

ITEM A

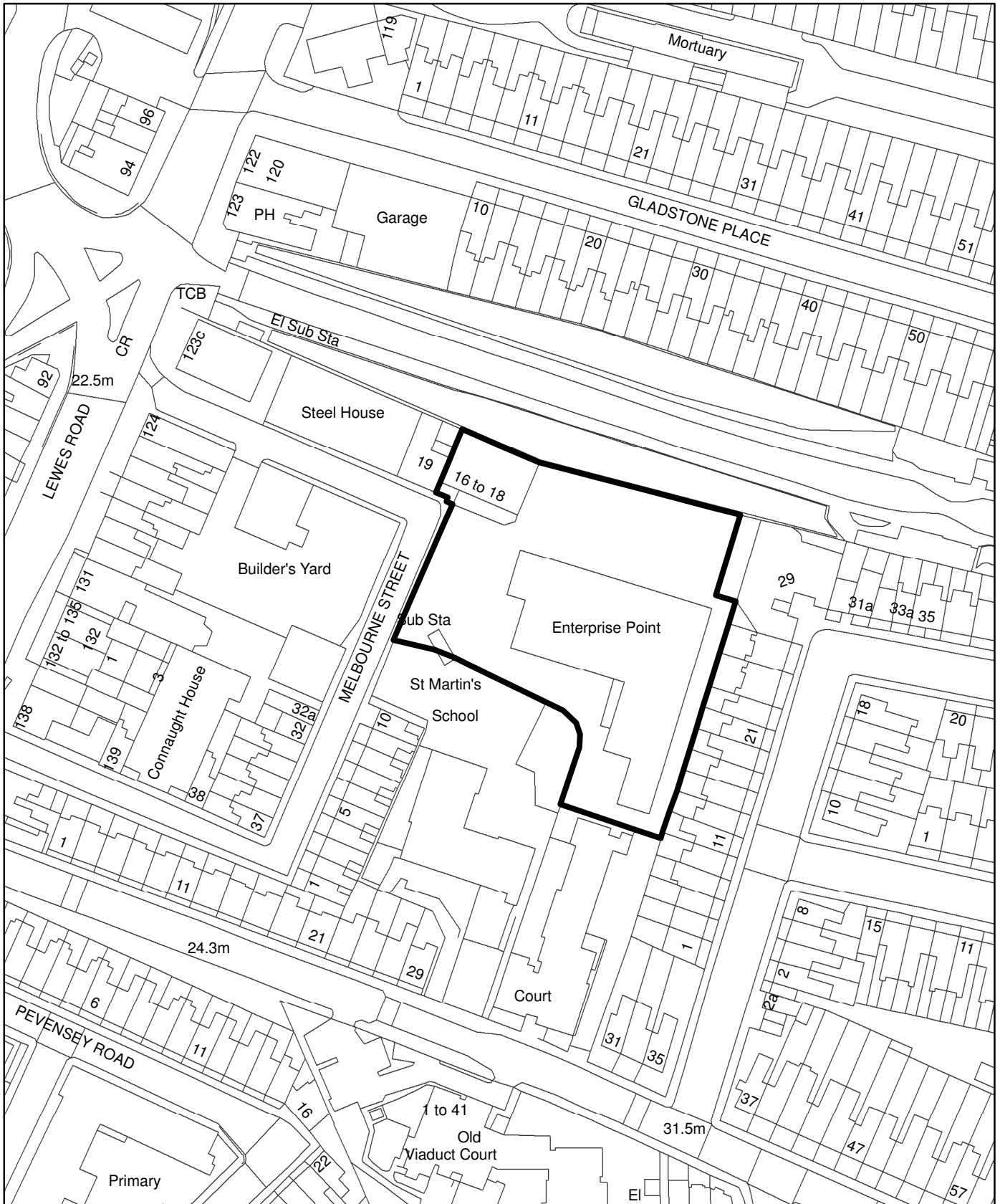
**Enterprise Point & 16-18 Melbourne Street,
Brighton**

BH2013/01575

Outline application some matters reserved

08 JANUARY 2014

BH2013/01575 Enterprise Point 7 16-18 Melbourne Street, Brighton



**Brighton & Hove
City Council**



Scale : 1:1,250

<u>No:</u>	BH2013/01575	<u>Ward:</u>	HANOVER & ELM GROVE
<u>App Type:</u>	Outline Application Some Matters Reserved		
<u>Address:</u>	Enterprise Point & 16-18 Melbourne Street Brighton		
<u>Proposal:</u>	Outline application for the demolition of 16-18 Melbourne Street and the construction of a new 5 storey building comprising 15 no. residential units. Demolition of the South wing of Enterprise Point, provision of an additional storey on the remaining block and 7 storey extension to the West (front) elevation to provide 1030 sq m of upgraded Class B1 offices on the lower ground and ground floors together with 58 no. residential units. Construction of a new 4 storey building in the South East corner of the site comprising 65 sq m. of community space on part ground floor and 15 no. affordable residential units. (Appearance and landscaping to be Reserved Matters)		
<u>Officer:</u>	Mick Anson Tel 292354	<u>Valid Date:</u>	12 June 2013
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	28 November 2013
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Lewis and Co Planning, 2 Port Hall Road, Brighton BN1 5PD		
<u>Applicant:</u>	Cross Stone Properties, c/o Lewis and Co Planning, 2 Port Hall Road Brighton BN1 5PD		

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to be **MINDED TO GRANT** planning permission subject to the completion of a s106 agreement and the conditions and informatives set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site which has an area of 0.8 hectares is located on the eastern side of Melbourne Street. It is characterised by its siting on a steep hill such that there is a change in levels on average of 7.5m or two storeys from the site access on Melbourne Street to a car park deck at the rear (eastern) boundary. Melbourne Street is a one way street accessed by vehicles on the east side of the Lewes Road which turns sharply south and then sharply west again to exit onto the Lewes Road. Pedestrian and vehicular access to the site is from the east section of Melbourne Street. The northern boundary of the site adjoins a heavily wooded tree belt marking the south boundary of Woodvale Crematorium whilst the West boundary of the site abuts the rear of 3 storey residential dwellings in Shanklin Road (Nos. 9 – 29A) which overlook the site. The southern boundary adjoins both Gladstone Court a 4 storey residential block of flats and the playground of St Martin's C of E Primary School. Part of the west boundary abuts 19-20 Melbourne Street, a two storey industrial building in use as a carpentry workshop, whilst on the opposite side of Melbourne Street from

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the site access is Viaduct Lofts, a part 3 and 7 storey residential tower block of flats recently constructed and now occupied.

2.2 The site comprises two buildings, the main one being Enterprise Point which is a 6 storey L-shaped 1950's style industrial building with roof plant above. The building is set back 18.5 – 20m from the Melbourne Street boundary but with a 5 storey south wing set back up the hill which due to the topography shares the same flat roof as the 6 storey element. There are two west facing main entrances to the building at Lower Ground and Ground floor levels. The site has open car parking on all sides of the building providing 80 spaces. The site has a large open car park on the north side of Enterprise Point and around to the front of the building and there is row of parking spaces alongside the south side of the building as well. At the rear (east) there is deck level parking at 1st floor level accessed via a ramp which meanders around the south side of the building. This parking area is at the same level as the rear gardens of the Shanklin Road dwellings.

2.3 The majority of the building has permitted use as B1 offices and light industrial uses except where changes of use have been permitted to individual units or floors. The building comprises 3962 sq m. of Class B1 uses and 1717 sq m. of Class D1/D2 uses (Total: 5679 sq m.). The D2 uses were a gym and a martial arts club and a D1 children's play centre, all of which ceased operating some years ago.

2.4 The applicant has provided a list of the current occupiers and the space occupied as follows:

Recording Studio	(B2)	736 sq m
Craft Workshop	(B1c)	147 sq m
Storage Unit	(B8)	120 sq m
Computer Consultants	(B1a)	124 sq m
Telemarketing	(B1a)	632 sq m
Screen printing	(B1c)	94 sq m
Photographic studio	(B1c)	93 sq m
Food distribution	(B8)	103 sq m
NACRO Training	(D1)	601 sq m

Total floorspace occupied is:

B1 – 1090 sq m

B2 - 736 sq m

B8 - 223 sq m

D1 - 601 sq m

Total: 2650 sq m or 46%.

2.5 The second building on the site is 16-18 Melbourne Street, a two storey industrial unit in the North West corner of the application site, which the applicants have an option to purchase. The building is currently occupied as an extension of a carpentry workshop in No.19-20 Melbourne Street and appears to be used as storage. It has no windows.

3 RELEVANT HISTORY

BN/95/0317/FP – Part change of use from B1 office to Class D2 Gym/Fitness centre to 5th (top) floor. Approved

BN/95/0318FP – Construction of a goods lift shaft. Alterations to access and parking layout. Approved

BN95/0900/FP – Change of use of 2nd floor to judo and martial arts clubs together with ancillary crèche to existing top floor gym. Approved

BN96/1018/FP – Use of part of 4th floor as a children's play centre. Approved

BN97/0001/FP – Use of the fourth floor as a martial arts club, together with ancillary crèche to existing top floor gym (regularisation). Approved

BH1999/01701/TA – Installation of equipment cabin on roof with 3 aerials attached, erection of safety rail and fencing. No objection

BH2004/02853/FP – Change of use from B1 office to D1 medical services. Approved

BH2008/00203 – Change of use from light industrial (B1) to create a place of worship (D1). Refused

4 THE APPLICATION

4.1 Outline Planning permission is sought for the demolition of 16-18 Melbourne Street and the South wing of the 5 storey Enterprise Point. In place of 16-18 Melbourne Street, the applicants propose a 5 storey residential block of flats whilst in place of the South wing, a detached 4 storey block of residential units is proposed. Enterprise Point itself is proposed to be part refurbished and converted into residential flats retaining B1 Offices at lower ground and ground floors and proposed part one, two, four and seven storey extension to the front including an additional floor on top of the retained part of the building. The Reserved Matters are the appearance of the development and the landscaping.

4.2 The three buildings would be occupied as follows:

16-18 Melbourne Street - 14 x 2bed; 1 x 1 bed unit.

Enterprise Point – 51 x 2bed; 7 x 1 bed; 1030 sq m B1 office.

Affordable block – 2 x 3 bed; 13 x 2 bed; 69.8 sq m Class D1 community space.

16-18 Melbourne Street block

4.3 The proposed replacement block for 16-18 Melbourne St is irregularly shaped but would generally cover the footprint of the existing building. It would extend a metre east onto the car park area whilst part of its north elevation would be sited up to 2.0m away from the boundary and the tree belt to allow daylight to the bedroom windows at the rear and keep a separating distance from overhanging tree branches. Part of the front of the building would also be set back 3.9 metres from the adjoining carpentry workshop at 19-20 Melbourne Street. The entrance lobby to this block would be sited on the back edge of pavement opposite the vehicular entrance to the site and at the corner of Melbourne Street where the road turns sharply south.

4.4 The height of the proposed building measured from the entrance threshold would be 14.4 metres (excluding the one metre high lift overrun). The proposed

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elevations are indicative but show a modern approach to the design. The building would have a flat roof with a prominent canopy. There would be a column of windows and balconies to the recessed element, a column of windows above the entrance lobby and another column of windows and balconies centred on the south elevation. The remainder of the elevation indicates a green/living wall. The eastern end of the south elevation is chamfered back from the front. This is seen on the east elevation which features a series of set backs and indicates large windows to bedrooms and living rooms with eastern aspects over the car park. The north elevation facing the tree belt would have some areas of blank elevation except for 2 bedroom windows per floor one with a balcony. The west elevation would be largely obscured by the adjoining workshops and would only have side windows to the bedrooms at the rear and on the south west corner where the building would be more prominent viewed from Melbourne Street.

- 4.5 The ground floor would provide 2 x 2 bed and one single bed wheelchair units as affordable units each with a small area of enclosed private amenity space. On each of the 4 floors above, 3 flats would be arranged with identical layouts each. 2 flats would have southerly aspects with a small south facing balcony and one flat would have an easterly aspect.

Enterprise Point

- 4.6 The lower ground floor extension to the existing building would be extended forward between 18.5 - 25 m metres to the back edge of pavement over part of the existing car park to provide B1 offices whose main entrance would be onto the street. To the rear of the offices would be the residential entrance lobby accessed from the south side of the building and to the rear of the lobby the refuse and recycling stores. Behind the stores within the footprint of the current building would be 24 covered residents' car parking spaces including 8 disabled bays.
- 4.7 The extended ground floor would be set back between 1.6 – 3.7 metres from the front entrance below and would provide the remainder of the B1 offices proposed to the front of the building and on north side of the ground floor. The south side of this floor would accommodate 6 flats (including the fourth wheelchair unit in the scheme) all with southerly aspects. The 1st and 2nd floor as extended would provide residential accommodation only comprising 11 flats per floor. The front elevation is broken up by a series of set backs from the ground floor of 2.3; 3.7 and 9 metres. The 3rd and 4th floor extensions together with the additional 5th floor would be set back a further 5.7 - 7 metres from the two floors below and each floor would accommodate 10 flats making 58 flats in all for this block.
- 4.8 The overall height of the proposed Enterprise Point building would be 23.1m in height measured from the back edge of the pavement on Melbourne Street. This would be 1 metre higher than the current roof plant on the front of the block. The intermediate heights would be 4.2 m high to parapet level of the lower ground floor office, the ground floor would be 7.2m high and the 1st and 2nd floors would be 13.8m high.

