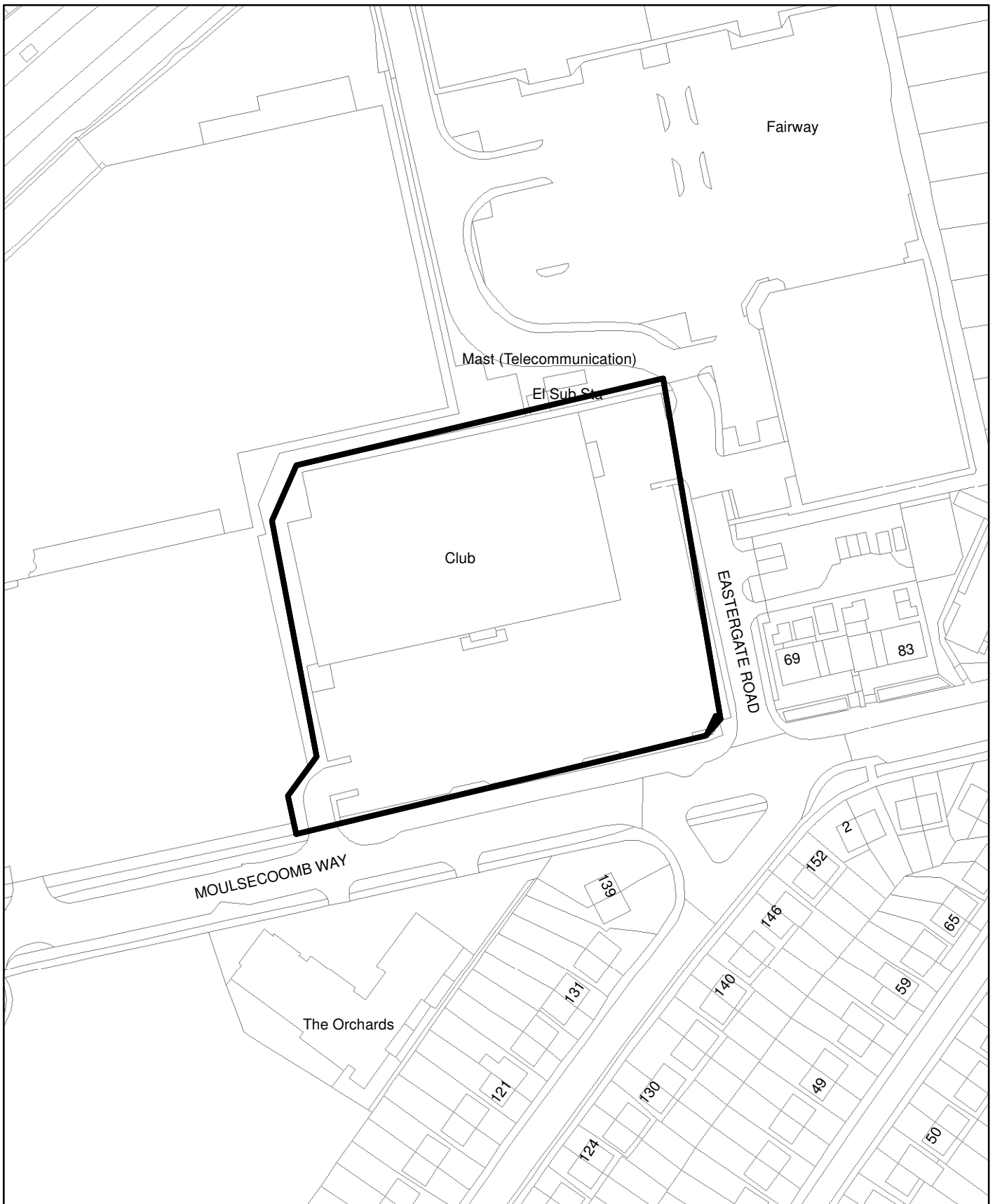


ITEM A

**Bingo Hall, Fairway Trading Estate
Moulsecoomb Way, Brighton
BH2016 / 00040
Full Planning**

11 May 2016

BH2016/00040 Bingo Hall, Fairway Trading Estate, Moulsecomb Way, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2016/00040	<u>Ward:</u>	MOULSECOOMB & BEVENDEAN
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Bingo Hall Fairway Trading Estate Moulsecoomb Way Brighton		
<u>Proposal:</u>	Change of use from bingo hall (D2) to mixed use general manufacturing (B2), offices (B1a), research and development (B1b), light industrial manufacturing (B1c), warehousing (B8) together with external alterations for new windows and doors and new entrance at ground floor level.		
<u>Officer:</u>	Kate Brocklebank Tel 292454	<u>Valid Date:</u>	26/01/2016
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	26 April 2016
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Lewis and Co Planning SE Ltd, 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Custom Pharmaceuticals Ltd, Mr John Scott Conway Street Hove BN3 3LW		

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 **GRANT** planning permission subject to the Conditions and Informatives set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The site is formed of a single storey purpose built warehouse building with grey corrugated metal clad upper and dark grey facing brick lower elevation and a shallow pitched roof. The property was formally occupied by Beacon Bingo who have since vacated and the building remains empty. There is a significant level of parking surrounding the building. The site is generally level with a slight incline from west to east; the topography surrounding the site differs significantly resulting in large areas of retaining walling along two sides of the car park (south and east), galvanised steel fencing contains the remainder of the site.
- 2.2 The site is within the Fairway Trading Estate which is occupied by varying commercial uses. A small parade of shops exists to the east of the site. The wider area is characterised predominantly by two storey brick built semi-detached residential dwellings. The site is within Controlled Parking Zone D which relates to restrictions on match days at the Amex Community Football Stadium.

