Place. During the lifetime of the application, amendments have been made to reduce the level of built form on the western side of the development to increase the spacing to these neighbouring properties. As a result, the development closest to the boundary comprises two proposed storeys which is comparable with the existing

relationship. The 5-storey element of the proposals has been set in from the boundaries of neighbouring properties to the west by between 3.1 and 7.5m. It is acknowledged that the development proceeds towards the north, the spacing reduces to the west. However, further north the depth of the neighbouring gardens of Egremont Place increases. As such the distance between the main rear elevations of Egremont Place and the 5-storey element of the development measures between 14m and 19m. These distances are not considered to be uncommon in a central location and are acceptable.

- 10.65. In consideration of all the above there is not considered to be a significant impact in relation to outlook and or an unacceptable increased sense of enclosure to neighbouring properties from the development proposed.

Overlooking/Privacy

- 10.66. Neighbouring properties to the east and south of the development are not considered to be negatively impacted through a loss of privacy. The resultant relationship between the proposed development and existing neighbouring properties would be comparable to those existing elsewhere in the immediate vicinity, with views from windows within the development over adjacent roads and sufficiently separated to mitigate any harms in this respect.
- 10.67. The eastern elevation facing onto Tillstone Street would feature one balcony to each floor (3 in total) which have the potential to result in some degree of loss of privacy to No.2 Tillstone Street (directly to the east). The balconies would however not be positioned centrally, opposite the front bay windows to this neighbouring property. The majority of the balcony would be positioned southwards with outlook predominantly over the soft landscaping on the opposite side of Tillstone Street. However, to avoid any potential for loss of privacy for this neighbouring occupier or perceived sense of overlooking, a condition is sought to ensure that these balcony balustrades are opaque to restrict views when occupants utilise this area for external seating for prolonged periods.
- 10.68. On the north elevation a number of windows are proposed - predominantly to the corner facing units fronting Tillstone Street. These windows would largely overlook the blank side façade of No.7 Tillstone Street and partially over the rear garden area of this property also. This relationship is considered to be comparable with the existing building which has north facing windows overlooking the terrace, and although the proposal would have more of a presence, the impact in terms of privacy is considered acceptable.
- 10.69. During the lifetime of the application amendments were made to the stair core, rotating its position and introducing channel glass to help reduce opportunities for overlooking towards rear gardens.
- 10.70. At first floor level, a balcony is proposed to the north elevation, providing external amenity space to flat 4. It is acknowledged that this balcony has the potential to cause some overlooking to the rear garden space of No.7 and therefore a condition is sought to ensure that the balustrade is opaque to a height of 1.3m This will ensure that outward views from a seated position

would be restricted. Views from the north facing elevation of flat 4 would predominantly be over Leicester Street and rear gardens of nearby properties however due to the separation distances this is not considered to result in harmful levels of overlooking.

- 10.71. Window openings to the west elevation of the development have been limited due to the proximity of neighbouring dwellings and gardens. Windows proposed at ground floor level would have views over the existing pedestrian pathway. Similarly, windows at first floor would be partially obscured from neighbouring properties by an existing flint boundary wall running along the rear of 54-59 Egremont Place. Two side windows would be provided within this elevation forming secondary windows to primary living spaces. The primary outlook to these spaces however would be to either the north or south and so on balance this is considered acceptable. Two central angled oriel windows are proposed centrally within this elevation at first floor. These would feature solid panels facing directly onto Egremont Place with views instead directed along the adjacent pedestrian path. Upper floors of the development feature 2 windows each to serve bedrooms. It is considered that the distance between the setback upper floors and neighbouring properties is sufficient to avoid significant harm to privacy levels.
- 10.72. It is therefore considered that the development would not result in significant harm to the levels of privacy currently enjoyed by neighbouring occupiers, subject to the conditions set out above.