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- 4.9 The indicative elevations would be similar in style to the Melbourne Street block. The B1 offices would have a terrace at the front at ground floor level and the flats at first and third floors would also have terraces at the front of the building where the floors set back from below. The offices would be distinguished from the residential floors by large areas of glazing. All of the flats in this building would have balconies and feature large rectangular windows. The proposed flats within the converted part of the building would be set back behind the current facades of the north and south elevations with the glazing removed from the openings so that the balconies would be partially screened by the outer facade. The North West corner of the building as extended would feature curved balconies facing west. The East elevation would have very few windows and there are indications of living/green walls at 1st to 4th floor levels. The rear (east) façade would have a large projecting triangular bay at 1st to 5th floor levels with two angled bedroom windows designed to avoid overlooking or privacy issues.
- 4.10 The indicative materials indicate a variety of three main colours and types of materials plus an oxidised copper coloured aluminium cladding to the balconies. The timber effect panelling is an artificial Meteor smooth cladding in a light brown colour with a mock wood grain appearance. The chalk white and cream coloured panelling provides a rough rendered appearance. Window frames would be Anthracite grey aluminium and the roof would be pale grey single ply membrane. Samples of the materials will be on display at the Committee but are not required to be determined but are for information purposes.

Southern block

- 4.11 The Southern block would be accessed via the southern pedestrian route and is sited in the elevated south east corner of the site. All units in this block would be affordable. The entrances to these flats would effectively be 3 metres or one storey above the site entrance at street level. At ground floor level the building would abut the south site boundary with Gladstone Court and would be separated from Enterprise Point on the north side by a minimum of 2 metres. Above ground floor level there would be a separating distance of 7.4m from the façade of Enterprise Point and at least 3m from Gladstone Court. The south east corner of the Affordable block would be cut back in order to avoid cutting across the 45 degree angle of daylighting to adjoining rear windows in Gladstone Court. The rear elevation of the block would be 6 – 6.5m away from the boundary of Shanklin Road dwellings.
- 4.12 The ground floor of the block would comprise 2 x 3 bed units and a 2 bed unit as well as an indoor community space at the southern end of 69.8 sq metres. The ground floor flats and the community space would each have a small private area of garden. The smallest garden would be 22.5 sq m and the largest would be 33 sq m. The Community space would have 16 sq m. The gardens would be enclosed by the retaining walls of Shanklin Road dwellings at the rear. The 1st to 3rd floor levels of the affordable block would each provide 4 x 2 bed units and each unit would have a west facing balcony looking towards Melbourne Street. The flats would be arranged with the main living rooms and kitchens at the front and east facing bedrooms at the rear. The rear bedroom

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windows would project out of the façade and be angled facing south east to avoid mutual overlooking and privacy issues.

- 4.13 To construct this block, the site levels would be excavated by up to almost 3 metres and the block would then be 11.4 m in height measured from the current ground floor entrance level to Enterprise Point. The rear elevation would appear as a maximum of 8.5m in height above the bottom of the existing vehicle ramp which rises up to the deck level parking at the rear of Enterprise Point. The corners of the rear elevation would be inset away from the adjoining Gladstone Court to the south. Its appearance would be similar to the other two blocks featuring a flat roof with an overhanging parapet and two columns of balconies forming an entrance canopy over the two entrances to the flats. The block would have a living/green roof indicated as sedum on the plans.

Site access, circulation and parking

- 4.14 The site currently has two vehicular entrances and exits from Melbourne Street. The proposed scheme would provide a single vehicular access and exit onto Melbourne Street on the north side of Enterprise Point which would be 4.5m wide to meet the Fire and Rescue services requirements. A turning head would be available at the eastern end of the parking area. Access to the existing open parking and to the proposed lower ground floor residents parking underneath Enterprise Point would be from a single entrance. Commercial and some residential refuse/recycling would also be collected via this access. The existing southern vehicular access would be restricted to vehicles and would be a pedestrian and cycle access route only. The main volume of residential refuse and recycling would be accessed for collection via the pedestrian access but it would not be necessary for refuse vehicles to reverse into this area. A suitable boundary treatment fronting Melbourne Street would be a condition of any consent to physically prevent any vehicles from accessing the area and to provide an attractive well defined street frontage.
- 4.15 A total of 153 covered cycle spaces are proposed on site. 20 spaces would be located in the open car park and 20 spaces adjacent to the access to the residential parking. 37 covered cycle spaces for residents would be provided on the southern side of Enterprise Point at ground floor level or at the top of the slope. A further 41 spaces would be located on the south side of the pedestrian access/amenity space. 35 covered spaces for the offices would be provided at ground floor level on an access deck on the north side of Enterprise Point reached from the top of the slope. All of the offices would have a secondary entrance/exit directly onto this deck.

Amenity/Open Space

- 4.16 The Community Space in the Southern block would be accessible directly from the St Martin's School playground across a secure enclosure. At the rear of Enterprise Point proposed communal allotments for the residents of the flats would be provided. They would be sited on the area currently used as deck access car parking at 1st floor level. A new pedestrian access to the allotments is proposed between Enterprise Point and the Affordable block.

All of the proposed residential units would either have balconies or a private area of amenity space at the ground floor. A planted area of amenity space would also be provided around the southern side of the site on what is currently the vehicular access adjacent to the school playground. It is intended that this would provide an ecological area of planting to encourage wildlife since the steep slope would not enable a more practical use to be made of the amenity space.

5 PUBLICITY & CONSULTATIONS

External

5.1 **Eight (8)** letters of objection have been received from **5 Melbourne Street; Basement flat, No. 11, No. 13 (2 letters); No.19b; Flat 2, 25 Shanklin Road; 51 Upper Lewes Road; 27 Viaduct Lofts** objecting to the proposals on the following grounds:

- Principle of development acceptable but would be an overdevelopment and intrusive into the small street.
- Plant rooms should not be developed into additional storey.
- No buildings close to the pavement would make street oppressive.
- Loss of views to Shanklin Road properties.
- Additional noise and pollution from additional vehicles. Additional traffic emerging onto the Lewes Road increasing traffic onto the Lewes Road will be unsafe for pedestrians and road users with school children being dropped off in cars.
- The area is currently very noisy like an amphitheatre.
- Additional storey would lose sunlight to building (in Shanklin Road);
- Secure internal ground floor cycle parking, refuse and recycling locations not clear; insufficient outdoor space for trees and shrubbery and inflicts hard landscaping on children and adults misses best guidance for health and well being.
- Overshadowing, loss of light and privacy, overlooking. School playground would be overlooked by flats. Buildings at least 1 or 2 storeys higher than at present and affordable housing will be up against Shanklin Road properties. Daylight report does not mention loss of light on adjoining properties.
- Affordable block is higher than matching buildings in the Covers Yard site. Additional overshadowing would be caused by Enterprise Point.
- Pre-application consultation was very limited and at short notice and at an inconvenient time of day.
- Retaining walls to Shanklin Road properties are not strong enough to withstand construction and demolition works. Should be a structural assessment of all of the properties in the area to make sure chimney stacks are safe.
- Debris and dust from construction would linger for months. Adjoining residents and school children would not be able to go outside. Pets would need to be kept indoors.
- Additional residents would add to the noise in the area from comings and goings.
- There needs to be adequate parking available for proposed residential units.

5.2 **A Petition** accompanying letter from 19b Shanklin Road summarised above with **36** signatures from addresses in Shanklin Road, Melbourne Street and Hartington Road.

5.3 **Two (2)** letters have been received from **10 Melbourne Street, 9 Viaduct Lofts** supporting the proposed scheme for the following reasons:

- Would make the most of a redundant building which would attract squatters, drug users etc and stop it blighting this area. Request that double yellow lines be re-instated outside businesses on Melbourne Street. Area has been improved by the Viaduct Lofts development.

5.4 **Neighbour Re-consultation**

4 letters of objection have been received from **5 Melbourne Street; Basement 11; 11c Shanklin Road; GFF 10 Gladstone Place**

The following grounds of objection are stated:

- Principle of development acceptable but would be an overdevelopment and intrusive into the small street.
- Plant rooms should not be developed into additional storey.
- No buildings close to the pavement would make street oppressive.
- Loss of views to Shanklin Road properties.
- Additional noise and pollution from additional vehicles.
- Maintain objections to overlooking, loss of privacy despite angled balconies.
- Noise and disturbance once built
- More on-street parking, should remain as commercial.
- Unsuitable for the area.
- Obstruction of view.
- Possible further structural damage to Melbourne Street properties following original construction.
- Lack of fair warning.

5.5 **The Coroner's Office, Woodvale Crematorium**

Comment about (construction) noise over long period of time which would be disruptive and intrusive into Inquests.

5.6 **St Martin's School, Hartington Road**

Support the provision of the indoor and outdoor community space to improve the educational facilities for the school. The space is needed for its Early Help and Intervention Strategy with families within the school community for which there is currently no space. A community room would enable us to develop good relationships with families who need Family Learning and Parenting Skills workshops which will enable pupils to achieve and make more progress at school. The room would also provide a facility for education of children for Intervention Groups.

5.7 **Brighton & Hove Archaeological Society**

Comment The Brighton & Hove Archaeological Society do not believe that any archaeological deposits are likely to be affected by this development. However, it is possible that if it is a listed building then there are likely to be implications.

5.8 Conservation Advisory Group (CAG)

No objection on conservation grounds

5.9 Environment Agency

Comment Planning permission could be granted as submitted if conditions to cover the following are included:

- A remediation strategy to deal with risks associated with contamination and a verification report that the works set out in the remediation strategy were carried out.
- A condition to deal with unsuspected contamination would be required and;
- A condition restricting infiltration of surface water drainage into the ground to protect the aquifer;
- No piling for foundations using penetrative methods without consent and;
- A scheme to dispose of surface and foul water drainage to be submitted to the Local Planning Authority

5.10 UK Power Networks

Comment: The existing electricity sub-station is held under a lease and forms part of the electrical network. The plans indicate that a new building will be placed in close proximity of the existing site and therefore it is assumed excavations will take place in close proximity to substation site. To maintain the integrity of substation site, the developer will need to serve a party wall notice to this office as stated by the Party Wall Act 1996. The new build will also restrict access rights to the substation site.

5.11 Southern Gas

No objections

5.12 East Sussex Fire and Rescue Service

Comment: Due to its height, the development is likely to require the installation of fire fighting shafts and dry riser installations in order to satisfy building regulations. Access for vehicles and for hydrants for water supplies should be considered at an early stage to avoid necessitating plan changes. Recommend that a full water sprinkler provision is included in the plans.

5.13 Natural England

Comment: Application is unlikely to result in significant impacts on statutory designated sites, landscapes or species. Local Planning Authority should take account of potential impact on a Biodiversity Action Plan on the site, a Local Nature Reserve and to incorporate features into the design which are beneficial to wildlife. Site does not appear to be in or within the setting of a nationally designated landscape.

5.14 Southern Water

Comment: Southern Water can provide water supply and foul sewage disposal to the proposed development. Applicant will need to ensure that long term maintenance arrangements exist for SUDS. Request a condition requiring details of foul and surface water sewerage disposal.

5.15 Sussex Police

Comment: Pleased that Design and Access has identified crime prevention measures incorporated into the design and layout. Access to lower ground floor and ground floor car parking will need to be gated. Stairwells from car park will also need to be controlled and recommend access door from reception to bin stores in Enterprise Point. Proposed covered cycle stores should have dawn until dusk security lighting.

Internal:

5.16 Access Officer:

Original response

Objection: Handrails should extend 300mm beyond top and bottom of stairs. Please confirm level entry to all balconies. All units should have floor zone drainage to enable level entry showers to be fitted in future. Development should have 4 wheelchair units to meet policy HO13 of the Local Plan. Wheelchair units need to be at entrance level and have access to two lifts to ensure continuity of service. At least 4 dedicated parking spaces to serve wheelchair units.

Revised comments:

- Handrails on common stairs should extend 300mm beyond top and bottom risers. The landings still seem to be shown with around 1m clearance between the handrail and the wall but, when the handrails are extended 300mm as required, the travel space will be reduced to around 700mm.
- As mentioned previously, there should be 300mm clearance at the leading edge of all doors at the entrance level of each unit. The problem still exists on the revised plans.
- There are several bathrooms that do not have the necessary 1100mm clear space in front of the WC.
- Please confirm level entry to balconies.
- All units should have floor zone drainage to accommodate a future level entry shower.
- Three units designed for wheelchair users have now been shown on the ground floor of the small block (1053-P-199 P21) and one on the Ground Floor of Enterprise Point (1053-P-200 P21). The units shown are still not suitable for wheelchair users because none of them have the required 1700mm x 1100mm space, open on a long side and clear of normal circulation routes to store and charge an electric wheelchair or scooter. The unit in the North West corner does not have the necessary 1500mm wide x 1800 deep space inside the entrance door. None of the four units has the required 450mm transfer seating space at the end of the bath.

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- Access to the tap end of the bath is obstructed by the basin in two of the units.
- Note also that it is normally preferable to have a level entry shower fitted from the outset in these units rather than a bath.
- It would also be expected that the occupants of the wheelchair accessible units would have equal and independent access to all communal and amenity spaces available to other residents.