3 RELEVANT HISTORY

None

4 THE APPLICATION

- 4.1 Planning permission is sought for change of use of the existing D2 bingo hall to a mixed use general manufacturing (B2), offices (B1a), research and development (B1b), light industrial manufacturing (B1c), warehousing (B8); with no single main use the overall function is considered to be sui generis. In addition external alterations for new windows and doors and new entrance at ground floor level are proposed. The plans include the creation of a mezzanine floor which although in isolation does not constitute development, it is intrinsic to the scheme and therefore the total floor area proposed has been taken into consideration when assessing the overall impact of the scheme.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: Three (3)** letters of representation have been received from **71 Halland Road, 8 Bolney Road and Flat 10 The Orchards** objecting to the application for the following reasons:

- The loss of the bingo hall is a big loss to the community.
- The replacement use provides nothing for the local community to accommodate the loss where very few facilities exist.
- A supermarket, shopping mall plus arts centre would do well and upgrade the site.
- Significant concern regarding traffic impacts.
- Loss of parking for Mears Housing Centre.
- Concerned over the production of drugs on the premises.

- 5.2 **One (1)** letter of representation has been received from the occupiers of **133 Hodshrove Road** commenting on the application as follows:

- The parking survey refers to Mears vehicles which have nothing to do with the bingo hall.
- Query where these vehicles will park given the already busy road network.

- 5.3 **Two (2)** letters of representation has been received from **Griffin Tax Free, Griffin House, Westergate Road and Brighton & Hove Economic Partnership** supporting to the application for the following reasons:

- The development will help the area.
- An empty building has a negative impact on an area, making an area appear run down.
- The expanding company can also benefit the local community.
- The expanding company and the construction phase will provide additional employment.
- An apprenticeship scheme is under consideration.
- Significant risks identified around any delay in gaining planning permission given the very restrictive timetable and exit date of the existing building.
- The teaching links that Custom Pharmaceutical has with Sussex and Brighton University are noted with several staff lecturing along with hosting student visits to the manufacturing facilities along with offering work experience during the summer terms.

- 5.4 **County Archaeology:** No objection
- 5.5 **East Sussex Fire & Rescue Service:** No objection – instillation of sprinkler systems are recommended.
- 5.6 **UK Power Networks:** No objection
- 5.7 **Sussex Police:** No objection - It is recommended that the applicant follow the security measures as given within the Home Office Security Guidance document.
- 5.8 **Ecology:** Support - The development is unlikely to have impacts on biodiversity and can therefore be supported from an ecological perspective.
- 5.9 **Southern Water:** No objection – Public foul sewers and water distribution main shall be protected during construction and no new soakaways should be located within 5 metres of either. Formal application to foul sewer is required – capacity exists. The detailed design needs to take account of surcharging. A condition to ensure that development does not commence until details of the foul and surface water sewerage disposal have been submitted. No trade effluent can be directly or indirectly to any public sewer without formal consent. Waste water grease trap should be provided to the kitchen waste pipe or drain.
- 5.10 **Scotland Gas Networks:** No objection – Applicant must comply with CDM Regulations and HSG47 guidance at the appropriate stage in their construction planning.
- 5.11 **Environment Agency:** No objection – It is recommended that pollution prevention measures to protect ground and surface water are incorporated.

Internal:

- 5.12 **Policy:** No objection - It is accepted that the existing community facility (bingo hall) is not needed and that the premises is also unsuitable for another type of community facility. Whilst the proposed re-use of the building is not strictly in compliance with Local Plan Policy HO20, (although the policy does allow for employment floorspace through mixed use redevelopment), it does return the building to its original purpose and provides a number of strategic benefits for the city, in particular the retention of a major employer in the city, and is considered to be acceptable in policy terms overall.

Loss of Community Facility

- 5.13 Evidence has been submitted by the applicant to demonstrate that the bingo industry in the UK is in a general state of decline, and that the existing bingo hall on this site is unprofitable, having suffered from consistent decreases in revenue in recent years. The evidence also shows that the majority of registered users of the facility travel from outside of the immediate vicinity. Given this, the applicant considers that the continued presence of an alternative bingo hall in Kempton ensures that the majority of those who wish to continue playing bingo would be

able to do so. It is therefore accepted that the site is not needed for the current use (exception criteria (d) of Policy HO20).

- 5.14 However, the exception criteria also requires that the site is not needed for other types of community use. The Planning Statement submitted in support of the application states that the site was offered on the market for a period 22 months from November 2012 to September 2014. During this time there was interest from one alternative community use – Xercise4less, however the initial interest was not followed up. The lack of active marketing after September 2014 is presumed to be because of the advanced progress of discussions with Aldi and Lidl, although both deals were eventually aborted. The building was built as a large industrial unit and it is unlikely that there are alternative community uses that could be practically accommodated within it. It is also noted that Moulsecomb Community Leisure Centre is located a short distance from the site.
- 5.15 The second part of Policy HO20 states that where an exception applies, a priority will be attached to residential and mixed use schemes which may provide 'live work' and/or starter business units to meet identified local needs. The proposed scheme does not strictly meet this policy requirement, however it does provide a number of other benefits which are discussed below.