Daylight/Sunlight impact to neighbouring properties

- 10.73. The application is accompanied by a daylight and sunlight analysis of neighbouring properties dated June 2026 by Rights of Light Consulting assessing loss of daylight and sunlight to neighbouring properties. At the request of officers, this has been independently assessed by Building Research Establishment (BRE). The purpose of which was to review the scope, methodology, text and conclusions of the assessment undertaken.
- 10.74. This third-party review advised that the scope of the applicant's assessment in terms of neighbouring residential properties appears reasonable and covers the nearest buildings to the proposed development site. They also confirm that the window maps provided within the assessment are a reasonable representation of the position of neighbouring windows. The methodologies are also confirmed to be in line with relevant guidance.
- 10.75. Where the loss of daylight or sunlight does not meet the guidelines, the impact is significant and assessed as minor, moderate or major adverse. Factors tending towards a minor adverse impact include:
- Only a small number of windows are affected,
 - The loss of light is only marginally outside the guidelines,
 - An affected room has other sources of skylight or sunlight.
- 10.76. The report outlines that the sunlight and daylight levels would be met for applicable windows at 50-55 Egremont Place, 2, 6, 8, 9, 13 and 15 Tillstone Street, 1-17 Stafford Court and 104, 105 and 106 Edward Street.

- 10.77. The daylight assessment suggests that as a result of the development there would be minor adverse impacts on the daylight levels received to 56-59 Egremont Place and also 7 Tillstone Street.
- 10.78. The sunlight assessment suggests that as a result of the development there would be minor adverse impacts on the sunlight levels received to the ground floor of the main rear façade of 57 Egremont Place, rear ground floor windows of 56 Egremont Place, side windows of the rear extension to 7 Tillstone Street and 4 Tillstone Street. Whilst this is noted it is considered that acceptable living conditions would remain to these properties.
- 10.79. The sunlight assessment submitted suggests that 4 neighbouring gardens affected would be below BRE guidelines after the development. Guidelines state that gardens should be able to receive at least 2 hours of sunlight on 21st March. These are 53 and 57 Egremont Place and 7 and 9 Tillstone Street. Whilst there are losses to the area of garden able to receive 2 hours sunlight at 53 and 57 Egremont Place, the existing area able to receive at least 2 hours is small. Therefore, the loss of sunlight impact to these dwellings is assessed as minor adverse.
- 10.80. The reduction in areas unable to receive at least 2 hours of sunlight on March 21st at 7 and 9 Tillstone Street is larger. The assessment suggests that the areas able to receive at least 2 hours would be 0.43 and 0.44, compared to the guideline of 0.8. The loss of sunlight impact to these gardens would be assessed as a moderate adverse impact.
- 10.81. Given the extent of the impacts identified within the Rights of Light Consulting report and the distance to the approved development to the north, it is not anticipated that the proposed development would have a significant impact on the levels of sunlight or daylight to be experienced within the approved development at Pilgrim House.
- 10.82. Whilst the proposed development would result in some impacts to the sunlight and daylight levels of neighbouring properties, these are largely considered minor adverse impacts and would continue to result in acceptable living conditions for adjacent and adjoining occupiers. Whilst it is acknowledged that the development would cause some harm to the amenities of neighbouring occupiers, the harm would be limited and if effective redevelopment of this city centre site is to be made then it is inevitable that a degree of impact is to be expected. In addition, weight is given to the public benefits of the scheme and delivery of housing. Therefore, and on balance, the proposal is considered acceptable.

Noise

- 10.83. In regard to noise and disturbance from the new development, whilst the additional residential units on the site would increase the amount of activity associated with the site, the proposal is not considered to result in a significant increase in noise levels. Further, the proposed development is within a central location in the city. A Construction Environmental Management Plan (CEMP)

is recommended by condition and would assist in appropriately mitigating any demolition/construction impacts.

Housing mix

- 10.84. City Plan policies do not specify a required housing mix, however Policies DM1 and CP19 state that developments 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.
- 10.85. The 20 residential units would provide a mix of 9 x 1 bed (45%) 8 x 2 bed (40%) and 3 x 3 bed (15%).
- 10.86. The most recent Strategic Housing Market Assessment (2023) identified a need for 1-bedroom dwellings with a need of between 30%-35% of homes provided. The demand for 2-bedroom units across the city is high (between 35%-40%). For 3-bedroom dwellings the need is between 20%-25% with respect to properties for affordable rent.
- 10.87. Whilst the balance could be improved with an additional 3-bedroom dwelling, on balance the housing mix is considered acceptable and would accord with Policy CP19. It is noted that the proposal will give opportunities for tenants under occupying to downsize, families in temporary accommodation or lacking enough bedrooms to move to more suitable accommodation.