Final Comment

All issues now resolved except:

- Lifetime homes - Still a couple of doors where the issue of 300mm clearance not addressed
- Wheelchair accessible units – Confirmation of level entry showers to be provided.
- Disabled parking bays need adjustment to meet guidance on 1.2m safety zone.

5.17 **City Clean:** Comment

Need further clarification from the developers on the following:

- Doors – they look to be double doors but smaller than some others on the plan. Need confirmation of the width?
- Parking – what is the planned parking arrangements along Melbourne Street? We would need to make sure that emptying and access to the vehicles wasn't blocked
- The kerbside emptying point will need dropped kerbs to safely wheel bins to the vehicle which are not blocked by parked cars.

A total of 19 bins will be needed for a weekly recycling and refuse collection. As a result 59sqm floor space will be needed to accommodate the bin footprint, manoeuvrability and future proofing. I understand that the recycling will now be incorporated with the residential refuse store, which we approve. The bin store to kerbside collection is at a satisfactory trundle distance. Residents in 16-18 Melbourne Street distance is too far (estimated 55m?) to use the shared main bins store. The guidance sets out a maximum of 35m for residents to travel. A separate recycling and refuse store is needed here. (3528L of waste per week, 3 bins and 9sqm floor space needed). The affordable housing (top corner) will have a distance greater than 35m to use the main bin store. It would also be too far for City Clean to access (>25m). We cannot ask residents to wheel bins due to the gradient of the slope and associated H&S risks. This does present a problem and a possible option would be to move the bin store further up, reducing the travelling distance. However, this would require refuse and recycling vehicles to reverse up and into the site to access the store.

Revised Comments

- Good to see a refuse store for 16-18 Melbourne Street residents closer. If they are sharing this with commercial use, there will need to be a divide for residential and commercial waste. Commercial waste must be paid for and any of this waste put in residential will classed as fly-tipping. Secondly, if residents

put their waste with the commercial, the business will need to pay for disposal costs through their own contract. In our experience, not separating the store area will cause on-going issues which should be designed out now. A caged area with clear 'household' and 'trade' signs would suffice. I would suggest a key code is used to for access to each area.

- Attached is the revised waste calculator which shows the floor space needed for each section. Note the Enterprise Point and Affordable housing section would require 52sqm but only 45.4sqm is provided.

5.18 Ecology: Comment

In summary, the proposed development is unlikely to have any significant impacts on biodiversity and can be supported from an ecological perspective. Opportunities for wildlife enhancements should be sought where possible to help the Council address its duties and responsibilities under the National Environment and Rural Communities Act 2006 and NPPF. There is minimal existing biodiversity interest on site and a low risk of bats or nesting birds being present. Throughout the development, the planting scheme for the landscaping should use native species of benefit to wildlife.

Revised comments

NPPF states that “the planning system should contribute to and enhance the natural and local environment by....minimising impacts on biodiversity and providing net gains in biodiversity where possible....” (paragraph 109). The nearest site is Woodvale, Extra-mural and Downs Cemeteries SNCI to the north. As a precaution, demolition of buildings should take place outside the bird nesting and bat breeding season (March – September). If any sign of protected species is discovered, works should stop and advice sought from a qualified ecologist. It is noted that landscaping is reserved for subsequent approval but there are two main areas for soft landscaping along the southern and eastern boundaries. It is recommended that the landscaping scheme should include natural/semi natural areas and low maintenance wildflower areas to maximise the potential for biodiversity. It is also noted that green walls and roof are proposed. A brown/bio-diverse roof would be most beneficial to wildlife. Throughout the scheme the planting scheme should use native species beneficial to wildlife. The site offers further opportunities for enhancement including the provision of bird and bat boxes. Given the proximity to Woodvale, sparrow and swift boxes and general purpose bat boxes are recommended.

5.19 Economic Development Team: No objection

No adverse comments to make and requests a contribution towards the Local Employment Scheme through a S106 of £54,890 in accordance with the developer contributions interim guidance and a commitment to use 20% local employment during construction phases of the development.

Revised comments

The senior economic development officer has no adverse economic development comments to make and requests a contribution through a S106 agreement for the payment of £54,300 towards the Local Employment Scheme (LES) in accordance with the Developer Contributions Interim Guidance and the provision

of an Employment and Training Strategy with the developer committing to using 20% local employment during demolition and construction phases of the development.

5.20 Environmental Health: Comment

In summary, further works are necessary and as such there is insufficient information on which to make an informed comment.

Revised comments

Recommend Approval, subject to conditions to deal with noise, potentially contaminated land, a lighting scheme and a section 106 agreement.

The applicant's reports indicate that the predominant noise source is road traffic noise from Lewes Road. A condition is necessary to agree both the facade glazing and any necessary ventilation for residential properties with Western facades. Having a baseline noise survey will also allow any further final designs to ensure that external plant is capable of operating at such a level as to not cause a problem to other residents. This may be achieved using conditions to ensure that the requisite protections are in place.

Would strongly recommend that the local planning authority restrict the proposed use to B1 (a) offices to prevent the creep into other B1 uses towards a position where this might not be compatible with residents above.

Noted also that the site is immediately adjacent a primary school, which will have sensitive receptors (school children) and will need careful management during any construction stages. For this reason, request that a Construction and Environmental Management Plan (CEMP) be secured as part of a section 106 agreement. Such a condition or undertaking within the section 106 would be an obligation for the final developer to apply for a section 61 agreement under the Control of Pollution Act 1974 which would detail the methods, techniques, times and best practical means that the construction stages would be operating against. Would also expect to see an assessment of significance under BS5228:2009 with any such Section 61 application and an acknowledgement of all sensitive and other receptors.

There are no hours of use listed for the office uses. As such it would be prudent to ensure a commensurate level of protection in terms of soundproofing between the residents at first floor.

The contaminated land report indicates that further works are necessary to fully characterise the site and ensure that sufficient protection and mitigation measures are in place to protect the end users of the site. This will allow intrusive investigation to take place and it is expected that a scheme of representative and targeted sampling is agreed which assesses both historic uses and indeed those of the end users of the site in line with the conceptual site model. This may be achieved through bespoke or tailored conditions.

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Whilst a site report may have good site coverage, there is always the danger of identifying unexpected findings during the construction stages, and as such it is strongly advised that a discovery strategy is applied.

Not seen any information within the application with regards to lighting and how the development will be lit and maintained, when it will be lit and who this might impact both in terms of the build and other receptors around this. As part of any submission would expect to see a professional lighting report with details of luminaires, hours, lux contours on both the horizontal and vertical luminance and an appreciation of where the various receptors are located.

5.21 **Education:** Comment

Seek a contribution towards education infrastructure for school age children that the development would generate. Following the revised proposals this should be £195,321 in respect of nursery, primary and secondary education. The closest Primary School is St Martin's C of E Primary School which has no surplus capacity. Of 6 other primary schools close by, only two have some capacity in Years 4-6. I note the letter of support that you have received from the school regarding the provision of a community space within the development. While I can fully understand why the school would want such a facility this would in no way add to the number of school places within the city, which is the purpose of seeking education contributions. Consequently I do not consider that the proposal can be seen as replacing part of the education request. Consequently I think that it is entirely appropriate to request a sum of money for nursery primary and secondary education in respect of this development. It is expected by the Department for Education that we should maintain between 5% and 10% surplus places to allow for parental preference. Taking the schools mentioned above there are a total of 2,940 primary places available and currently there are 2,776 children on roll. This gives an overall surplus of just 6%. A development of 82 residential units will eat into this surplus capacity leaving parents with no choice whatsoever.

5.22 **Heritage:** No comments

5.23 **Housing:** Comment

In line with Policy HO2 of the Local Plan, the scheme should provide 40% affordable housing on this site which equates to 32 units. Would expect 10% (3) of the affordable units to be fully wheelchair accessible. Currently have 16,345 people on the Housing Register waiting for affordable rented housing and 726 people on low cost home ownership waiting list.

Revised Comment

Further to the submission of the District Valuer's (DV) report we would prefer 40% affordable housing to be provided on this scheme however the DV suggests this is not viable and so the Housing Team is prepared to consider a lower number.

It is understood that the scheme will provide 20.5% affordable housing which equates to 18 units. The three wheelchair homes of which two will be 2 bed homes and one will be a 1 bed home will be for affordable rent. The remaining 15

units will be for intermediate tenure and will include some three bedroom homes with gardens.

5.24 Public for Art: Comment

To make sure the requirements of Policy QD6 are met at implementation stage, it is recommended that an 'artistic component' schedule be included in the section 106 agreement. It is suggested that the public art element for this application is to the value of £38,500

5.25 Planning Policy: Comment

The emerging City Plan Policy CP3 allocates Melbourne Street Industrial Area for employment-led mixed use development in order to help to deliver the overall City Plan strategy of meeting housing and employment needs in the city to 2030. Viability testing has indicated the difficulty of re-providing a similar level of employment floorspace alongside residential development on this site. However further clarification is sought on the amount of employment floorspace that will be provided for on site.

The acceptability of the overall scale and massing of the housing development alongside the re-provided employment floorspace needs to be considered against relevant Local Plan and emerging City Plan policies.

The applicant needs to more fully address the policy requirements for loss of indoor sports facility and open space requirements.

Revised comment

The introduction of residential uses on a safeguarded employment site to enable modern employment floorspace needs to be considered as an exception to Policy EM1 of the adopted Brighton & Hove Local Plan. However the submitted City Plan Policy CP3 (currently at examination stage) allocates Melbourne Street Industrial Area for employment-led mixed use development in order to help to deliver the overall City Plan strategy of meeting housing and employment needs in the city to 2030 and can be afforded significant weight.

Whilst providing cheap accommodation for small firms, the building is not fully occupied and is in need of modernisation. Viability testing has indicated the difficulty of re-providing a similar level of employment floorspace alongside residential development on this site. Although there is a significant loss of employment floorspace, evidence has been provided to justify this and the current overall level of employment provided by the site is not expected to diminish.

The scheme will provide 88 residential units of which 18 units (20%) will be affordable housing. Evidence has been submitted by the applicant to justify this level of affordable housing provision against the policy tests.

The acceptability of the overall scale and massing of the housing development alongside the re-provided employment floorspace needs to be considered against relevant Local Plan and the Submission City Plan Part One policies.

5.26 Sustainability:

Comment Policy SU2 states that planning permission will be granted for proposals which demonstrate a high standard of efficiency in the use of energy, water and materials. The application has met some of sustainability policy as set out in Local Plan SU2 and SU16 and SPD08, but some aspects have not been addressed. Some aspects of policy are not referred to in the application rather than a lower standard being sought. Therefore the applicant should be encouraged to submit further information to address these omissions. Under supplementary planning document SPD08 major new built development is expected to achieve BREEAM 'excellent' and 60% in energy and water sections with residential achieving Code for Sustainable Homes (CfSH) Level 4. New dwellings delivered in an existing building would be expected to be assessed under BREEAM Domestic refurbishment. The scheme includes some positive measures addressing sustainability: reuse and conversion of existing building; Code Level 4 for new dwellings; BREEAM Domestic Refurb 'excellent' for dwellings built into existing development; passive design, solar shading on south, east and west faces; green walls (79m²) green roof (190m²), 10 trees to be planted. Additionally, there may be allotments proposed as part of landscaping and submitted in future and this would be welcomed. Ways in which local sustainability policy has not been addressed includes: commitment to undertake BREEAM assessments for the commercial units; use of renewables (SU2); information about water efficiency; sustainable waste management; feasibility for rainwater harvesting or greywater recycling; facilities for composting; use of Considerate Constructors scheme.

5.27 Sustainable Transport: Comment

Clarification sought on pedestrian access from Melbourne Street. SPG04 requires a cycle space to be provided for every dwelling plus 1 per 3 for visitors. For B1 offices, 1 space for every 200 sq m is required. The minimum standards for disabled car parking are 1 per 100 sq m of B1 office and 1 per 10 residential units. However Department for Transport advice suggests 5% of total parking should be set aside for disabled bays. Bays should be hatched. There should be one space per wheelchair user residential unit. There are not considered to be any significant servicing requirements for the offices which should be possible in the parking area. Clarification of the refuse collection should be sought. Applicant is proposing reinstatement of the footway which is acceptable and should reinstate a safe pedestrian footway. The Highway Authority requests that the applicant enters into a S278 agreement to carry out the works to be secured by a S106 agreement. Clarification of how the north car park access would operate required. Outside of the CPZ, maximum parking standards are 1 space per dwelling plus 1 per 2 for visitors. For the office use it would be 1 per 30 sq m of gross floor area.

If permission is granted conditions should be included covering retention of car parking for occupants only, details of cycle parking to be approved, a parking management scheme to be approved including allocation of spaces and details of disabled parking bays to be approved. A Construction and Environmental Management Plan should include details of contractors' routes, movements, hours of work, construction compound, measures to reduce impact of vehicles on highway and liaison with residents. Details of a Travel Plan required to be submitted within 3 months of occupation.

Revised comments

For this revised development scheme of 88 residential units the minimum cycle parking standard is 88 cycle parking spaces for residents and 29 spaces for visitors (117 in total). While for the B1 element of the building the minimum cycle parking standard is 5 spaces. A total of 123 cycle parking spaces (62 Sheffield stands) are required. The applicant is proposing 2 disabled spaces for the office element which the Highway Authority have already accepted in principle as it is in line with guidance contained within the Department for Transport (DfT) produced TAL 5/95 Parking for Disabled People.