Provision of B Class Employment Floorspace

- 5.16 The building was constructed as a large industrial unit, part of the Fairways Industrial Estate, so this proposal would enable it to revert to its original use and purpose. The proposed development would provide 6,082m² of new B class employment floorspace – an increase on the existing floorspace within the building is achieved through the addition of a second floor within the existing structure. The applicant states that this is an alteration which does not require planning permission, however, as it is integral to the change of use, the additional floor-space that would be created can be taken into account in assessing application.
- 5.17 Local Plan Policy EM4 relates to new business and industrial uses on unidentified sites provided that a number of criteria are met. With regard to part (a) of the policy, the City Council's Employment Land Study Review 2012 identified growth requirements of 112,240 sqm of office (B1a, B1b) and 43,430 sqm of industrial (B1c, B2 and B8) floorspace over the City Plan period. The provision of new employment floorspace is a clear benefit of the scheme, especially given a trend for the loss of B1 class floorspace to residential use in the city in recent years due to a relaxation of national Permitted Development Rights. The proposal would enable a major employer to remain in the city following a lengthy search for a suitable site. The Planning Statement indicates that this will safeguard approximately 200 jobs locally, and create 50 new jobs. It considered that the proposal meets the requirements of the policy.
- 5.18 As the application is adjacent to an existing Custom Pharmaceutical distribution site, there is the potential to realise benefits through co-location with the existing facility – in particular the possibility of reducing traffic movements through the city. The relocation from the firm's existing site in the Conway Street Industrial Area

near Hove Station will assist the comprehensive redevelopment of that area as set out in City Plan Policy DA6.

- 5.19 **City Clean:** No objection - As this application is for commercial premises, Cityclean would not be collecting waste and recycling from this development. It is therefore requested that the development provides suitable storage for the separation of recycling ensuring the waste generated by its operations is in a sustainable manner. Storage of waste receptacles must be off street. The waste producer will need to comply with their Duty of Care (Environmental Protection Act 1999) with regards to waste storage, collections and end destination of all waste generated.
- 5.20 **Sustainability:** Comment - Under CP8 standards major new and refurbished non-residential development is expected to achieve BREEAM 'excellent'.
- 5.21 Information submitted with this application is insufficient to demonstrate that City Plan policy CP8 has been addressed and as such the scheme has not addressed local policy on sustainability satisfactorily.
- 5.22 The scheme is expected to meet BREEAM Refurbishment 'excellent' as a minimum. In instances when the standards recommended in CP8 cannot be met, applicants are expected to provide sufficient justification for a reduced level on the basis of site restrictions, financial viability, technical limitations and added benefits arising from the development.
- 5.23 No justification for not meeting this standard has been submitted.
- 5.24 *Recommendation:* Request further information from the applicant on how sustainability policy will be addressed, how BREEAM Refurbishment 'excellent' will be achieved, or justification for a reduced standard.
- 5.25 In the event no further information is submitted, it is recommended that standard conditions for BREEAM Refurbishment and Fit Out 'excellent' should be attached in the case of approval in order to ensure the development meets local policy.
- 5.26 **Economic Development:** City Regeneration fully supports this application.
- 5.27 Custom Pharmaceuticals is one of the city's top 30 private sector employers and is considered a key strategic employer to retain in the city given the high-value sector in which they operate.
- 5.28 The applicant have been searching for suitable move-on premises for a number of years to no avail; this site offers the opportunity to retain the employer and allow them to invest circa £20m into the local economy while boosting productivity.
- 5.29 The applicants also propose to increase their workforce by 50 full-time jobs as a result of the relocation, which will provide much-needed employment opportunities in one of the most deprived wards in the city. There will also be

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wider economic benefits to the local area as a result of the increase footfall and employee spend.

- 5.30 City Regeneration is fully aware of the low supply of both office and industrial units at present, a situation that has been exacerbated through Permitted Development Rights. We therefore consider the development a rare opportunity to retain a major business within the pharmaceutical sector.
- 5.31 The applicant is currently operating from an identified development site adjacent to Hove Station; hence more development would also be moved forward as a result of this proposal.
- 5.32 Finally, the near doubling of employment floor-space within the existing unit and conversion to a much more high-value use is also welcome by the department, and fits both the council and Local Enterprise Partnership's wider strategic aims to grow the local economy, provide workspace and create jobs.
- 5.33 The proposed net increase of 2,910 square metres of floor space would normally require a Section 106 contribution of £29,100 towards the council's Local Employment Scheme. This figure is calculated at a rate of £10 per square metre for a change of use from commercial to another non-residential use. However, City Regeneration is foregoing the requirement for a Section 106 contribution in this instance for the following reasons: -
- The retention of a strategically important employer within Brighton & Hove, who have not been able to find suitable B1/B2 premises to support their ambitions for growth. The business falls within one of Coast to Capital's priority sectors, health and life sciences, and is one of the city's top 30 private sector employers
 - The applicant has already demonstrated their commitment to developing the local workforce through their internal apprenticeship training scheme
 - The economic viability of the applicant's £20 million expansion programme is already precarious, and as such Custom Pharmaceuticals are in the process of applying for public funding to support their expansion. The company will also have to run production facilities concurrently on both their existing and new site for one year to obtain the licenses, another significant cost pressure on the business
- 5.34 However, City Regeneration will require an Employment and Training Strategy in respect of the redevelopment of the site in order to ensure that local people have access to construction-related employment opportunities. The strategy must be submitted at least one month in advance of site commencement. The developer will be required to commit to using at least 20% local employment during the demolition phase (if relevant) and construction phase (mandatory).
- 5.35 Early contact with the council's Local Employment Scheme Co-ordinator is recommended in order to ensure that the Employment and Training Strategy meets the council's requirements and the Section 106 obligations.

