

APPENDIX 1 – PREVIOUS PLANNING COMMITTEE REPORT (12 October 2016)

<u>No:</u>	BH2016/01766	<u>Ward:</u>	St. Peter's And North Laine Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	80 Buckingham Road, Brighton, BN1 3RJ (76-79 and 80 Buckingham Road Brighton)		
<u>Proposal:</u>	Conversion of nos 76-79 Buckingham Road to provide four residential dwellings (C3). Demolition of no 80 Buckingham Road and the erection of a five storey building to provide 20 residential units (C3) and a community use unit (D1). Associated car parking, cycle parking, landscaping and servicing provision.		
<u>Officer:</u>	Gareth Giles, tel: 293334	<u>Valid Date:</u>	07.06.2016
<u>Con Area:</u>	WEST HILL	<u>Expiry Date:</u>	06.09.2016
<u>Listed Building Grade:</u>			
<u>Agent:</u>	RPS CgMs 140 London Wall London EC2Y 5DN		
<u>Applicant:</u>	Buckingham Developments (Brighton) Ltd C/o RPS CgMs 140 London Wall London EC2Y 5DN		

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be **MINDED TO GRANT** planning permission subject to a s106 agreement and the following Conditions and Informatives:

Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

Reason: For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Block Plan Proposed	BD-MAKE-XX-00-P-A-1000/1	1	13 June 2016
Floor Plans Proposed	BD-MAKE-XX-01-P--A-2011	3	17 May 2016
Floor Plans Proposed	BD-MAKE-XX-02-P--A-2012	3	17 May 2016
Floor Plans Proposed	BD-MAKE-XX-03-P--A-2013	4	17 May 2016
Floor Plans Proposed	BD-MAKE-XX-04-P--A-2010	3	17 May 2016
Floor Plans Proposed	BD-MAKE-XX-LG-P--A-2008	4	17 May 2016

Floor Plans Proposed	BD-MAKE-XX-LG-P--A-2009	3	17 May 2016
Elevations Proposed	BD-MAKE-XX-XX-E--A-2103	3	17 May 2016
Elevations Proposed	BD-MAKE-XX-XX-E--A-2105	0	17 May 2016
Sections Proposed	BD-MAKE-XX-ZZ-S--A-2201	3	17 May 2016
Other	BD-MAKE-XX-ZZ-SRS--A-0100	2	17 May 2016
Arboricultural Report	395-01		17 May 2016
Elevations Proposed	BD-MAKE-XX-XX-E--A-2100	4	16 August 2016
Elevations Proposed	BD-MAKE-XX-XX-E--A-2101	4	19 August 2016
Elevations Proposed	BD-MAKE-XX-XX-E--A-2102	4	19 August 2016
Elevations Proposed	BD-MAKE-XX-04-P-A-2014	5	28 September 2016
Roof Plan Proposed	BD-MAKE-XX-RP-P-A-2016	4	28 September 2016
Elevations Proposed	BD-MAKE-XX-XX-E-A-2104	4	28 September 2016
Sections Proposed	BD-MAKE-XX-ZZ-S-A-2200	4	28 September 2016
Block Plan Proposed	BD-MAKE-XX-00-P-A-2000	1	28 September 2016

- 2 The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
- 3 No cables, wires, aerials, pipework (except rainwater downpipes shown on the approved plans) meter boxes, ventilation grilles or flues shall be fixed to or penetrate any external elevation, other than those shown on the approved drawings, without the prior consent in writing of the Local Planning Authority.
Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the City Plan Part One.
- 4 The vehicle parking area shown on the approved plans shall be carried out in accordance with the approved layout and 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 CP9 of the City Plan Part One.
- 5 The community use and communal garden hereby permitted shall not be operated or open to the public outside the following hours; 10am-10pm. No

variation to the above hours shall be permitted without the prior written approval of the Local Planning Authority.

Reason: to protect the amenity of nearby and adjacent occupiers in accordance with Policy QD27 of the Brighton and Hove Local Plan.