The residential element would now provide 8 disabled spaces which now meets the minimum standards contained within SPG04. All disabled spaces are designed to the necessary standard and this aspect is therefore deemed acceptable by the Highway Authority. One minor point could be raised to improve access through the car park, is that the parking spaces are realigned to ensure that they do not block any doors from the car park to the main building. This could be achieved by aligning the 1.2m clear zone to the side of each bay with any doors. This would help prevent any cars being parked in a location that restricts access to these doors.

In relation to the southern access point the applicant has proposed a wall with gates which is set into the site approximately 20m. The Highway Authority could not support this arrangement. Previously the Highway Authority requested that access arrangements should be provided that design out the potential for this route being used by vehicles. This arrangement does not prevent this and the Highway Authority would have concerns that this area would allow vehicles to access this area and potentially reverse out onto the highway. This would not be acceptable especially as the site is adjacent to a school. The Highway Authority would therefore recommend that further details of boundary details are secured via condition and that the applicant provide a suitable treatment that prevents vehicular access.

Overall, the Travel Plan Framework is acceptable, if more care is taken to tailor the Plan to Brighton & Hove. A commitment to inform future business occupiers of the requirement to engage in the Travel Plan process and to develop their own Travel Plans should be contained in the document. A condition requiring a detailed Travel Plan be submitted for approval within 3 months of occupation should be attached to any consent.

Final Comment

The applicant is proposing 153 cycle parking spaces which would meet the minimum cycle parking standards in SPG04 and is deemed acceptable by the Highway Authority. The applicant has now included appropriate road markings including centre lines and give way markings on the car park access. This is deemed acceptable.

Recommendation:

No objections. The previously suggested conditions and S106 contributions should be included on any permission granted.

6 MATERIAL CONSIDERATIONS

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”
- 6.2 The development plan is:
- Brighton & Hove Local Plan 2005 (saved policies post 2007);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
 - East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;
 - East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- 6.3 The National Planning Policy Framework (NPPF) was published on 27 March 2012 and is a material consideration which applies with immediate effect.
- 6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.
- 6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR4	Travel Plans
TR7	Safe Development
TR13	Pedestrian Network
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU4	Surface water run-off and flood risk
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste

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SU14	Waste management
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD5	Design – street frontages
QD6	Public Art
QD7	Crime prevention through environmental design
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD27	Protection of Amenity
QD28	Planning Obligations
HO2	Affordable Housing – ‘windfall’ sites
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO7	Car free housing
HO9	Residential conversions and the retention of smaller dwellings
HO13	Accessible housing and lifetime homes
HO19	New community facilities
EM1	Identified employment sites (industry and business)
HE6	Development within or affecting the setting of conservations areas.

Supplementary Planning Guidance:

SPGBH4	Parking Standards
SPGBH9	A guide for Residential Developers on the provision of recreational space
SPGBH15	Tall Buildings

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD08	Sustainable Building Design
SPD11	Nature Conservation & Development

Planning Advice Notes

PAN05:	Design guidance for the storage and collection of recyclable materials and waste
PAN06:	Food growing and development

Brighton & Hove City Plan Part One (submission document)

DA3	Lewes Road
CP3	Employment Land

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application are the loss of employment floorspace, the provision of affordable housing, the scale, height

and design of the proposed development, the potential impact on adjoining residential properties, providing for the demands for travel and provision of amenity and open space and landscaping.

Planning Policy:

- 8.2 The application site is part of the Melbourne Street Industrial Area which is allocated in the adopted Brighton & Hove Local Plan as an EM1 site which are primarily identified for industrial and business use under Use Classes B1 (b) (c) and B2. The site is allocated in Submission City Plan Part One within the Lewes Road Development Area under policy DA3 where the strategy is to further develop and enhance the role of the Lewes Road as the City's academic corridor. One of the priorities is to encourage the development of housing, employment floorspace and community facilities. The site has also been more specifically allocated in the under Policy CP3.4 as an employment-led mixed use site including the Melbourne Street Industrial Area where the policy states that in order to secure good quality modern employment floorspace the council will allow employment-led mixed use development. There should be no loss of employment floorspace.
- 8.3 Paragraph 4.36 of the supporting text states that where a net loss of employment floorspace is being proposed then other considerations will be taken into account such as site constraints and opportunities for more efficient use of the site, the need for environmental improvements, access arrangements (improved access and circulation), safeguarding the amenity of surrounding users and occupiers, the quality of employment being offered and the density of jobs.
- 8.4 The characteristics of the site in terms of providing employment space are mixed in terms of its qualities. Enterprise Point itself is an old building in need of modernisation and provides a mix of unit sizes. Circulation inside the building is difficult including very small lifts. It has no modern heating and cooling system often resulting in windows being required to be left open which neighbours have referred to as creating general background noise which emerges. This was evident and audible on site visits. However, the building does provide cheap accommodation for small firms and single person operators but given the age and quality of the building, the income generated means that refurbishment is not viable as confirmed by the District Valuer. Access and circulation is reasonable however for these types of business occupiers. Although Melbourne Street is a narrow one-way street with two tight bends, there is plenty of parking and delivery space on site for small delivery vehicles which are the more common deliveries. The building however is only about 60% occupied and some of the occupiers do not conform to the permitted B1 use class. The applicant considers that some of these unauthorised uses now have Established Use rights but no evidence of this has been supplied and no Certificates of Lawfulness have been applied for. The floors that were occupied by D2 Recreation businesses are empty and have been for over a decade. The quality of the employment offer is mixed with some high skilled individual jobs such as photographers and artists but there are others such as telesales that generally provide casual work in the building for 100 people. One of the occupiers is the charity NACRO who provide 4 full time and 4 part time jobs but

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they occupy a large space of 600 sq m required for the clients that benefit from the training opportunities.

- 8.5 The applicants have provided a full schedule of the current occupiers, employee numbers and the floorspace occupied by each firm. There are 128 full time and 28 part time jobs currently in the building. These jobs occupy a floorspace of 2784 sq m which calculates at an average of between 18 – 21 sq m per person dependant on how the part time posts are accommodated. This figure is distorted by the Recording studio and NACRO who require a lot of space but only employ 4 full time staff each and 20 part time in total. Rocket UK Marketing meanwhile is very space efficient and employs 100 people in a cumulative total of 632 sq metres across the building. The applicants quote a figure of 19 sq m per employee and estimate that the proposed B1 office floorspace could accommodate 54 full time workers. The floorspace ratio per employee is higher than 19 sq m according to the latest Homes and Communities Agency Guide (2010) which indicates that serviced offices would accommodate 1 employee per 10 sq metres.
- 8.6 At officer's request, the applicant has supplied an updated comparison study which illustrates what might be the numbers employed on site if it was fully occupied by the permitted users. This produces a theoretical total of between 152 – 180 jobs depending on whether the vacant floorspace was used as B1 office or B1 light industrial. It is a material consideration that units on the top floors have been vacant for between 11 -14 years so this higher figure is unlikely to be achieved. The applicants have also provided a theoretical figure for the new B1 office floorspace of around 132 jobs which is similar to the existing floorspace if one disregards the vacant top two floors with permitted use for D2 Sports and Recreation with some B1. The actual number of jobs will depend of course on how individual businesses use the space however an upgraded and reconfigured employment floorspace is likely to be more attractive to future occupiers.
- 8.7 The Planning Policy Team has commented that the application could be considered as an exception to policy EM1 but Policy CP3.4 of the City Plan can be given significant weight. The purpose of Policy CP3.4 is to achieve the provision of modern employment floorspace and additional housing through a more effective and efficient use of the sites. The applicant has now provided the additional information to seek to justify the net loss of B1 floorspace to address paragraph 4.36. The provision of modern flexible office accommodation that could be occupied more efficiently than the current building is welcomed. The Economic Development Officer has supported the proposal for this reason but has requested contributions towards training schemes and a 20% target of local construction workers to be agreed by the applicants. Although the new B1 offices could not accommodate the same number of jobs as the current building could potentially, account has been taken of the fact that the current building actually employs very few B1 employment jobs and has been partly vacant for many years. The applicant has provided a comparison between the current occupying businesses and employee numbers and the potential numbers of employees using the latest Homes and Communities Agency Employment Densities Guide that could occupy the 1030 sq m of floorspace. There are 128 full time and 31 part time employees in the building and if the vacant B1 a, b or

c and D2 Leisure floorspace could be filled then that might rise to 152-180. The new floorspace could accommodate 132 B1 office jobs at a ratio of 1:10 sq m per employee. Therefore the difference in potential job numbers lost is not as great as might be predicted. The option of refurbishing the building would be unviable as confirmed by the District Valuer at the options appraisal stage and so the building would probably continue to deteriorate and become less attractive to potential occupiers except at very low rents on short leases. It is considered therefore that a good case has been made for allowing an exception to policy EM1 of the Local Plan. The scheme would improve the townscape and environmental aspect of the site in the wider context notwithstanding some of the neighbours' objections. Neighbours consulted do however appear to accept the principle that the site needs to be redeveloped. Finally, with respect to policy CP3 some interim conclusions have been issued by the appointed Inspector convening the examination of the City Plan Part One (submission document). The Inspector has indicated that the Council should rigorously reassess whether this policy should be modified to allow for loss of employment land to housing where an employment or mixed use development is not viable. In this instance the scheme proposed is viable and acceptable in that respect.

Policy HO13 requires new dwellings to be built to lifetime home standards where they can be adapted to meet the needs of people with disabilities without major structural alterations. A proportion of new dwellings should also be built to wheelchair standards. The applicant is proposing 4 wheelchair units, 3 in the ground floor of the Melbourne Block and one on the ground floor of Enterprise Point which is accessible by lift. This would meet the 5% policy requirement for schemes of 10 units or more. Following modifications, these 4 units would all comply with the standards and guidance for wheelchair units. The layout of all of the units would also enable sufficient space and circulation to be adapted as well as the communal areas in the buildings.

Affordable Housing:

- 8.8 Policy HO2 of the Local Plan and CP20 of the City Plan seek a 40% element of affordable housing on 'windfall sites' and where 15 or more units are proposed however the current proposal would provide only 20.5%. At the pre-application stage, a financial options appraisal of different scenarios was carried out by the District Valuer to determine how the site could be redeveloped or refurbished. It was established as mentioned above that refurbishment was not viable and nor was a policy compliant employment led mixed redevelopment with 40% affordable housing provision. Only a housing led redevelopment would be viable but it would be unable to provide 40% affordable housing and only if there was a loss of B1 office contrary to policy EM1 and CP3.
- 8.9 The proposals to provide 15 intermediate and 3 social rented (wheelchair accessible) affordable housing units would be short of the policy requirement by 20%. The applicant has updated the Viability Assessment for this scheme which demonstrates that the current proposals could only provide 20.5% (18) affordable units with a small deficit.
- 8.10 The proposals have been modified significantly in terms of the mix of units following negotiations. By consolidating all of the proposed B1 office space into

Enterprise Point instead of spreading it across all 3 buildings, it has also been possible to provide 2 x 3 bed family units with private gardens in the affordable block by extending the ground floor footprint modestly. The application originally proposed 12% affordable housing but by re-arranging the accommodation as described and extending the ground floor footprint of the buildings more efficiently and increasing the overall floorspace but modestly reducing the employment floorspace by 300 sq m, the scheme could now provide 20% affordable housing including 3 wheelchair accessible social rented units with private amenity space that were not previously proposed. It has also enabled 2 x 3 bed units to be provided and 4 of the affordable units would have private gardens. The mix of affordable units would not meet the CP20 policy compliant mix of 30% 1 bed; 45% 2 bed and 25% 3 bed but providing a greater proportion of 3 bed units would reduce the overall number of units given the constraints of the site and would affect the viability of the development proposal.

- 8.11 The District Valuer has assessed the proposal on this basis and has agreed that 20.5% affordable is the maximum percentage of affordable units that would be viable. It has been agreed with the applicant however, that the usual 3 year time limit for implementation of any planning consent would be reduced to 2 years to reflect the fact that the proposal does not comply with policies HO2 or CP20 and that it is only acceptable as a departure from policy in the current economic circumstances. A condition would also be attached which places a ceiling on the maximum gross internal floorspace of the proposed residential units. The Planning Policy Team have accepted the District Valuer's assessment and consider that the criteria in policy HO2 should be applied where the policy target could be applied more flexibly. It is considered that some of these criteria are applicable, in particular the financial viability, the accessibility to local services and facilities and the need to achieve a successful housing development. The development has a high density and it is not considered that the site could accommodate the quantum of housing needed on site to achieve 40% affordable without severely prejudicing the amenity of neighbours and the townscape. The site has excellent access to local retail, transport and community services however the values of the built properties in this location would make it difficult to achieve the returns at this point in time needed to provide a policy compliant development. The development would however provide 70 residential units which are of a character and size that would provide accommodation that is modest and at the more affordable end of the housing market for rent or purchase.