- 5.36 **Visit Brighton:** No objection – From the limited information available, it does not appear the Bingo Hall is used by tourists.
- 5.37 **Lead Local Flood Authority (LLFA):** No objection – As there are no changes to the building foot print.
- 5.38 **Environmental Health:** Comment:
Noise: A noise assessment (Commercial development) has been submitted with this application.
- 5.39 The noise survey results identified that representative background noise levels for daytime would be 51dB(A) and for night time would be 40dB(A).
- 5.40 Following negotiation, a new specification for external plant was provided by the applicants and a new noise assessment was undertaken. The new plant was less 'noisy' than that originally proposed but in order in order to achieve acceptable noise levels at the nearest noise sensitive receptor some noise mitigation, in the form of a 3m acoustic enclosure (minus roof), is still required.
- 5.41 *Potentially Contaminated Land:* The site is situated where there was once a manufacturing electrical engineers. This use could have resulted in some localised land contamination.
- 5.42 It is noted that there may be some changes in the basement but these will not be major structural changes. Therefore a contaminated land discovery strategy is recommended. This would only be required during the situation whereby some unexpected contamination is discovered during works. In such a scenario, the discovered contamination would then need to be investigated and risk assessed (and potentially remediated to make sure the site is safe and suitable for use) before works could continue.
- 5.43 **Sustainable Transport:** Comment:
Summary: It is also considered that current pedestrian and cycle access through the site is not conducive to travel by sustainable modes and it is recommended that a plan outlining a revised car park layout, including pedestrian routes, be submitted as part of the application or secured by condition.
- 5.44 Were these issues to be addressed, the Highway Authority would not raise any objection to the proposals, subject to inclusion of the necessary conditions.
- 5.45 In order to mitigate the impact of the proposed development, the applicant has agreed to the following measures that will be secured through S278 agreement:
- Provision of tactile paving at the two access points to "The Orchards" on Moulsecoomb Way;
 - Upgrade of existing zebra crossing on Moulsecoomb Way to include the provision of a raised table.

In addition, a Travel Plan is requested incorporating a package of measures to promote sustainable travel to and from the site. This shall include provision of a real time public transport information screen within the main building.

Main comment:

- 5.46 Access: Limited information has been submitted regarding the proposed access arrangements. The site currently lacks dedicated pedestrian routes, whilst footways on the access roads are narrow and do not have dropped kerbs. There is also a staircase leading from the car park to Moulsecoomb Way. This is likely to be less attractive than a flat route via the vehicle accesses for many users, particularly in wet conditions. In any case, there is a lack of a pedestrian route from the base of the stairs to the site entrance.
- 5.47 It is also recommended that further details be obtained on the below. Whilst ideally these issues would also be resolved prior to determination, it would be possible for them to be addressed through an appropriate Car Park Layout condition.
- Provision of pedestrian access to the site;
 - Cycle access;
 - Pedestrian and cycle access through the site.

Car Parking:

- 5.48 The applicant's proposals to retain the existing 137 standard parking spaces would therefore be compliant. It is however recommended that a revised car park layout plan be secured by condition which should address the following:
- The aforementioned pedestrian impacts;
 - Location of cycle parking (see below comments), ensuring that access is convenient and not obstructed by parked vehicles;
 - Provision for disabled users (see below comments);
 - Loading arrangements (see below comments);
 - In addition, provision for motorcycles would be welcomed.
- 5.49 It should be noted that the Highway Authority is also aware of an informal arrangement between the current bingo hall operators and Mears/ Brighton & Hove City Council for the use of the car park by operational vehicles associated with the neighbouring Housing Centre. As this is not a formal planning arrangement, it is not considered that refusal would be warranted on the basis of consequent displaced parking associated with the Housing Centre and it is necessary to assess the current application on its own merits. In this respect, the level of parking provision and trip generation forecasts would indicate that the level of overspill parking associated with the proposed use would be expected to be limited and not amount to a severe impact upon the surrounding highway.
- 5.50 Nevertheless, it is recommended that, as a minimum, that the applicant introduce a Travel Plan (further details below) and that this include a commitment to working with neighbouring businesses and tenants in order to manage the cumulative impact of vehicles driving to Fairway Trading Estate as a whole and the consequent impact of parking demand on surrounding streets.

Disabled Parking:

5.51 The applicant does not appear to be proposing disabled car parking. It is recommended that this be secured by means of an appropriate car park layout/ disabled parking condition. It is considered that 5% of spaces would be a reasonable level in this instance.

Servicing:

5.52 It is recommended that a Delivery and Servicing Management Plan be secured whilst provision for loading should be included on the requested Car Park Layout Plan.

Cycle Parking:

5.53 The proposal to provide 61 spaces would be welcomed and it is recommended that these be secured by condition.

5.54 It is also noted that the applicant intends to provide shower and changing facilities which is welcomed.

Trip Generation:

5.55 The applicant has submitted a trip generation exercise which would suggest that a similar number of daily trips can be expected for both the proposed and permitted uses; however, in practice there is expected to be an increase given it is understood that the bingo hall is not currently operating at capacity. Nevertheless, it is reasonable for assessment to be undertaken on the basis of activity that could take place at the site without the need for planning permission.