- 6 No equipment or machinery (excluding the MVHR ventilation units) shall be operated at the site outside the following hours 7am-11pm. No variation to the above hours shall be permitted without the prior written approval of the Local Planning Authority. 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. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997. In addition, there should be no significant low frequency tones present.
- Reason:** to protect the amenity of nearby and adjacent occupiers in accordance with Policy QD27 of the Brighton and Hove Local Plan.
- 7 No development shall commence 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:** As this matter is fundamental to the acceptable delivery of the permission 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.
- 8 The development hereby permitted shall not commence until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit.
- Reason:** This pre-commencement condition is imposed in order to allow the Traffic Regulation Order to be amended in a timely manner prior to first occupation to ensure that the development does not result in overspill parking and to comply with policies TR7 & QD27 of the Brighton & Hove Local Plan and CP9 of the City Plan Part One.
- 9 No development shall take place until a scheme setting out highway works to implement the:
- Removal of the existing recessed ambulance bay that will become redundant due to this development on Buckingham Street and reinstatement of the footway and kerb edge;
 - Relocation of the communal bins adjacent to the Buckingham Street ambulance bay;
 - Removal of the existing ambulance and doctors' bays on Buckingham Road that will become redundant due to this development; and

- Replacement of any existing pavers/ tactile paving/ dropped kerbs that have been damaged around the site due to this development has been submitted to and approved in writing by the local planning authority. No part of the building hereby approved shall be occupied until the approved 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 TR7 of the Brighton & Hove Local Plan and CP9 of the City Plan Part One.

- 10 No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority, which will provide the following information:
- (i) The phases of the Proposed Development including the forecasted completion date(s);
 - (ii) A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to commence development until such consent has been obtained;
 - (iii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how complaints will be dealt with reviewed and recorded (including details of any Considerate Contractor or similar scheme);
 - (iv) A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site;
 - (v) A plan showing construction traffic routes.
 - (vi) A prior working agreement through section 61 of the Control of Pollution Act 1974 will be required. The City Council will set hours, and conditions necessary for the build to protect local residents. This has regard to best practicable means as defined in section 72 of the Control of Pollution Act 1974 and the British Standard 5228:2009, Parts 1 and 2.

Once the CEMP is approved the developer shall implement the commitments set out in the CEMP during the construction period.

Reason: As this matter is fundamental to the protection of amenity, highway safety and managing waste throughout development works and to comply with policies QD27, SU9, SU10 and TR7 of the Brighton & Hove Local Plan, policy CP8 of the City Plan Part One, and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03 Construction and Demolition Waste.

- 11 Ground investigation to identify and remedy potential land contamination is required, as recommended in the submitted Land Quality Study (April 2016). This should be carried out after demolition and before the construction phase and if any 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: As this matter is fundamental to the acceptable delivery of the permission to safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

- 12 No development above ground floor slab level shall take place until full details of all new windows and their reveals, cills and central meeting rails including 1:20 scale elevational drawings and sections have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the City Plan Part One.

- 13 No development above ground floor slab level shall take place until full details of the roof eaves and integrated balconies to the new building at number 80; and the railings to the front of numbers 76-79; including detailed, scaled elevational drawings and sections have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the City Plan Part One.

- 14 No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):

- a) Samples of all brick, stone, tiling and painted render (being a good quality traditional wet-render with smooth finish paint)
- b) Samples of all cladding to be used, including details of their treatment to protect against weathering
- c) Samples of all hard surfacing materials
- d) Samples of the proposed window, door and balcony treatments
- e) Samples of all other materials to be used externally

Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the City Plan Part One.

- 15 No development or other operations shall commence on site in connection with the development hereby approved, until a detailed Construction Specification/Method Statement has been submitted to and approved in writing by the Local Planning Authority. This shall provide for the long-term retention of the trees. No development or other operations shall take place except in complete accordance with the approved Construction Specification/Method Statement.

Reason: As this matter is fundamental to ensuring the development of the site is controlled during construction works in the interest of the visual amenities of the area and to comply with policies QD16 of the Brighton & Hove Local Plan and CP12 of the City Plan Part One.