Design:

- 8.12 The indicative elevations of the buildings propose a modern design to the development which has been strongly influenced by the existing Enterprise Point building as well as the recently constructed 'Viaduct Lofts' development on the opposite (west) side of Melbourne Street. The elevational appearance would be a Reserved Matter however.
- 8.13 The scale of the 6 storey Enterprise Point has dominated its residential neighbourhood for many years since it was constructed and is still clearly visible from the Vogue Gyrotory and Lewes Road to the west. At the time of construction of Enterprise Point, the railway viaduct on the line serving Kemp

Town traversed through the site itself in front of Enterprise Point and would have obscured it. The 7 storey Viaduct Lofts now also dominates the neighbourhood as well and can be seen more prominently in the foreground from the Lewes Road corridor and from the Round Hill Conservation Area. Similar long views of Enterprise Point on the Lewes Road corridor are not visible since it is set back to the east more whilst other potential longer viewpoints are obscured by the Sainsburys supermarket on the Vogue Gyrotory and the heavily wooded Woodvale Crematorium to the north. The current building would be defined as a 'mid rise' tall building under SPG 15 (Tall Buildings) standing at 19.8 metres excluding roof plant but the SPG makes it clear that extensions to tall buildings are also subject to the criteria. The two proposed new buildings would not be defined as tall buildings being below 18 metres. The building would be considered as significantly taller than its surroundings by definition since apart from itself and Viaduct Lofts; there are no other tall buildings within 100 metres of the site. (Sainsburys Lewes Road supermarket is almost 150 metres away). Significantly taller buildings should be located along the 'corridors' listed in SPG15 being a linear zones defined around transportation routes. The list includes the Lewes Road which the site is within 80 metres of. The principle of a tall building here is acceptable provided that the assessment of its impact has been carried out which the applicant has done.

- 8.14 The proposed additional storey would not be higher than the existing clutter of prominent roof plant and aerials on the existing building so the impact on the skyline in longer views compared to the existing building would be negligible. The proposed lift overrun would not be noticeable in distant views. From short to medium viewpoints, the additional storey would be visible for example from Bembridge Street and Shanklin Road but would replace the existing roof plant in the view. It is considered therefore that the proposal would comply with the criteria set out in QD4 (Strategic Impact).
- 8.15 The relationship of the scale of Enterprise Point with the street scene would be the most significant factor in considering its impact due to the proposed height and scale. The height of Viaduct Lofts is currently 0.5m above the roof height of Enterprise Point but as proposed the new roof of Enterprise Point, where it is set back into the site, would be a maximum of 2.0m above Viaduct Lofts. The footprint of the building would come forward to the back of pavement but the building would step down in stages as described in Section 4 above. Viaduct Lofts (granted consent on appeal) sits on the back edge of pavement and has an overwhelming impact on the scale of development in the street scene. Negotiations for this proposal have resulted in a proposal to bring the lower ground floor coming forward more in line with the terrace of houses (1 –10 Melbourne Street) to the south in order to provide improved definition to the street scene and the site as a whole which currently suffers from poorly defined streetscape. The submitted scheme featured steps behind a 3 metre high solid retaining wall up to the ground floor offices which would have provided very poor visual interest at pedestrian level. The offices would now have their entrances and large glazing areas at street level which would enhance the street scene and define the function of the building better. Following negotiations, the 1st and 2nd floors on the west elevation would have an

increased glazing content and reduction in blank frontage which would improve its appearance in the street scene. The main bulk of the building formed by the 7 storey extension would be 8 metres forward of the existing building but still set back 10 metres from the site boundary and then would drop down 3 storeys in one step. The current building appears above the roof profile of 1-10 Melbourne Street but the proposal would result in a bigger impact in the street scene. The upper floor set backs negotiated at pre-application stage however would significantly reduce the building's impact and avoid the creation of a canyon effect coupled with Viaduct Lofts. The upper floor set backs and the indicative variety in material profiles and colours would help to break down the bulk of the building and provide some coordination through the floor levels in contrast to the somewhat plain two dimensional block opposite. The visual appearance of the west elevation of Enterprise Point seen from Melbourne Street (west) would be enhanced in comparison to the existing elevation and seen in the context of Viaduct Lofts which would still dominate in the foreground, it is considered that the proposed indicative appearance of Enterprise Point would enhance the current focal point of this vista.

- 8.16 The scale of the proposed Affordable block is in keeping with the scale of the surrounding buildings. It would be 5.5m lower than the current south wing of Enterprise Point which would be demolished which, it is considered, would be an improvement to the massing on site, would be less dominant and would improve the relationship with those dwellings in Shanklin Road that currently face directly onto the south wing at present. The gap between the south wing and Gladstone Court would however be infilled by the southern end of the affordable block. In terms of the scale of the affordable block in relation to adjoining buildings, it would be in keeping with the scale of development since the flat roof would be at the same datum level as the upper ground floor rear roof profile of Shanklin Road houses whilst their main ridge height would be 6 metres higher. There would therefore be a clear stepping down the hill of the new development. In respect of Gladstone Court to the south which has a pitched roof, the flat roof of the affordable block would line up with the eaves height of Gladstone Court.
- 8.17 The proposed replacement building at No.16-18 Melbourne Street would appear as two storeys higher than the adjacent two storey building at No.19-20 which has a pitched roof. The flat roof would be 5.5m higher than the ridge height of No.19-20. This building would only be visible from Melbourne Street viewed east and north but in each street scene it would be scene in the context of the 6 and 7 storey Enterprise Point and Viaduct Lofts which now frame these views. There is a small window in the east gable of No.19-20 which would be blocked out but it serves only storage space in the roof. It is understood that the applicant has negotiated with the adjoining owner to enable the upper floors of this part of the building to be brought forward to improve the outlook for proposed flats at the rear and to protect the tree belt hence. Consequently the frontage does not immediately abut the adjoining gable end in the street scene and is set back when viewed from Melbourne Street looking north which would reduce the bulk and scale of the building in the street scene whilst the tree belt behind would provide a softened setting behind the outline of the new building. Viewed from the Lewes Road limited views would be possible due to the large

showroom building on the corner and workshops in the foreground whilst views from the back of the building would be obscured by the tree belt in Woodvale Crematorium. It is considered that the proposed scale of development would comply with policies QD1 and QD2 of the Brighton & Hove Local Plan.

8.18 The indicative elevations would provide an acceptable level of visual interest in the street scene with stepped setbacks in the profile of the building, a variety of window types and balcony sizes to avoid overly regimented facades. The east side of the southern façade does feature a blank façade but this would be only be apparent from close up and not prominent in the street scene being obscured by Enterprise Point. The windows would be limited here to avoid privacy issues with facing windows on the north side of Enterprise Point but the proposed green wall would soften this façade. A key improvement has been the bringing forward of the lower ground floor and the entrance of the building to the street frontage to be more prominent and provide more visual interest at street level and improve security by design. The proposal is considered to comply with policy QD5 of the Brighton & Hove Local Plan in this respect.

8.19 The indicative materials and colours require further consideration in the Reserved Matters submission. Given the scale of the development proposed and the darker colours used on the recently built 'Viaduct Lofts' which is 7 storeys in height, it is considered that in order to mitigate the density of development in the Melbourne Street area, lighter colours would be preferable. A mix of complementary colours is also acceptable in principle to help break up the larger elements and to also avoid the manner in which Enterprise Point itself currently dominates the local skyline. However the proposed colours of the balcony's which appears as a Jade green colour are not considered to complement the other proposed colours or the tone of the area and needs further consideration. The very smooth timber effect 'Trespa' panelling lacks a depth of texture which in large expanses could result in a somewhat unnatural and unbroken expanse of façade for the exterior of a building.

Impact on Amenity:

8.20 The main issues required to be assessed under amenity would be impact on the outlook and privacy of existing residents, daylighting and sun lighting to existing adjoining residents as well as adequate daylighting to the new residents. Noise and disturbance issues have also been considered.

8.21 The applicants have submitted a sunlight/daylight report which has been updated to cover the impact of all three buildings on neighbours as well as assessing daylight levels for the proposed flats. The main issue with the 16-18 Melbourne Street block would be daylighting to the new units. Amended plans have now resulted in the north elevation being pulled away to enable a minimum daylight level to be gained where the habitable rooms face the tree belt. Using the BRE guidance on Average Daylight Factor (ADF) where bedroom windows require a minimum of 1% ADF, the lower ground floor bedrooms would now achieve 1.4% and 2.04% respectively. All other windows in this proposed block would have south or east facing aspects with unobstructed views and would meet the guidance.

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- 8.22 In respect of Enterprise Point itself, those units where the daylight levels might be below standard were assessed being mainly the lower floors on the east facing and north east facing elevations. Only two rooms were found to be below standard being open plan living/dining room and kitchens. However if the living/dining room element was assessed separately they would comply with the minimum guidance of 1.5% ADF.
- 8.23 There are 7 properties in Shanklin Road (Odd nos.17 – 29) which currently have their outlook directly obstructed by the top four floors of Enterprise Point. Some of the properties are single dwellings whilst others have been converted to flats. The separating distance is 18.5-19 metres to the main rear facades and in most cases 17 metres to the rear additions that usually accommodate kitchens, bathrooms and utility rooms. Of these 7 dwellings, 3 properties (Nos. 17-21) would have a slightly improved outlook following the demolition of the south wing. Although the Affordable block would be constructed 5 metres nearer than the demolished south wing, the Affordable block would be 2 storeys lower than now. No. 21 would benefit from the 5 metre gap created between Enterprise Point and the Affordable block as well as the reduction in height compared to the current situation. Properties that do not currently achieve the minimum BRE guidance on daylighting would not be impacted upon significantly and in some cases there would be a marginal improvement.
- 8.24 The additional floor on top of Enterprise Point would mainly affect Nos. 23 – 27 the most as they would face directly onto the retained building. A revised daylight report has assessed these properties by comparing the Vertical Sky Component (VSC) before and after the development. The BRE Guidance states that VSC should be a minimum of 27% and that a development should either not result in the value falling below 27% or it should retain 80% of its former value. Most of the windows in these properties currently exceed the 27% VSC guideline. Where there are windows which do not they tend to be glazed doors at lower ground level which access the gardens and the low daylight levels are due to their own or neighbouring rear additions and extensions and not due to Enterprise Point. No.23 Shanklin Road would have one window that would fall below 27% but would still be more than 80% of its former value. The remainder would not have a discernable loss of daylight. No 25 would have a glazed door at garden level which dropped just below 27% but the loss would not be discernible again. Most windows would still remain above 27%. The windows to No.27 would retain all of its daylight above recommended minima and the loss of daylight would be well within acceptable limits.
- 8.25 The affordable block would have more potential impact on those properties which currently enjoy unobstructed outlooks at present being Nos. 11, 13 and 15 (in part). The rear east façade would be 5 metres nearer than the South wing to be demolished and would be 11 metres from the rear additions and 13 metres from the main rear elevations of Shanklin Road dwellings. The flat roof of the proposed Affordable block would be 6 metres above the rear garden level of the dwellings whilst most of these dwellings have fences and walls erected on top of the retaining walls so that the proposed first floor would have no additional impact on daylighting. The lower ground floor (garden level) of the

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facing dwellings typically has a glazed door and a small window serving a kitchen or utility room at this level. The ground floors of the properties have rear additions with smaller windows serving bathrooms typically and one larger window to the main façade which have limited outlook due to the rear additions and extensions carried out. The rear additions are 0.5m higher than the proposed flat roof. The first floor level of the properties would have unobstructed views out across the top of the living/green roof of the proposed Affordable block.

- 8.26 Existing and resultant daylight levels have been assessed as part of the application. The windows to No.11 currently comfortably exceed the minimum guidance of 27% and all of the windows would do so if the development took place with no perceptible reduction in daylight. The bigger reductions would be to the door and window at garden level but daylight would still be above acceptable limits. Nos. 13 and 15 similarly would have some loss of light at ground and garden levels but it would be negligible with one kitchen window at No 15 dropping fractionally below the minimum standard but with no discernible loss. It is a window which would have been most impacted upon already by a 2 storey extension to the property.
- 8.27 It is considered therefore that whilst there would be a few windows in Shanklin Road that may be affected by a reduction in daylight, the loss would not be significant and in the majority of instances daylighting would still be above minimum acceptable levels. There would also however be some dwellings which would benefit from the demolition of the South wing and so the proposal is considered to be acceptable in terms of its impact on daylight to adjoining dwellings.
- 8.28 Gladstone Court to the south of the Affordable block has a blank north facing façade and then a stairwell set back with small windows facing north which appear to serve corridors and the stairwell. The east facing façade has rear windows at the corner on 4 floors which mainly serve bedrooms and one kitchen window at ground floor level. The separating distance between the blocks would be 3 metres and the new block would extend 4 metres beyond the rear façade of Gladstone Court. These windows immediately abut the stairwell extension and it this relationship which would currently have an adverse impact on the daylighting each room receives. The proposals have been modified to cut back the Affordable block to create a 45 degree angle of light for these windows and it should be considered that these 2 flats and one maisonette have their main living rooms outlook on the west facing side with unobstructed views and thus benefit from the maximum VSC possible. It is not considered therefore that the proposal would cause an unacceptable loss of daylighting to adjoining occupiers.
- 8.29 The Shanklin Road properties have east facing gardens but as with the daylighting, they do not currently enjoy significant sunlight neither due to Enterprise Point and Gladstone Court until the afternoon due to their orientation. An assessment was carried out for 21st March spring equinox which illustrates that the rear gardens of Shanklin Road properties would benefit from sunlight from 1pm which is the same as at present when the sun is almost at its highest

and shines through the gap between the houses and Gladstone Court. Some of the houses at the northern end of the terrace would then be in shadow from 4pm. By 6pm all of the gardens of the houses would be in shadow. At the summer equinox, sunlight hours would increase and for those houses behind the South wing proposed for demolition, they will benefit from more sunlight later in the afternoon when the sun is higher in the sky.