5.56 The largest impact therefore is considered to arise from the changed nature and profile of trips with many of the trips forecast likely to occur during peak periods. On this basis, it is considered to be reasonable for the applicant to contribute to measures in the vicinity of the site that will improve opportunities for sustainable travel to and from the development and therefore provide for the travel demand it generates and limit impacts on the highway during peak periods.

5.57 The applicant has therefore agreed to the:

- Provision of tactile paving at the two access points to “The Orchards” on Moulsecomb Way;
- Upgrade of the existing zebra crossing on Moulsecomb Way to include the provision of a raised table.

5.58 As mentioned in respect of car parking above, in order to support travel to the site by sustainable modes and manage the impact of the development in accordance with City Plan Part One policy CP9 and Brighton & Hove Local Plan policy TR4, it is also recommended that a Travel Plan be secured by condition. This should cover both the existing and proposed premises at Moulsecomb.

5.59 As part of the Travel Plan, a real time public transport information screen should be provided in a prominent location within the main building. It is also recommended that all new or transferring employees be provided with a one week bus taster ticket as well as travel packs prior to the commencement of their employment or relocation. The Travel Plan and associated measures are also considered key to ensuring that those who currently travel to the Conway Street

site by sustainable means. No details on the current characteristics of the Conway Street site have been submitted; however, it is located within a Controlled Parking Zone (CPZ) and does not appear to have the level of on-site parking proposed at the new site. If this is indeed the case, a current disincentive to travel by private car will be removed.

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 City Plan Part One (adopted March 2016)
- Brighton & Hove Local Plan 2005 (retained policies March 2016);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
- East Sussex 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) is a material consideration.

6.4 Due weight should be given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

6.5 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 City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP2	Planning for Sustainable Economic Development
CP3	Employment Land
CP7	Infrastructure and Developer Contributions
CP8	Sustainable Buildings
CP9	Sustainable Transport
CP12	Urban Design
CP13	Public Streets and Spaces
DA3	Lewes Road Area
DA6	Hove Station Area
CP3	Employment Land

Brighton & Hove Local Plan (Saved Policies):

TR7	Safe development
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TR14	Cycle access and parking
QD14	Extensions and alterations
QD27	Protection of Amenity
HO20	Retention of community facilities
EM4	New business and industrial uses on unidentified site

Supplementary Planning Guidance:
SPGBH4 Parking Standards

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of development, along with impact on neighbouring amenity, sustainable transport and sustainability issues.

Principle of development:

- 8.2 The site is situated within DA3 Lewes Road Area, on the Fairway Trading Estate and is currently vacant although it operated as a Bingo Hall (D2) until its recent closure. The Bingo Hall is protected as a community use under Local Plan Policy HO20 which seeks the retention of community facilities unless one of the four policy exceptions is met.

Beacon Bingo:

- 8.3 The applicant has submitted a report compiled by Beacon Bingo (the former occupiers) giving an overview of trading challenges the company has been experiencing since the lease was purchased back in June 2010 along with marketing reports from Neil Jeeves and Greenfield Asset and Property Management.
- 8.4 Beacon Bingo have been losing money since taking on the lease at the premises, for which evidence has been provided, despite putting proactive operational initiatives in place with the aim of improving business. Beacon have provide evidence to demonstrate Bingo has suffered a substantial decline in the UK over the past 7 years and note that this is due to a number of factors including the smoking ban and more recently by the proliferation of online operators entering the market. Evidence of the decline nationally has also been submitted demonstrating that between 2007 and 2013 there has been a 27% reduction in the number of Bingo venues across the country, 17% reduction in the number of staff employed and a substantial reduction of 37% in weekly visits to clubs by players.
- 8.5 The company commenced an active marketing campaign in August 2012 and marketing reports submitted with the application set out these activities up until close to the submission of the current application in December 2015. The company also highlight a decline in the frequency of visits from what they describe as a very loyal, local customer base. Beacon go on to state that they cannot compete with the Gala Bingo Hall at Freshfield Way which is noted as being in a much more central location attracting a higher number of admission numbers which translates as higher prizes; Beacon also note that Bingo players travel long distances to certain clubs on this basis. The club summarise that in short the business was in a state of decline which was unsustainable despite

substantial efforts by the directors and management team over a prolonged 5 year period.

- 8.6 The above information provides a compelling case for the loss of the Bingo Hall (D2) use but HO20 criterion (d) requires demonstration that the site is not needed for not only the existing use but also for other types of community use and in this regard, the summary of the marketing activities undertaken by Greenfield Asset & Property Management demonstrates the lack of pursued interest by any other community use.