The council's Planning Policy and Housing Teams support the development and confirm the proposal would provide much needed accommodation for the city.

Affordable Housing

- 10.88. CPP1 policy CP20 requires an affordable housing contribution on all developments that create 5 homes or more. This policy position is justified by the high affordable housing need in the city combined with the physical restraints of developing. Commuted sums for smaller developments or where providing homes on site proves unviable are used to expedite affordable homes elsewhere in the city through a range of initiatives. Current policy requires 40% onsite affordable housing on all developments providing 15 or more dwellings; 30% on site or as a commuted sum between 10-14 dwellings and 20% as a commuted sum only for 5-9 dwellings.
- 10.89. This application proposes to provide in excess of 40% of the homes as affordable and therefore the development is compliant with policy CP20. The scheme will provide 100% affordable housing (20 homes), which is a significant increase in housing. Given the policy requirement a minimum of 40% will be secured via condition.
- 10.90. The dwellings proposed are being developed for the council and will be provided at affordable rent levels in line with council policy.

Sustainable transport

Site access

- 10.91. The site is located within a sustainable and accessible part of the city which benefits from good transport connectivity. The site lies within a main bus corridor with stops in close distance (Park Street). The pedestrian network that surrounds the site is also acceptable with crossing points close by to access the southern side of Edward Street.

Cycle Parking

- 10.92. The proposals include a cycle store in the north-west corner, accessed via the pedestrian passage to the west of the site. The store proposes 24 spaces including 2 accessible spaces. The layout and design generally appears acceptable however further details are sought regarding the accessible stands and ramp dimensions.
- 10.93. The development also includes visitor parking to the front and rear of the development by way of sheffield stands. Whilst these spaces could be used by other residents in the area, given the constraints of the site, this is considered acceptable in principle. Some concerns have been raised by the highway officer that one of the stands appears to close to the highway and has the potential to cause an obstruction. Therefore, a condition is sought for further cycle parking details to be secured.

- 10.94. It is noted that in addition to the proposed provision a bike share hub is located to the east along Edward Street.

Vehicle Parking

- 10.95. The proposed development does not include any car or motorcycle parking on site. This is acceptable in principle given the constraints of the site and close proximity to the city centre, and the location of the site within a public transport corridor. An informative is attached in relation to the restriction of entitlement to parking permits.
- 10.96. The closest car club bay is approximately 5 minutes walk away from the site on Wyndham and Ardingly Street.

Deliveries and servicing

- 10.97. The applicant is proposing an area on the double yellow lines where larger vehicles can stop on Leicester Street at the rear of the site which is acceptable in principle however it is requested that a formal bay be marked out through a S278 agreement.

Travel forecast

- 10.98. As the proposed development is proposed to be car free, this should result in significantly less vehicle trips than the existing situation. The main increase in trips would be pedestrian or cycle and it is noted that the site is in a good location for sustainable transport. The application also proposes improvements to the public realm which will improve the pedestrian experience for residents.

- 10.99. It is not deemed that the impact of additional person trips would be significant however, a Travel Plan is sought by condition to promote measures for sustainable transport.

Highways works

- 10.100. There are a number of improvements proposed to the front of the building on Edward Street and to the rear on Leicester Street. These are as follows:
- Raised soft landscaped areas on Edward Street. Whilst this would reduce the size of the highway, adequate footway would remain and pedestrian desire lines maintained. Highway officers consider this acceptable and acknowledge the improvement to the pedestrian experience.
 - The highway land furthest north on Leicester Street is proposed as a garden for residents. No objection is had from highways to this alternative use.
 - Footway surfacing improvement on the existing public footway on the western edge of the site and resurfacing of footways on Leicester Street. This also includes the removal of the crossover on the eastern edge of Leicester Street that will become redundant as part of the communal garden proposals. A new crossing point should be installed to allow residents to access the northern garden.
 - A small area in the north west corner becoming public highway.
 - Formalisation of the partial layby at the rear of the building into a marked out loading bay for recycling vehicles and other deliveries.
- 10.101. All highways works above are acceptable in principle but must be secured via condition and they will require a section 278 agreement and S38 agreement which will include full detailed drawings.