- 8.30 It is considered therefore that the proposal would be acceptable in terms of its impact on daylighting and sunlight and would not be contrary to policy QD27.

Open Space and Recreation; Landscaping:

- 8.31 Landscaping for the scheme will be a reserved matter. The applicants have indicated landscaping either side of the pedestrian access south of Enterprise Point and around the corner of the site and in front of the Affordable block adjacent to the school playground which would amount to 128 sq m. Tree planting should be required close to the pedestrian entrance to enhance the street scene. They have been requested to identify the landscaped area for natural and semi natural planting to encourage wildlife and this would be deducted from the S106 financial contributions for open space under that typology. An indicative landscape scheme has been submitted which the County Ecologist has commented upon. A full landscaping scheme would be required as part of the reserved matters planning application. Other strips of land have been indicated for landscaping as well where possible.
- 8.32 The applicants have also proposed an area for on site allotment space of 168 sq m behind Enterprise Point at first floor level where the deck level parking is currently. As the plot would be east facing it is not ideal in terms of maximising sunlight but it is considered that it would enhance the scheme on site. The indicative landscape plans indicate high fences sub-dividing the plots which would cause overshadowing and inhibit growth of planting so details of the layout and specification for constructing the plots would be required as a condition. In accordance with SPGBH9 the total requirement cannot be met on site and off site contributions would still be required for a further 199 sq m of allotment space.
- 8.33 Additional financial contributions towards off site open space and recreation would be required in accordance with Policy HO6 of the Local Plan and the Council's SPGBH9 and the applicants have agreed a contribution of £257,883.
- 8.34 Enterprise Point includes 1700 sq metres of indoor leisure and recreation space within Class D2 for which previous permissions have been granted including a Gym/Fitness suite on the top floor, children's play centre on the 4th floor and a martial arts club on the 2nd floor. The 2nd floor is now occupied by NACCRO (Class D1) and the Telemarketing company (Class B1) neither of which would fall within a Class D2 use. All of the D2 occupiers have left and the units on the 4th and 5th floors are vacant. Policy SR21 would not permit loss of indoor recreation except where all of the following conditions are met. It would need to be demonstrated that there is an excess of provision in the area, the facilities are to be replaced by improved facilities and in a location accessible by a choice of public transport. The applicants have provided evidence that the units

have been marketed in the past as have all of the units whenever vacant but there has been no demand. All of the leisure operators who previously occupied the premises went out of business. The main issue in trying to re-occupy the units for leisure uses has been the lack of a street presence. The applicant states that the gym that occupied the top floor continued rent free for a while until they could no longer cover the owner's maintenance expenses. They also point to a contribution towards recreation being required but this would be in order to meet demand generated by the development in accordance with SPGBH9. Other material considerations cited are that the gym has been vacant for 15 years and a recent appeal decision in respect of St Andrew's Day Care Centre, St Andrew's Road where an Inspector allowed an appeal on the grounds that the site had been vacant for a long time. NPPF paragraph 70 states that planning policies should guard against the loss of valued facilities and services. Whilst the St. Andrew's application was refused under HO20 and not policy SR21, Part 8 of the NPPF considers policy on Class D1 and D2 uses under 'Promoting Healthy Communities' uses. Paragraph 74 of the NPPF refers to protecting sports and recreational buildings unless an assessment has been made which show that the building is surplus to requirements. In this particular case the building was not intended for indoor recreation use and is not well suited for modern indoor recreation uses due to its high rise nature and the cramped lifts and internal layout. The length of vacancy and marketing also does not suggest that it would suit an indoor leisure use despite the demand in the City demonstrated by the Open Space and Recreation Study to inform the City Plan. It is considered therefore that an exception to policy SR21 can be made taking account of these material considerations.

Ecology/Nature Conservation:

- 8.35 The County Ecologist has commented on a draft landscape scheme produced by the applicants in response to the Planning Authority's request to provide on site ecological planting. The species chosen are mostly non-native and ornamental but would benefit wildlife except a few which the Ecologist considers should be resisted as they have no wildlife benefits. Annex 7 of SPD07 provides a list of appropriate species. It is considered that suitable species can be agreed as part of a planning condition as landscaping is a Reserved Matter. Green walls are welcomed and should be on the building facades to enhance wildlife opportunities. The proposed green roof on the affordable block would be beneficial but more details are required as the Ecologist advises that a bio diverse roof would be most beneficial rather than a sedum roof as indicated on the plans. There are no natural or semi natural areas proposed on site which should be addressed. No bird or bat boxes are proposed either but the Ecologist would recommend sparrow and or swift boxes and general purpose bat boxes. However a deduction of the natural/semi-natural open space contribution has been agreed on the basis of 128 sq metres proposed provision on site. In view of the Ecologist's comments, a condition requiring 128 sq m of provision should be attached to any outline consent.

Sustainable Transport:

- 8.36 The Transport Policy Officer has commented that the proposal is unlikely to result in an increase in trip generation and so there would not be a need to seek a commuted sum towards sustainable transport measures. The site currently

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provides 80 car parking spaces but as result of the proposals there would be 54 parking spaces for residential and business occupiers of Enterprise Point with the exception of the 10 disabled bays (8 residential and 2 offices). Some residents have objected on the grounds that there would be additional traffic however by reducing the on site parking spaces there would be fewer vehicles on site. The reduction in B1 office space and replacement by residential flats would also result in less commuter parking associated with the business occupiers as well fewer delivery and servicing trips in the daytime whilst a maximum of 24 residents vehicles would commute back and forth elsewhere in a day.

- 8.37 Office parking would be allocated to the open parking on the north side of Enterprise Point and residential in the lower ground floor with direct access from within the lobby of the flats above. Occupiers of the wheelchair units in 16-18 Melbourne Street block could access the indoor parking spaces via an external door into the Enterprise Point block opposite. Both the residential and office parking spaces are below the maximum permitted under SPGBH4. The Transport team have requested that new residential occupiers be provided with 2 years free membership of the City Car Club to mitigate any potential overspill car parking on street. There are few opportunities for convenient on street parking in this location. A Travel Plan is also required to include Bus discount vouchers, cycle purchase vouchers amongst other information to be secured by a S106 agreement. A Travel Plan Framework has been submitted with the application which the Highway Authority considers to be broadly acceptable but requires further detail to be more relevant to this location. This can be secured by condition of any consent.
- 8.38 Following revisions, the applicants have increased by 43, the proposed covered cycle parking spaces to 153 on site including visitor spaces which would now satisfies the standards for this proposal according to SPGBH4.
- 8.39 The applicants will be required to enter into a S278 agreement to re-instate parts of the footway in front of the site where the access and egress are proposed to be narrowed. Conditions will be imposed requiring details of cycle parking, disabled parking to be provided and a parking management plan.
- 8.40 The Highway Authority are now satisfied with the proposed site layout and provision of vehicle and cycle parking subject to suitable management and conditions and agreements to secure sustainable transport measures as outlined above and would accord with policies in the Brighton & Hove Local Plan and SPGBH4 (Parking Standards).

Sustainability:

- 8.41 In accordance with policy SU2 of the Local Plan and SPD08, the development should achieve Code for Sustainable Homes Level 4 (CSH4) for the new residential and for the conversion of Enterprise Point to residential no additional net CO₂ emissions for the development and BREEAM Domestic Refurbishment. The applicant has stated that they would seek to attain CSH4 which can be conditioned. For the new build office use 60% in energy and water within overall BREEAM excellent would be secured by condition. The converted

B1 office space should achieve no additional net CO2 emissions, reduction in water consumption and no surface water run off. The revised plans now include a green roof on the affordable block, and green/living walls to the north façade of Enterprise Point and the South façade of 16-18 Melbourne Street. The Enterprise Point south elevation will enable solar shading due to the set back of the external walls of the flats behind the existing façade to create balconies. The applicant is proposing allotments at the rear of Enterprise Point at first floor level. It is considered that in the absence of any pre-construction assessment that appropriate conditions should be applied to ensure that Policy SU2 and SPD08 is adhered to if outline consent is granted.

Waste Management:

- 8.42 Following discussions and comments with City Clean on site, the applicants have now provided an acceptable area of residential space of 70.3 sq m exceeding the requirement of 64 sq m on site for domestic refuse/recycling in suitable locations for access by residents and the collection services. An additional area of 9 sq m required for commercial waste is also proposed which is acceptable. Residents would be able to access the domestic stores from the north and south side of Enterprise Point. Domestic waste collection vehicles would not need to access the site but would be within acceptable “trundle” limits. A dropped kerb sufficiently wide for a standard 1280 litre communal bin would need to be retained on the pedestrian access to the site. Occupiers of the Affordable block would be required to carry waste to the central store which is conveniently located on the pedestrian route out of the site. This would be similar to the citywide arrangements for street communal bins. The plans show how the secure separation of the residential and commercial storage can be achieved to prevent access and potential fly tipping into the commercial waste bins which should be secured by condition.

Other Considerations:

Community Space/Education Contribution

- 8.43 The applicants have proposed a community space following discussions with St. Martin’s CE Primary School to be available for the school as additional space for education. There are no details submitted with the application as to how or when it would be used although a later letter of support from the Head Teacher has provided some information in that it would provide extra space for additional teaching needs but it also indicates that it would provide a facility for its Early Help and Intervention Strategy with families within the school community for which there is currently no space. The applicants have not considered whether it would be available as a facility for new residents of the scheme. The design of the access would enable secure access either directly from the school or from the residential flats using different gates.
- 8.44 The Council’s Head of Capital and Education Projects was not made aware of the proposed community space and would still require a commuted sum towards additional classroom provision to be provided on a strategic basis where there are local schools in the catchment area with a shortage of classroom capacity. A local school identified that has site capacity for extensions to buildings in order to increase the school roll, must be able to

provide an additional classroom for each year group to enable a cohort to progress through the school. Whilst there is no objection in principle to the community space being provided, the developer has been requested to provide the full financial education provision. The Environmental Health Officer has sought assurances about the use of the community space including the outside space which would be 16 sq m in order to avoid potential noise and disturbance to adjoining residents. A condition requiring additional soundproofing between the space and the residential flat above is recommended and a condition restricting the hours of use of the outside space.

9 CONCLUSION

- 9.1 The proposed development site is within the policy DA3 area which encourages housing, employment and community uses. The proposed mixed development of residential whilst retaining 1030 sq of employment floorspace is considered on balance to be acceptable as an exception to policy. The applicant has demonstrated by submitting a viability assessment that a policy compliant scheme which was employment led and conformed to policy EM1 of the Brighton & Hove Local Plan and policy CP3.4 of the Submission Brighton & Hove City Plan would not be viable. This has been confirmed by the District Valuer. It is considered also that the retained B1 office floorspace designed and laid out to a modern specification would be capable of accommodating a similar if lower number of jobs than exist in the existing building. The proposal would provide 88 residential units which would make a significant contribution to the housing needs in the City including a 20% proportion of affordable units. This has been negotiated up from a figure of 12% since submission. Whilst this affordable housing provision is lower than the policy requirement of 40%, it has been demonstrated again that a scheme which provided the full requirement would not be viable. Policy CP20 allows for the policy to be applied more flexibly and consideration can be given to the costs of the development. The location, character and age of the building and the character of occupation has been a factor in influencing the form of a viable development proposal and this has been taken into account in consideration of the proposals. It is considered that based upon the particular circumstances of the proposals, a 20% affordable provision would be acceptable.
- 9.2 The scale of the development is considered to be acceptable and takes account of the existing Enterprise Point building which dominates the locality. The development of Viaduct Lofts opposite has also influenced the character of development in the vicinity however it is considered that this proposal would not have as overwhelming an impact on the locality as that development as it would involve the demolition of the south wing and the extension to Enterprise Point would be set back from the street frontage. The impact of the Melbourne block would be mitigated by its siting in front of the belt of very mature trees in the adjacent Woodvale Cemetery and would be 5 storeys compared to the 7 storey Viaduct Lofts. The Affordable block would largely replace the south wing of Enterprise Point but would break up the massing of built form that currently exists. The daylight and sunlight assessment demonstrates that on balance the impact on adjoining occupiers would not be unacceptable with some properties that would benefit from a small improvement to their daylight whilst others would

have a minor negative impact but not significant enough to be unacceptable. The proposed design and layout of the development has been improved to provide safer and more convenient circulation for resident and business occupiers, access to useable amenity space, cycle and refuse storage. The proposals would therefore meet policies TR1, HO5, QD1, QD2, QD3, QD4, QD5, QD6, QD7, QD15, QD16 and QD27 of the Brighton & Hove Local Plan.

9.3 The proposals would include car parking and cycle parking provision which would meet the Council's standards as set out in SPGBH4 and the applicant has agreed to fully fund the S106 contributions towards sustainable transport. The proposals would therefore comply with policy TR1 of the Brighton & Hove Local plan. The layout of the transport provision on site is satisfactory and there would be opportunities to improve access and circulation on site and in Melbourne Street. The site would have a single point of access for motor vehicles and the amenity space provision on site would provide a separate and safe area of amenity space for the residents. The proposals would provide areas of private amenity space for ground floor units whilst all other flats would have balconies and there would also be an area allocated for residents' allotments. It is considered therefore that the provision of private and communal amenity space would be satisfactory and would meet policy HO5 of the Brighton & Hove Local plan.