Marketing:

- 8.7 The marketing report states that the premises were marketed for a period of 22 months dating back to August 2012. The agents note that there was little demand for D2 leisure operators in this location. Xercise4Less expressed an interest towards the end of 2013, but this did not progress, the only other non-retail interest that was that of Pendragon, who expressed an interest for a second hand car showroom operation, of a similar nature to the T Reeves and Sons One Stop Car Shop which is located to the north east of the application site. The site was subsequently disregarded by Pendragon in early 2014.
- 8.8 A specialist retail advisor was also instructed by Beacon to market the site with expressions of interest received from 9 retailers (in addition to the Custom Pharmaceutical company) including Halfords, Tesco, The Range and J Sainsburys. All excluding Lidl and Aldi disregarded the site after carrying out feasibility desktop surveys and/or site visits.
- 8.9 Negotiation with Aldi progressed significantly as one of only two retailers (Lidl being the other) interested in the site, however the deal was subsequently aborted in April 2015.
- 8.10 The marketing summary demonstrates that little interest over the marketing period was shown for reuse of the site for a community type use. In addition to this, it is noted that the site is of a significant scale built as a large industrial unit making it unlikely that there are alternative community uses that could practically be accommodated within it. It is also noted that the Moulsecoomb Community Leisure Centre is located a short distance from the site.
- 8.11 The proposal does not fully meet the policy requirement where an exception is met in respect of the priority attached to redevelopment with residential and mixed use schemes. It is however considered exception (d) is adequately met and there are significant benefits to the proposed occupation by the Custom Group as set out below which are considered to outweigh the policy exception requirement for mixed use development – this view is supported by the Policy Team.

Custom Pharmaceutical:

- 8.12 In May 2015 Beacon were approached by the Custom Group with contracts exchanging in November 2015. The Custom Head Quarters with their main development and manufacturing operations is currently based in a unit on Conway Street in the DA6 Hove Station Area with their packaging and

distribution based on the Fairway Trading Estate close to the application site. The company has outgrown its Conway Street site and have prior to this been looking for new premises with a strong preference of staying in Brighton & Hove, for some 5 years without success. They consider this is primarily based on there being very few suitably located large industrial sites in the City. The Bingo Hall is sited as being the only site that is suitable for the company's size and access requirements, and has the added benefit of being adjacent to its existing packaging and distribution centre – therefore reducing the need for vehicle trips between the two sites.

- 8.13 The company are a major employer in the City with just under 200 staff employed on both sites, they specialise in pharmaceutical product development, manufacturing, packaging, distribution and testing and also have close links with both Brighton and Sussex Universities and Brighton and Sussex Medical School (BSMS). The proposed development is stated to involve over £20 million of investment over the coming 3-4 years, and will result in the creation of around 50 new jobs.
- 8.14 The company intend to occupy the building with a number of different operations occurring as set out in the description of the application, there will be no primary/dominant use and as such the proposed use is considered to be sui generis.
- 8.15 As noted above the building was originally constructed as a large industrial unit, part of the Fairway Industrial Estate and as such the proposal will result in the unit reverting back to a use more akin to the original purpose providing some 6,082 sqm of a mix of B use employment floorspace. The uplift in floorspace is being provided through the inclusion of a mezzanine floor and although it could be constructed without the need for planning permission, the floor area being created is integral to the proposed change of use and is therefore taken into consideration when assessing the application overall.
- 8.16 The additional commercial floor area provided helps to meet the requirements of Local Plan Policy EM4 and DA3 Lewes Road Area and the identified growth requirements of the Employment Land Study Review 2012. As noted by the Policy Team the provision of additional employment floorspace is a clear benefit of the scheme, especially given the recent trend for loss of B1 floorspace to residential as a result of the introduction of additional Permitted Development Rights. The proposal will enable a local employer to remain in the City whilst retaining some 200 jobs and including the creation of 50 new jobs. The relocation of the company from their existing premises at Conway Street will also assist in the comprehensive redevelopment of the DA6 Hove Station Area. Based on the above information the principle of the proposed sui generis use of the building as required by Custom Pharmaceuticals is considered acceptable.

Design:

- 8.17 The proposal involves some minor external alterations including the insertion of a number of window openings, alterations to the main entrance with the erection of a glazed entrance lobby involving the removal of the existing canopy over the entrance and the cage structure adjacent to the entrance. In addition, the

existing flue is to be relocated which is as a consequence of the new window openings, an external storage area is also proposed for dry air coolers. The alterations will be made in conjunction with refurbishing the building and will overall improve the current appearance of the building and are considered to be of an acceptable standard of design and will not cause harm to the character of the building or the surrounding area.

Impact on Amenity:

- 8.18 The proposed development will result in additional activity at the site to that which currently exists along with additional associated vehicular movements. However it is not considered that the impact would be to such a degree that could warrant refusal of planning permission on the grounds of noise disturbance or as a result of harmful displacement of parking.
- 8.19 The proposed development includes the provision of significant plant to the east facing façade in the form of dry air coolers. They will operate 24 hours per day 5 days a week. The Environmental Health Team have therefore carefully considered the impact on neighbouring development in relation to noise and are comfortable that with the inclusion of a 3m high acoustic barrier around the plant, neighbouring amenity will be sufficiently protected. Given the industrial nature of the site and the limited wider visibility of the proposed fencing it is considered acceptable in principle in design terms and details will be secured by condition.
- 8.20 The site is situated where there was once a manufacturing electrical engineers operated and the use could have resulted in some localised land contamination. As no major structural work is proposed, a contaminated land discovery strategy is recommended. This would only be required during the situation whereby some unexpected contamination is discovered during works.
- 8.21 Custom intend to operate 24 hours per day Monday to Friday however there are no sensitive receptors adjacent to the site which are likely to be harmfully impacted upon given the nature of the use, the character of the surrounding area and the separation distances to neighbouring residential dwellings. The proposal is therefore considered to be acceptable in this regard.