- 16 Prior to the commencement of works on the development hereby permitted, details of the proposed sound insulation scheme to be implemented between the development and the adjoining premises and/or between the residential accommodation and any residential or non-residential uses shall be submitted and approved by the Local Planning Authority. The Building Regulations Part E assessment is to take account of the electrical substation and the internal noise environment generally. The Party Walls/Floors between the ground floor units and the first floor residential units should be designed to achieve a sound insulation value of 5dB better than Approved Document E performance standard, for airborne and structural sound insulation for floors of purpose built dwelling-houses and flats. Details should include airborne and/or impact sound insulation. The developer shall certify to the local planning authority that the noise mitigation measures agreed have been installed. The approved scheme is to be completed prior to occupation of the development and shall be permanently maintained thereafter.

Reason: to protect the amenity of nearby and adjacent occupiers in accordance with Policy QD27 of the Brighton and Hove Local Plan.

- 17 Prior to first occupation of the development hereby permitted a scheme for the storage of refuse and recycling shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

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

- 18 Prior to first occupation of the development hereby permitted a scheme to enhance the nature conservation interest of the site shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall accord with the standards described in Annex 6 of SPD 11 and shall be implemented in full prior to the first occupation of the development hereby approved.

Reason: To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy CP10 of the City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

- 19 None of the new build residential units hereby approved shall be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).

Reason: To ensure that the development is sustainable and makes efficient use of energy to comply with policy CP8 of the City Plan Part One.

- 20 Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities and their access 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.

- 21 None of the new build residential units hereby approved shall be occupied until each residential unit built has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.

Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the City Plan Part One.

- 22 At least two of the new build units hereby approved shall be completed in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings) prior to first occupation and shall be retained as such thereafter. All other new build dwellings hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

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

- 23 Prior to first occupation of the residential units, the use-class D1 community unit shown on the approved plans shall be made available for use and retained as such thereafter.

Reason: To ensure the satisfactory provision of space for community use on site and to ensure the development complies with policy HO20 of the Brighton & Hove Local Plan.

- 24 The development hereby permitted shall not be occupied until a scheme of Travel Plan measures to promote sustainable transport to and from the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme should include but not be limited to the following measures:

- Details of pedestrian and cycle routes in the local area;
- Public transport timetable/maps;
- 2 years membership to City Car Club; and
- Bus 12 month season ticket for Brighton & Hove buses.

Reason: to promote sustainable modes and transport and mitigate the impact of the development on the surrounding road network and parking provision, in compliance with Brighton and Hove Local Plan Policy TR4.

25 Prior to first occupation of the development hereby permitted, details of disabled car parking provision 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 scheme shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

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

26 Prior to first occupation of the development hereby permitted, double glazing shall be installed throughout the new and converted buildings providing a minimum laboratory tested sound insulation performance of Rw 31dB +Ctr 27dB to provide a comfortable noise environment within the buildings.

Reason: to protect the amenity of nearby and adjacent occupiers in accordance with Policy QD27 of the Brighton and Hove Local Plan.

27 Prior to first occupation of the development hereby permitted, the removal of asbestos containing materials is to be carried out in accordance with the report provided by Dorton Demolition and Excavation Ltd C5019 unless otherwise agreed in writing by the Local Planning Authority.

Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

28 Prior to first occupation of the development hereby permitted, the maximum permissible noise level from the air source heat pumps must be adhered to and the following mitigation measures are to be employed as per Anderson Acoustic report revised August 2016 (2852_002R_3-0_RNM):

- In-duct intake and exhaust silencers fitted to air source pumps;
- Plant room, light well and car park reflecting walls and ceilings to be covered with absorptive material such as 12mm thick Sonaspray fc acoustic plaster;
- Strategic duct termination away from sensitive windows;
- Acoustic louvres to air source heat pump intakes.