9.4 The applicants have agreed to fully meet the planning obligations generated by this development proposal in respect of transport, education, employment, recreation and public art as well as providing a Construction and Environmental Management Plan thus complying with policies QD28, QD6, HO6 and TR1 of the Brighton & Hove Local Plan.

The proposals are therefore considered on balance to be acceptable and would result in the regeneration of this site currently comprising an ageing building that is less and less attractive to businesses on a site which makes no contribution to the visual amenity of the area, the wider Cityscape nor the public realm. The proposal would provide 88 additional residential units to the supply of housing which is much needed in the City.

10 EQUALITIES

10.1 The development would provide a policy compliant number of wheelchair accessible residential units and all of the residential units would be designed to Lifetime Homes standards. The numbers of disabled parking bays proposed for residential and business occupiers is acceptable and would be sited in suitable locations.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 Heads of Terms

- Education Contribution of £195,321
- Local Employment Contribution of £54,300
- Recreation Contribution of £257,883
- Artistic Component contribution of £38,500
- Enter into a S278 Highways Agreement

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- Contribution towards a Car Club Membership Scheme for 2 years for residents.
- Contribution towards Cycle loans and Bus Vouchers for residents.
- Construction and Environmental Management Plan

11.2 Regulatory Conditions:

1. The development hereby permitted shall be commenced before the expiration of two years from the date of this permission or one year from the approval of the last of the reserved matters as defined in condition 3 below, whichever is the later.

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

2. 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
Site Plan	1053-P-001	P7	25.09.13
Existing Site Sections A;B;F	1053-P-002	P4	25.09.13
Existing Site Sections D&I	1053-P-003	P4	25.09.13
Site Location Plan	1053-P-005	P2	25.09.13
Proposed Site Plan	1053-P-006	P3	13.12.13
Existing Site Plan	1053-P-010	P6	25.09.13
Survey Data	1053-P-011	P1	17.05.13
Existing LGF Plan	1053-P-099	P4	25.09.13
Existing GF Plan	1053-P-100	P4	25.09.13
Existing 1 st -4 th Floors	1053-P101	P4	25.09.13
Proposed LGF Plan	1053-P-199	P24	13.12.13
Proposed GF Plan	1053-P-200	P24	13.12.13
Proposed FF Plan	1053-P-201	P25	13.12.13
Proposed 2F Plan	1053-P-202	P8	13.12.13
Proposed 3F Plan	1053-P-203	P17	13.12.13
Proposed 4F Plan	1053-P-204	P24	13.12.13
Proposed 5F Plan	1053-P-205	P18	13.12.13
Existing East & West Elevations	1053-P-251	P4	25.09.13
Existing N & S Elevations	1053-P-252	P4	25.09.13
Proposed N & S Elevation	1053-P-255	P21	13.12.13
Proposed E & W Elevation	1053-P-256	P25	13.12.13
Prop/Exist Elevations Melbourne St.	1053-P-257	P5	13.12.13
Arch's Impression Ex-View from Melbourne St	1053-P-258a	P1	21.10.13
Arch's Impression Prop-View from Melbourne St	1053-P-258b	P1	21.10.13
Arch's Impression Ex-view from Lewes Rd	1053-P-259a	P1	21.10.13
Arch's Impression Pr-view from	1053-P-	P1	21.10.13

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Lewes Rd	259b		
Arch's Impression Ex-view from Bembridge St	1053-P-260a	P1	21.10.13
Arch's Impression Pr-view from Bembridge St	1053-P-260b	P1	21.10.13
Arch's Impression Ex-View from Shanklin Rd	1053-P-261a	P1	21.10.13
Arch's Impression Pr-View from Shanklin Rd	1053-P-261b	P1	21.10.13
Comparative Exist – Prop Section 1	1053-P-262	P4	13.12.13
Comparative Exist – Prop Section 2	1053-P-263	P4	13.12.13
Comparative Exist – Prop Section 3	1053-P-264	P5	13.12.13
Comparative Exist – Prop Section 4	1053-P-265	P6	13.12.13
Section through Melbourne Block	1053-P-270	P2	13.12.13
Schedule of accommodation	1053-P-800	P18	13.12.13

3. a) Details of the reserved matters set out below (“the reserved matters”) shall be submitted to the Local Planning Authority for approval within one year from the date of this permission:
- (i) appearance;
 - (ii) landscaping.
- b) The reserved matters shall be carried out as approved.
- c) Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.
- Reason:** To enable the Local Planning Authority to control the development in detail and to comply with Section 92 (as amended) of the Town and Country Planning Act 1990.
4. No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.
- Reason:** To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies QD1 and QD27 of the Brighton & Hove Local Plan.
5. The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved.
- Reason:** To ensure that adequate parking provision is retained and to comply with policy TR19 of the Brighton & Hove Local Plan.
6. The new dwellings hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.

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

11.3 Pre-Commencement Conditions:

7. No development shall commence until a scheme for the details of the provision of affordable housing for at least 20% of the residential units hereby approved as part of the development, has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme which shall include 15 units in the Affordable block and 3 wheelchair units in the Melbourne block:
 - i. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - ii. the arrangements for the transfer of the affordable housing to an affordable housing provider;
 - iii. the arrangements to ensure that the affordable housing remains as affordable housing for both first and subsequent occupiers of the affordable housing; and
 - iv. the occupancy criteria shall be agreed by Brighton & Hove City Council Housing Team

For the purposes of this condition 'affordable housing' has the meaning ascribed to it by the National Planning Policy Framework.

Reason: To ensure the provision and retention of an appropriate amount of affordable housing in accordance with policy HO2 of the Brighton & Hove Local Plan.

8. Should the sum total of Gross Internal residential floor area (excluding any communal areas such as entrance halls, staircases and lifts) exceed 5839 square metres; a viability assessment which assesses, at that date, the number of affordable housing units that the proposed development could provide whilst remaining viable, together with a scheme ('the reassessed scheme') of affordable housing provision based on that viability assessment, shall be submitted to, and for approval in writing by, the Local Planning Authority. The affordable housing shall be provided in accordance with the approved reassessed scheme which reassessed scheme shall include:
 - i the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - ii the arrangements for the transfer of the affordable housing to an affordable housing provider;
 - iii the arrangements to ensure that the affordable housing remains as affordable housing for both first and subsequent occupiers of the affordable housing.

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- iv the occupancy criteria shall be agreed by Brighton & Hove City Council Housing Team
Reason: To ensure the provision and retention of an appropriate amount of affordable housing in accordance with policy HO2 of the Brighton & Hove Local Plan.
9. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, a plan detailing the positions, height, design, materials and type of all existing and proposed boundary treatments. The boundary treatments shall be provided in accordance with the approved details in accordance with a timetable agreed in writing with the Local Planning Authority.
Reason: To enhance the appearance of the development in the interest of the visual and residential amenities of the area and to comply with policies QD1, QD15 and QD27 of the Brighton & Hove Local Plan.
10. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and 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, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.
Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.
11. No development shall commence until fences for the protection of trees to be retained have been erected in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. The fences shall be erected in accordance with BS5837 (2012) and shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.
Reason: To protect the trees which are to be retained on the site or which adjoin but overhang the site in the interest of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.
12. No development shall commence until details showing the type, number, location and timescale for implementation of bird boxes suitable for swifts and sparrows and general purpose bat boxes has been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be carried out in strict accordance with the approved details before the development hereby approved is occupied and thereafter maintained.
Reason: To safeguard these protected species from the impact of the development and ensure appropriate integration of new nature conservation

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and enhancement features in accordance with policy QD17 and QD18 of the Brighton & Hove Local Plan.

13. No development shall take place until details of a scheme to provide a dropped kerb to the highway sufficient to enable refuse/recycling containers to be collected from the kerb side by refuse vehicles shall be submitted to and approved in writing to the Local Planning Authority. The scheme shall then be carried out in strict accordance with the approved details before the development hereby approved is occupied and thereafter maintained.
Reason: To ensure the satisfactory and safe collection of refuse/recycling can take place from the site without the need for refuse vehicles to enter the site.
14. No vehicular access or parking on site on the south side of Enterprise Point shall be permitted at anytime. Measures to restrict this shall be incorporated into the boundary treatment required under Condition 9 to be submitted to the Local Planning Authority in writing for approval. The scheme shall then be carried out in strict accordance with the approved details before the development hereby approved is occupied and thereafter maintained.
Reason: In order to ensure that a satisfactory area of private amenity space hereby approved is provided and can be used safely for the enjoyment of the occupiers of the development and to comply with policies HO5 and QD27 of the Brighton & Hove Local Plan
15. The development hereby permitted shall not be commenced until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.
16. The development hereby permitted shall not be commenced until details of secure gated control to the residential car parking underneath Enterprise Point hereby approved have been submitted to and approved in writing by the Local Planning Authority. Details of access controlled systems between the car parking areas and the residential lobby to Enterprise Point shall also be submitted to and approved in writing by the Local Planning Authority. The scheme shall then be carried out in strict accordance with the approved details before the development hereby approved is occupied and thereafter maintained.
Reason: To ensure that the site is secure and to reduce opportunities for crime to take place and to comply with policy QD7 of the Brighton & Hove Local Plan.
17. Unless otherwise agreed in writing by the Local Planning Authority, none of the new build residential development shall commence until a Design

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Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development achieves a Code for Sustainable Homes rating of Code level 4 as a minimum for all residential units has been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

18. Unless otherwise agreed in writing by the Local Planning Authority, no conversion works to provide residential development shall commence until a BRE issued Interim/Design Stage Certificate demonstrating that the development has achieved a BREEAM Domestic Refurbishment rating of 'pass' as a minimum for all residential units has been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

19. Unless otherwise agreed in writing by the Local Planning Authority, no non-residential development shall commence until a BRE issued Interim/Design Stage Certificate demonstrating that the development has achieved a minimum BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' for all non-residential development has been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

20. No development shall take place until details of the proposed green walling and maintenance and irrigation programme have been submitted to and approved in writing by the Local Planning Authority. The walls shall thereafter be constructed, maintained and irrigated in accordance with the approved details.

Reason: To ensure that the development contributes to ecological enhancement on the site and in accordance with policy QD17 of the Brighton & Hove Local Plan.

21. No development shall take place until details of the construction of the green roofs have been submitted to and approved in writing by the Local Planning Authority. The details shall include a cross section, construction method statement, the seed mix, and a maintenance and irrigation programme. The roofs shall then be constructed in accordance with the approved details and shall be retained as such thereafter.

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Reason: To ensure that the development contributes to ecological enhancement on the site and in accordance with policy QD17 of the Brighton & Hove Local Plan.

22. No development shall take place until details of external lighting have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and thereby retained as such unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies QD25 and QD27 of the Brighton & Hove Local Plan.

(i) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority:

a) a site investigation report, unless otherwise agreed in writing, documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175;

and unless otherwise agreed in writing by the local planning authority,

b) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.

c) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the local planning authority verification by a competent person approved under the provisions of (i) (b) above that any remediation scheme required and approved under the provisions of (i) (b) above has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority such verification shall comprise:

a) as built drawings of the implemented scheme;

b) photographs of the remediation works in progress;

c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition (i) (b)

Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

25. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in

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writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a method statement to identify, risk assess and address the unidentified contaminants

Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

26. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.
Reason: To prevent pollution of the water environment and to comply with policy SU3 of the Brighton & Hove Local Plan.
27. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.
Reason: To prevent pollution of the water environment and to comply with policy SU3 of the Brighton & Hove Local Plan.
28. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas, roads and hardstandings shall be passed through trapped gullies to BS 5911:1982 with an overall capacity compatible with the site being drained.
Reason: To prevent pollution of the water environment and to comply with policy SU3 of the Brighton & Hove Local Plan.
29. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.
Reason: To prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with policy SU3 of the Brighton & Hove Local Plan.
30. None of the flats with west facing habitable room windows in the main extension to Enterprise Point shall be occupied until a scheme for the sound insulation and ventilation measures for those flats has been approved by the Council and implemented by the Developer. The scheme shall then be carried out in strict accordance with the approved details before the development hereby approved is occupied and thereafter maintained.
Reason: To safeguard the amenities of the occupiers of the residential accommodation hereby approved and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

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31. Details of the external lighting of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU9; QD25 and QD27 of the Brighton & Hove Local Plan.

11.4 Pre-Occupation Conditions:

32. Prior to occupation of the development hereby approved plans and detailed drawings showing the boundary treatment, access and circulation arrangements, security and management of the external space leading to and from the community space shall be submitted to the Local Planning Authority. The scheme shall then be carried out in strict accordance with the approved details before the development hereby approved is occupied and thereafter maintained.

Reason: In the interests of the security of the site and the occupants and to comply with policy QD7 of the Brighton & Hove Local Plan.

33. Prior to occupation of the development hereby approved plans and detailed drawings showing the proposed allotments to be provided at the rear of Enterprise Point. Details shall include, means of enclosure, details of plot division, provision of planters and soil, a mains water supply, storage facilities for rainwater, compost material, tools and equipment and a Management plan. The scheme shall then be carried out in strict accordance with the approved details before the development hereby approved is occupied and thereafter maintained.