Sustainable Transport:

- 8.22 The existing site at Conway Street is surrounded by a Controlled Parking Zone (CPZ) which acts a disincentive to travel by private car. The proposal site by comparison is not within a CPZ and proposes to retain 137 car parking spaces.
- 8.23 The development therefore has the potential for significant numbers of staff travelling to the site at peak hours where background flows are at their highest. Therefore the necessary infrastructure to provide for sustainable and active travel must be in place to ensure the barriers to travelling by sustainable forms of travel are reduced; especially given the sites out of town location. The differing characteristics of the proposed site compared to the existing Hove site means that there is potential for a greater proportion of trips to be undertaken by vehicle as a result of the increase in unrestricted, on-site parking and the fact that the proposal site is not located within a Controlled Parking Zone.

- 8.24 The highways impact of the scheme is primarily related to the change in nature and profile of trips to the site which has gone from peaking at evenings and weekends under the current and other potential D2 uses and changing to a proposed employment use with a number of staff employed who will be commuting to the site at peak times. As such it is considered appropriate and necessary for the development to provide for sustainable infrastructure improvements which include pedestrian footway improvements on Moulsecoomb Way to include raised crossings tactile parking and/or junction realignment and upgrading of the pedestrian crossing to the east of the site.
- 8.25 In addition, as part of the a Travel Plan, it is recommended that a real time public transport information screen is installed within the foyer of the building on the ground floor next to reception along with providing new or transferring employees a one week bus taster ticket as part of the travel packs prior to occupation of the building.
- 8.26 In addition to recommending securing the above measures, conditions are also recommended to secure an amended car park layout plan to include continuous pedestrian routes, loading areas and provision of disabled parking, provision of cycle parking for 61 bikes along with a delivery and service management plan.

Sustainability:

- 8.27 The scheme results in a substantial increase in floorspace and the proposed use for pharmaceutical manufacturing requires much higher energy demand than leisure. Under City Plan Policy CP8 the standards major new and refurbished non-residential development is expected to achieve BREEAM 'excellent'.
- 8.28 As noted by the Council's Sustainability Officer, the information submitted with this application is insufficient to demonstrate that City Plan policy CP8 has been addressed and as such the scheme has not addressed local policy on sustainability satisfactorily. Insufficient justification for a reduced level has been submitted which would be on the basis of site restrictions, financial viability, technical limitations and added benefits arising from the development.
- 8.29 As such, it is recommended that standard conditions for BREEAM Refurbishment and Fit Out 'excellent' are to ensure the development meets the requirements of City Plan policy CP8. The applicant has indicated that they are likely to meet BREEAM 'good' and as such should sufficient information be forthcoming when agreeing details reserved by said condition, there is suitable flexibility in the wording to be able to agree a lower level of sustainability.

9 CONCLUSION

- 9.1 The proposed development and justified loss of the existing D2 use will facilitate the expansion of a local business, close to existing distribution facilities within the City whilst freeing up their existing premises in DA6 Hove Station Area for future redevelopment. With the imposition of the recommended conditions, the development will have an acceptable appearance, maintain neighbouring amenity whilst providing mitigating improvements to the local highway network.

10 EQUALITIES

10.1 None identified.

11 CONDITIONS / INFORMATIVES

Regulatory Conditions:

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
- 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 location			7/1/16
Site layout plan & site location	246-A-100	P1	26/1/16
Proposed ground floor layout overall	246-A-101	P2	26/1/16
Proposed first floor layout overall	246-A-102	P3	26/1/16
Proposed elevations	246-A-110	P1	26/1/16
Plantroom layout	246-M-500-LAY-001	P1	26/1/16
Basement propped HVAC equipment layout	246-M-500-LAY-001	P1	7/1/16
Ground floor proposed HVAC equipment layout	246-M-500-LAY-002	P	7/1/16
Plantroom floor finish area	246-M-500-LAY-002	P	26/1/16

Pre-Occupation Conditions:

- 3) Prior to first occupation, detail design of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.
Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of foul and surface water sewerage disposal and to comply with policy SU5 of the Brighton & Hove Local Plan.
- 4) Unless otherwise agreed in writing by the Local Planning Authority, the non-residential development hereby approved shall not 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 Refurbishment rating of '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 CP8 of the Brighton & Hove City Plan Part One.

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- 5) Prior to first occupation of the development hereby permitted, a car park layout plan shall have been submitted to and approved in writing by the Local Planning Authority. This should include details of continuous pedestrian routes, loading areas and the provision of disabled parking. The approved scheme shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.
Reason: To ensure the development provides for the needs of disabled staff and visitors to the site, to ensure that satisfactory facilities for pedestrians and to comply with policies CP9 of the Brighton & Hove City Plan Part One and TR18 of the Brighton & Hove Local Plan.
- 6) Prior to the first occupation of the development hereby approved a Delivery & Service Management Plan, which includes details of the types of vehicles, how deliveries will take place and the frequency of deliveries shall be submitted to and approved in writing by the Local Planning Authority. All deliveries shall thereafter be carried out in accordance with the approved plan.
Reason: In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with policies CP9 of the Brighton & Hove City Plan Part One and TR7 of the Brighton & Hove Local Plan.
- 7) Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.
- 8) Prior to first occupation of the development hereby permitted, a Travel Plan for the development and Staff Travel Packs shall have been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall thereafter be fully implemented in accordance with the approved details.
Reason: To ensure the promotion of safe, active and sustainable forms of travel and comply with policies CP9 of the Brighton & Hove City Plan Part One and TR4 of the Brighton & Hove Local Plan.
- 9) Prior to first occupation of the development hereby permitted, a scheme setting out highway works shall have been submitted to and approved in writing by the Local Planning Authority. The highway works shall comprise tactile paving on Moulsecoomb Way either side of the two accesses to “The Orchards” and the upgrade of the zebra crossing on Moulsecoomb Way, to include one raised crossing and associated works to belisha beacons, street lighting and adjacent footway. No part of the building hereby approved shall

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be occupied until the highway works have been carried out in accordance with the approved scheme.