Sustainability and energy efficiency

- 10.102. CPP1 policy CP8 states that the council will seek that all new development incorporates sustainable design features to avoid expansion of the city's ecological footprint. In addition, policy D44 of CPP2 requires all major residential development to submit an energy statement to provide details of the building fabric efficiency and low and zero carbon technologies and to estimate the CO2 savings that will be achieved.
- 10.103. The Design and Access statement outlines several carbon reduction strategies that will be integrated into the development. These include modern methods of construction and careful selection of materials. The proposals incorporate a green roof which will improve insulation to the building and reduce energy consumption, and aid biodiversity.
- 10.104. The submitted drawings show the use of air source heat pumps to provide heating and hot water to the development via a centralised plant located on the roof. This allows the heat pump to run at higher efficiencies. Heating to each unit will be distributed using an underfloor heating strategy which is welcomed.

- 10.105. Within their energy strategy document, it has been demonstrated that each unit will meet the necessary CO2 emission reductions. For the avoidance of doubt this will be secured by condition.
- 10.106. This strategy also confirms that the development will be designed to reduce water consumption through the addition of isolation and flow-restricting valves on water outlets. This is also recommended to be secured by condition.
- 10.107. An EPC rating of B for each unit, in accordance with policy DM44 is recommended to be secured by condition.
- 10.108. The proposed development also utilises PV panels as the scheme proposes 20no. panels on the roof. The exact details of the PV array are recommended to be secured by condition in order to ensure an appropriate visual appearance.
- 10.109. The sustainable measures proposed within the development are welcomed. The proposed development would make efficient use of land in a sustainable location with good access to public transport and local amenities and is considered to comply with policies CP8 and DM44 of the City Plan.

Air Quality

- 10.110. The application site falls within an Air Quality Management Area (AQMA). CPP2 policy DM40 states that proposals liable to cause or be affected by pollution will be required to provide an air quality management assessment to consider both the exposure of future and existing occupants to air pollution and the effect of the development on the air quality of the area.
- 10.111. The application is supported by an Air Quality Assessment which has been reviewed by the Air Quality Officer. This assessment confirms that whilst the construction phase of the development is predicted to have a 'medium risk' of nuisance due to dust, this can be mitigated by implementing appropriate mitigation measures as set out within the document and via a CEMP. The report concludes that the proposed development would not conflict with policy regarding dust and air quality nuisance during the construction and operation phase.
- 10.112. No objections have been raised to the development by the Air Quality Officer and recommendations for further information have been suggested. It is considered that these can be addressed through conditions to ensure compliance with policy.

Waste management

- 10.113. Policy WMP3a of the Waste and Minerals Plan requires proposals for new development to identify the location and provision of facilities intended to allow for the efficient management of waste the location of bin stores and recycling facilities.
- 10.114. With regards to general waste, the scheme proposes a communal on-street bin located on the northern side of Edward Street, adjacent to an existing on-

street bin. Whilst it is generally considered preferable for refuse facilities to be provided within development proposals, in this instance this is considered acceptable given the constraints of the site and that this is a common arrangement in central locations. The highways team have not raised an objection to the proposals. The proposals do include an internal recycling bin store on the northeast corner of the building. Vehicles can access the store by stopping in a partial layby area to the rear on Leicester Street. There is a turning head which would allow vehicles to enter and exist in a forward gear. This is accepted in principle for larger vehicles. Full swept path drawings are sought by condition.

- 10.115. With regards to construction, the applicant advises that circular economy principles will inform material selection and construction with low impact materials i.e. sourcing local bricks. A site waste management plan is therefore recommended to be secured by condition.