Reason: To ensure the satisfactory provision of secure and well managed allotment facilities for the residents of the development hereby approved and to comply with policy HO6 of the Brighton & Hove Local Plan.

34. The development hereby permitted shall not be occupied until the scheme for the secure storage of refuse and recycling for both residential and commercial occupiers has been fully implemented in accordance with plans hereby approved and made available for use. The refuse and recycling facilities shall thereafter be retained for use by the occupants of the development at all times.

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

35. Prior to the first occupation of the development hereby permitted the redundant vehicle crossover to the site frontage on Melbourne Street shall be reinstated back to a footway by raising the existing kerb and footway in accordance with a specification that has been approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to comply with policies TR7 and TR8 of the Brighton & Hove Local Plan.

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36. Prior to the first occupation of the development hereby permitted a Scheme of Management of the vehicle parking for both residential and commercial occupiers of the development hereby approved shall be submitted to and be approved in writing by the Local Planning Authority. The submitted scheme shall include details of how each car parking space will be allocated and any necessary measures to ensure that each car parking space is secured for the use of its allocated owner. The approved scheme shall be implemented prior to the first occupation of the building and thereafter retained at all times. The scheme shall include details of how the parking spaces area hereby approved shall be clearly marked out and distinguished on site from those parking spaces allocated to flats in 29/29A Shanklin Road under planning consent ref: BH1997/00794/FP
Reason: To ensure the development maintains a sustainable transport strategy and to comply with policies TR1 and TR19 of the Brighton & Hove Local Plan.
37. Unless otherwise agreed in writing by the Local Planning Authority, none of the New build residential units hereby approved shall be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 4 as a minimum has been submitted to, and approved in writing by, the Local Planning Authority.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.
38. Unless otherwise agreed in writing by the Local Planning Authority, none of the Converted residential units hereby approved shall be occupied until a BRE issued BREEAM Domestic Refurbishment Final/Post Construction Certificate confirming that each residential unit built has achieved a rating of 'pass' as a minimum has been submitted to, and approved in writing by, the Local Planning Authority.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.
39. Unless otherwise agreed in writing by the Local Planning Authority, none of the non-residential development hereby approved shall be occupied until a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' has been submitted to, and approved in writing by, the Local Planning Authority.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

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40. The development hereby permitted shall not be occupied until details of the disabled car parking provision for the occupants of, and visitors to, the development as indicated on the plans have been submitted to and approved in writing by the Local Planning Authority. Details shall include measures to avoid potential conflict between the use of the spaces and doorways into the parking area. The approved scheme shall be fully implemented and made available for use prior to the first occupation of the development hereby permitted and shall thereafter be retained for use at all times.

Reason: To ensure the development provides for the needs of disabled staff and visitors to the site and to comply with Local Plan policy TR18 and SPG4.

11.5 Post-Occupation Conditions

41. Within 3 months of occupation of the development hereby approved, the Developer or owner shall submit to the Local Planning Authority for approval in writing a detailed Travel Plan (a document that sets out a package of measures tailored to the needs of the site, which is aimed at promoting sustainable travel choices by residents, visitors, staff, deliveries and parking management) for the development.

Reason: To ensure the promotion of sustainable forms of travel and comply with policies TR1 and TR4 of the Brighton & Hove Local Plan.

42. All residential units hereby approved shall be constructed with deck level access to the associated private outdoor amenity space including balconies.

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

43. The Party Walls/Floors between the commercial units and the residential units should be designed to achieve a sound insulation value of 5dB better than Building Regulations 2010 Approved Document E performance standard, for airborne sound insulation for floors of purpose built dwelling-houses and flats.

Reason: To safeguard the amenities of the occupiers of the residential accommodation hereby approved and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

44. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. The Rating Level and existing background noise levels are to be determined as per the guidance provided in BS 4142:1997 or any subsequent guidance issued before construction commences. In addition, there should be no significant low frequency tones (below 250 Hz) present.

Reason: To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

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45. No servicing to or from the B1 offices premises shall occur except between the hours of 07.00 and 21.00 Monday to Saturday, and 09.00 to 17.00 on Sundays, Bank or Public Holidays.
Reason: To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
46. No open storage shall take place within the curtilage of the site without the prior written approval of the Local Planning Authority.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
47. No industrial activity of any kind, except loading and unloading, shall take place outside the proposed building within the curtilage of the site without the prior written approval of the Local Planning Authority.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
48. The ground floor community space hereby approved shall only be used for teaching purposes by St Martin's CE Primary School and shall not be available for external hire or be used for other related school activities such as after school clubs.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

11.6 Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) 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. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:
(Please see section 7 of the report for the full list); and
 - (ii) for the following reasons:-
The proposed development of a mixed development of residential whilst retaining some employment floorspace is considered on balance to be acceptable as an exception to policy. The applicant has demonstrated by

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submitting a viability assessment that a policy compliant scheme which was employment led and conformed to policy EM1 of the Brighton & Hove Local Plan and policy CP3.4 of the Submission Brighton & Hove City Plan would not be viable. This has been confirmed by the District Valuer. It is considered also that the retained B1 office floorspace designed and laid out to a modern specification would be capable of accommodating a similar if lower number of jobs than exist in the existing building. The proposal would provide 88 residential units which would make a significant contribution to the housing needs in the City including a 20% proportion of affordable units. This has been negotiated up from a figure of 12% since submission. Whilst the affordable housing provision is lower than the policy requirement of 40%, it has been demonstrated again that a scheme which provided the full requirement would not be viable. Policy CP20 allows for the policy to be applied more flexibly and consideration can be given to the costs of the development. The location, character and age of the building and the character of occupation has been a factor in influencing the form of a viable development proposal and this has been taken into account in consideration of the proposals. It is considered that based upon the particular circumstances of the proposals, a 20% affordable provision would be acceptable.

The scale of the development is considered to be acceptable and takes account of the existing Enterprise Point building which dominates the locality. The development of Viaduct Lofts opposite has also influenced the character of development in the vicinity however it is considered that this proposal would not have as overwhelming an impact on the locality as that development as it would involve the demolition of the south wing and the extension to Enterprise Point would be set back from the street frontage. The impact of the Melbourne block would be mitigated by its siting in front of the belt of very mature trees in the adjacent Woodvale Cemetery and would be 5 storeys compared to the 7 storey Viaduct Lofts. The Affordable block would largely replace the south wing of Enterprise Point but would break up the massing of built form that currently exists. The daylight and sunlight assessment demonstrates that on balance the impact on adjoining occupiers would not be unacceptable with some properties that would benefit from a small improvement to their daylight whilst others would have a minor negative impact but not significant enough to be unacceptable. The proposed design and layout of the development has been improved to provide safer and more convenient circulation for resident and business occupiers, access to useable amenity space, cycle and refuse storage. The proposals would therefore meet policies TR1, HO5, QD1, QD2, QD3, QD4, QD5, QD6, QD7, QD15, QD16 and QD27 of the Brighton & Hove Local Plan.

The proposals would include car parking and cycle parking provision which would meet the Council's standards as set out in SPGBH4 and the applicant has agreed to fully fund the S106 contributions towards sustainable transport. The proposals would therefore comply with policy TR1 of the Brighton & Hove Local plan. The layout of the transport provision on site is satisfactory and there would be opportunities to improve access and circulation on site and in Melbourne Street. The site would have a single point of access for motor vehicles and the amenity space provision on site would provide a separate and safe area of amenity space for the residents. The proposals would provide

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areas of private amenity space for ground floor units whilst all other flats would have balconies and there would also be an area allocated for residents' allotments. It is considered therefore that the provision of private and communal amenity space would be satisfactory and would meet policy HO5 of the Brighton & Hove Local plan.

The applicants have agreed to fully meet the planning obligations generated by this development proposal in respect of transport, education, employment, recreation and public art as well as providing a Construction and Environmental Management Plan thus complying with policies QD28, QD6, HO6 and TR1 of the Brighton & Hove Local Plan.

3. The applicant is advised that details of Lifetime Homes standards can be found in Planning Advice Note PAN 03 Accessible Housing & Lifetime Homes, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).
4. The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal (www.planningportal.gov.uk), on the Department for Communities and Local Government website (www.communities.gov.uk) and in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk). Accreditation bodies at March 2010 include BRE and STROMA; other bodies may become licensed in future.
5. The applicant is advised that details of the BREEAM Domestic Refurbishment assessment and a list of approved assessors can be obtained from the BRE website (www.breeam.org/page.jsp?id=228). Details can also be found in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).
6. The applicant is advised that details of the BREEAM assessment tools and a list of approved assessors can be obtained from the BREEAM websites (www.breeam.org). Details about BREEAM can also be found in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).
7. A formal application for connection to the public sewerage system is required in order to service this development. Please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (Tel: 01962 858688 or www.southernwater.co.uk)

The applicant is advised that an agreement with Southern Water, prior to commencement of the development, the measures to be undertaken to divert/protect the public water supply main.

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The Travel Plan shall include such commitments as are considered appropriate, and should include as a minimum the following initiatives and commitments:

- (i) Promote and enable increased use of walking, cycling, public transport use, car sharing, and car clubs as alternatives to sole car use:
- (ii) A commitment to reduce carbon emissions associated with business and commuter travel:
- (iii) Increase awareness of and improve road safety and personal security:
- (iv) Undertake dialogue and consultation with adjacent/neighbouring tenants/businesses:
- (v) Identify targets focussed on reductions in the level of business and commuter car use:
- (vi) Identify a monitoring framework, which shall include a commitment to undertake an annual staff travel survey utilising iTrace Travel Plan monitoring software, for at least five years, or until such time as the targets identified in section (v) above are met, to enable the Travel Plan to be reviewed and updated as appropriate:
- (vii) Following the annual staff survey, an annual review will be submitted to the Local Planning Authority to update on progress towards meeting targets:
- (viii) Identify a nominated member of staff or post to act as Travel Plan Co-ordinator, and to become the individual contact for the Local Planning Authority relating to the Travel Plan.
- (ix) Provide the occupiers of each new residential unit with a Travel Plan pack which provides information such as walking & cycle maps, public transport information, to promote the use of sustainable travel.

8. The applicant is advised that the details of external lighting required by Condition No.23 above should comply with the recommendations of the Institution of Lighting Engineers (ILE) 'Guidance Notes for the Reduction of Light Pollution (2011)' for Zone E or similar guidance recognised by the council. A certificate of compliance signed by a competent person (such as a member of the Institution of Lighting Engineers) should be submitted with the details. Please contact the council's Pollution Team for further details. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP (telephone 01273 294490 email: ehlpollution@brighton-hove.gov.uk website: www.brighton-hove.gov.uk).

9. The applicant is advised that it has been identified that the land is potentially contaminated. If, during development, contamination not previously identified is found to be present at the site then no further development should be carried out until the developer contacted the Council's Environmental Health Department for advice. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer. The phased risk assessment should be carried out also in accordance with the procedural guidance and UK policy formed under the Environmental Protection Act 1990. It is strongly recommended that in submitting details in accordance with the above/below conditions that the applicant has reference to CLR 11, Model Procedures for the

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management of land contamination. This is available online as a pdf document on both the DEFRA website (www.defra.gov.uk) and the Environment Agency (www.environment-agency.gov.uk) website.

10. The EA recommends that where contamination could affect drainage designs the Local Planning Authority should see the developer cross referencing any contamination assessments with the drainage proposals.
11. The applicant is advised that having a planning application in place is no defence against a statutory noise nuisance being caused or allowed to occur. Should the Council receive a complaint, it is required to investigate under the provisions of the Environmental Protection Act 1990 to determine whether or not a statutory nuisance is occurring and it is quite feasible to have numerous planning consents in place and for this to still occur.
12. The applicant is advised of the possible presence of bats on the development site. All species of bat are protected by law. It is a criminal offence to kill bats, to intentionally or recklessly disturb bats, damage or destroy a bat roosting place and intentionally or recklessly obstruct access to a bat roost. If bats are seen during construction, work should stop immediately and Natural England should be contacted on 0300 060 0300.
13. You are advised that the existing substation Melbourne Street 523655 which lies partly within the application site is currently held under a lease dated the 20TH July 1967. The substation site currently forms part of the electrical network which supplies the existing units at Melbourne Street and the local adjacent residential properties. The development hereby approved would be placed in close proximity to the existing sub-station site and therefore prior to any works taking place in close proximity to the sub-station, the developer should contact UK Power Networks, Operation Property and Consents, Energy House, Hazelwick Avenue, Crawley, RH10 1EX. To maintain the integrity of the substation site, the developer may also be required to serve a party wall notice as stated by the Party Wall Act 1996 to UK Power Networks at the above address. The development would also restrict the access rights of UK Power networks to the substation site as shown in brown on its plan d.655bdg.20 and as indicated on the plans hereby.
14. Samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted should be submitted to and approved in writing by the Local Planning Authority as part of the Reserved Matters for approval of the appearance of the development.
15. The landscaping scheme to be submitted as part of the Reserved Matters shall include hard surfacing, boundary treatments, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. The scheme shall include suitable details of the area of planting on site proposed as natural/semi natural landscaping

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and low maintenance wild flower areas which shall be at least 128 sq metres in area and the area designated for allotment space being 198 sq metres in area.