Reason: To ensure that suitable footway provision is provided to and from the development and to comply with policies CP9 of the Brighton & Hove City Plan Part One and TR7 of the Brighton & Hove Local Plan.

- 10) Prior to first occupation, details of a single bank acoustic louvre as specified by Acoustic Associates Sussex (by email to Environmental Health, 14 April 2016) with an open top and 3m high walls shall be installed around the two outdoor chiller units to be installed on the Eastern Wall of the development, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details and maintained as such thereafter.
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) Noise associated with plant and machinery incorporated within the commercial 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 as determined in Acoustic Associates Sussex report, reference J1876, date 21/12/2015. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:2014.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 12) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in 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.
- 13) Prior to occupation of the development hereby permitted, further details, including location and specification, of a Real Time Public Transport Information screen shall have been submitted and approved in writing by the Local Planning Authority. The approved screen shall be fully implemented and operational prior to the first occupation of the development and shall thereafter be retained for use at all times.
Reason: To ensure the promotion of sustainable forms of travel and comply with policies CP9 of the Brighton & Hove City Plan Part One and TR4 of the Brighton & Hove Local Plan.
- 14) No development shall commence until an Employment Strategy demonstrating how the Developer and any subcontractors will source local

labour during construction of the Proposed Development. The development shall then be carried out in accordance with the approved Employment Strategy.

Reason: As this matter is fundamental to the acceptable delivery of the permission and to ensure the construction phase of the development secures a proportion of apprenticeships, training and job opportunities for local residents along with addressing the requirements of policy CP2 of the Brighton & Hove City Plan Part One.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. 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 and justified loss of the existing D2 use would facilitate the expansion of a local business, close to existing distribution facilities within the City whilst freeing up their existing premises in DA6 Hove Station Area for future redevelopment. With the imposition of recommended conditions, the development would have an acceptable appearance, maintain neighbouring amenity whilst providing mitigating improvements to the local highway network.
3. The applicant is advised that a formal application for any new connection to the public sewerage system is required in order to service the development, please contact Southern Water, Sparrowgrove House, Sparrowgrove Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.
4. Detailed design of proposed drainage system should take into account the possibility of surcharging within the public sewerage system in order to protect the development from potential flooding.
5. A formal application to for connection to the water supply is require in order to service this development. Please contact Southern water Sparrowgrove House, Sparrowgrove Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

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6. The applicant is advised in relation to condition 5 that the car park layout/ disabled parking plan shall provide 5% of spaces for use as disabled parking bays. The revised layout plan shall also address the following:
 - Pedestrian access;
 - Cycle parking location and access, ensuring that access is convenient and not obstructed by parked vehicles;
 - Loading arrangements;
 - In addition, provision for motorcycles would be welcomed.
7. The applicant is advised in relation to condition 7 that 61 cycle parking spaces shall be provided. The cycle parking should be secure, convenient to access, well-lit and, wherever possible, sheltered. The Highway Authority's preference is for the use of Sheffield stands laid out in accordance with Manual for Streets paragraph 8.2.22.
8. The applicant is advised that they must enter into a Section 278 Agreement with the Highway Authority prior to any works commencing on the adopted highway.
9. The Travel Plan secured by condition 8 shall include such measures and commitments as are considered necessary to mitigate the expected travel impacts of the development and should include as a minimum the following initiatives and commitments:
 - (i) Promote and enable increased use 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 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 all new staff and those transferring to the site with a Staff Travel Pack which provides information including, but not limited to, walking and cycle maps and public transport information, to promote the use of sustainable travel. The packs shall be

submitted to and agreed in writing by the Local Planning Authority prior to occupation. Travel Packs shall then be issued to existing staff prior to transfer from the existing (Hove) to the new (Moulsecomb) site;

- (x) Provision of a real time public transport information screen to be located in a prominent location within the main building;
- (xi) Details of how car parking at the site will be managed.

10. The applicant is advised to liaise with the Council's Economic Development Team when compiling the employment strategy sought by condition 14. The Employment Strategy shall include:

- (i) set out how the Developer or its subcontractors will work with the Council and its partners to encourage employment of local construction workers during the demolition and construction of the Proposed Development with a target that at least 20% of the temporary and permanent job opportunities created by the construction of the Proposed Development shall be taken by the Brighton & Hove workforce;
- (ii) include a list of skills and the number of different construction workers estimated as being required during the different development phases; and
- (iii) require the Developer or its subcontractors to provide monthly figures on the number of employees from the Brighton & Hove workforce to the Local Employment Scheme Co-ordinator to enable the Council to monitor the impact of the construction of the Proposed Development on the local labour market;
- (iv) promote education and training opportunities in construction linked to the Proposed Development in conjunction with the Council's Local Employment Scheme Co-ordinator and local colleges (via open days presentations and general marketing)