Ecology, landscaping and Biodiversity

- 10.116. Policy CP10 of Brighton & Hove City Council's City Plan Part One states that all development proposals should conserve biodiversity, protecting it from the negative indirect effects of development and provide net gains for biodiversity wherever possible. Policy DM37 of the City Plan Part Two states that development proposals will be required to demonstrate that they safeguard and contribute positively to the existing network of green infrastructure.
- 10.117. Vegetated habitat on the existing site is limited to occasional shrubs around the boundaries of the rear car park. This habitat will be lost to facilitate the development.
- 10.118. Given the nature, scale and location of the proposed development, there are unlikely to be any significant ecological impacts on any designated sites or semi-natural habitats. Compensation for habitat losses will be addressed through the Biodiversity Net Gain process and via conditions.
- 10.119. The application is accompanied by a Bat Report which has determined that the building is classified as having low bat roost potential.
- 10.120. A BNG metric has been submitted alongside a Biodiversity Net Gain assessment and Preliminary Ecological Appraisal which demonstrate that the objective of at least 10% biodiversity net gain will be met through soft landscaping across the site and 2 additional trees. It is acknowledged that the landscaping proposals could go further to improve biodiverse outcomes on this site, nevertheless the proposals meet the policy requirements.
- 10.121. The PEA submitted recommends additional opportunities for non-habitat based enhancements. This includes nectar rich planting, bat roosting opportunities and bird bricks/boxes. These should be integrated into the fabric of the buildings. These measures are sought by condition in addition to swift boxes and bee bricks, and a green roof.

- 10.122. Provided that the recommended mitigation, compensation and enhancement measures are implemented, the proposed development would have an acceptable ecological impact in accordance with development plan policies.

Sustainable Drainage

- 10.123. The site lies within the surface water conveyance zone. Policy DM43 of the City Plan Part 2 requires all new buildings to incorporate sustainable drainage.
- 10.124. The drainage team have confirmed that the site is not indicated as being at significant risk of flooding. Given that the site as existing is covered by hardstanding, the proposed development is unlikely to change this.
- 10.125. The application is supported by surface water and foul drainage strategies. Surface water is proposed to be captured via conventional drainage and green roofs and will be attenuated into a subterranean tank before discharging into the combined sewer. Foul waters are proposed to be discharged to the adjacent combined sewer via a new connection.
- 10.126. Additional information is recommended to be secured by condition in relation to CCTV surveys for any drainage elements to be re-used and a maintenance and management plan for the green roof. Use of porous hard landscaping will help mitigate any flood risk.

Land contamination

- 10.127. As an existing partly commercial building, the application is supported by a Phase 2 Environmental Investigation and associated information of the site. This has been reviewed by Environmental Health officers. They agree with the findings of the report that a remediation strategy is required to ensure that the site is brought forward to a suitable condition. Conditions are therefore sought for a remediation scheme prior the commencement of the new development and a verification report prior to occupation to ensure that any agreed measures have been completed.

Other matters raised in representations

- 10.128. There has been representation made regarding the impact of the construction of the development. Some amount of disruption would be inevitable due to the extent of the demolition required, the size of the replacement building and the proximity of neighbouring properties. The impacts of this can be reduced through a robust DEMP/CEMP which is recommended to be secured by condition.
- 10.129. Loss of view is not a material planning consideration. However, the impact of the development on the residential amenity has been fully assessed, including the impact on outlook, and no significant impacts have been identified therefore development is considered acceptable in this regard.
- 10.130. Impacts on property values is not a material planning consideration.

Conclusion

- 10.131. The site is located within an area of the city identified for strategic redevelopment. Demolition of Oakley House is considered acceptable given that it is of no architectural or historic significance. Whilst the new building would be taller and have greater visual impact than the existing, the impacts on the setting of nearby heritage assets would be limited. Weight is given to housing delivery and the significant public benefits arising from the delivery of additional affordable homes, which is considered to satisfactorily outweigh any limited heritage harm.
- 10.132. During the lifetime of the application the proposed development has been significantly reduced in scale and would result in a well-designed building which would provide acceptable units of living accommodation. Further details in relation to the building's design are recommended to be secured by condition.
- 10.133. The development would not have a significant impact on the residential amenity of neighbouring properties, and the CEMP and DEMP is considered to minimise the noise and disruption through the demolition and construction phases.
- 10.134. The development offers opportunities to secure public realm improvements, biodiversity opportunities and provides a sustainable building.
- 10.135. It is therefore considered that the proposed development would comply with national and local planning policies, and planning permission is recommended subject to the conditions recommended within this report.

11. EQUALITIES

- 11.1. Section 149(1) of the Equality Act 2010 provides:
- 1) A public authority must, in the exercise of its functions, have due regard to the need to—
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 11.2. Officers considered the information provided by the applicant, together with the responses from consultees and determined that the proposal would not give rise to unacceptable material impact on individuals or identifiable groups with protected characteristics.
- 11.3. Level access can be achieved and all floors are accessible from the lift. The units shall meet Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings).