Reason: to protect the amenity of nearby and adjacent occupiers in accordance with Policy QD27 of the Brighton and Hove Local Plan.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

2 The applicant is advised that they must enter into a Section 278 Agreement with the Highway Authority prior to any works commencing on the adopted highway,

- 3 The Highways Authority advises that the following details relating to cycle storage should be implemented to comply with best practice:
- Individual cycle stores for numbers 76-79 Buckingham Road;
 - Relocation of the Sheffield type stands to near the Community Space;
 - A security system e.g. key or fob for the basement bike store for residents of the flats and visitors to the community space

2 SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The application site is 0.13 hectares in area and situated on a corner site bounded by roads on three sides: Buckingham Road to the west, Upper Gloucester Road to the south, and Buckingham Street to the east. It is located within the West Hill Conservation Area.
- 2.2 The site currently comprises two connected buildings (nos. 76-79 and no.80). Nos 76-79 comprises four terraced former Victorian townhouses which were converted to form a single building which was most recently used as two residential flats (1 x 2 bed and 1 x 3 bed) at lower ground level and a Mental Health Recovery Centre on the upper floors. The building had been heavily modified, internally and externally to enable this use. No. 80 is a 1970s five storey building which was most recently occupied by Brighton & Hove Council Adult Social Services.
- 2.3 The surrounding area is characterized by primarily residential buildings of two to four storeys, set within terraces or groups of similarly detailed buildings. The use of pale coloured render is ubiquitous and gives a strong sense of place and cohesion. Upper Gloucester Road to the south slopes steeply down from west to east connecting Buckingham Road and Queen's Road. There is more variation in scale and design of building along the street (relative to neighbouring streets) and also a greater variation in uses. Corner buildings in particular tend to be in commercial/pub use with entrances set on the junction. There are long views east and west along the road. Those to the east open out to development on the other side of the valley.
- 2.4 Buckingham Road retains much historic integrity; the only modern development along its length appears to be number 80. Its scale and massing in particular are dominant in views along Upper Gloucester Road whilst its roof form is overly-prominent in the design and streetscene. Number 80 Buckingham Road replaced the former Brighton Grammar School (later Maternity Hospital). The building is considered to be of little heritage or architectural merit, being identified as visually harmful in the West Hill Conservation Area Appraisal.
- 2.5 Full planning permission and consent for the demolition of an unlisted building in a Conservation Area is sought for a residential-led mixed use redevelopment. The proposal will create four dwelling houses within 76-79 Buckingham Road by converting the existing buildings and a new 5-storey building to replace number 80 Buckingham Road to provide 20 flats with a community use unit at the corner of Upper Gloucester Road and Buckingham Street (D1 use class). The proposed unit sizes are 6 x 1 bed, 13 x 2 bed, and 5 x 3+ bed homes. Because

two residential flats are found on site as existing, the net number of units proposed is 22. Associated car parking, cycle parking, landscaping and servicing provision is also provided. Minor amendments to the design were received during the course of the application on the advice of the Heritage Officer comprising of: changing many of the proposed windows from casement hung to sliding sash hung; amendments to the proposed roof-glazing and removal of the roof level of the proposed connecting structure between numbers 79 and 80 Buckingham Road.

3 RELEVANT HISTORY

- 3.1 Numbers 76-79 Buckingham Road were constructed as residential homes. Prior to 1990 much of the floor space in these units had been converted to a hostel / sheltered accommodation for disabled tenants.
- 3.2 Planning permission was approved in July 1990 for the change of use of the ground, first and second floors from hostel / sheltered accommodation to Mental Health Resource Centre. The lower ground floors were retained as residential use (1 x 2 bed and 1 x 3 bed flats) being 76A and 76B Buckingham Road.
- 3.3 Number 80 Buckingham Road was constructed around 1975 replacing the Maternity Hospital. Number 80 was most recently occupied by Brighton & Hove Council Adult Social Services and vacated in March 2015.
- 3.4 All of the buildings are considered to be within a Class D1 use (Non-Residential Institution) except the lower ground floors of 76-79 Buckingham Road which remain in C3 use. All of the buildings are currently vacant.

4 REPRESENTATIONS

- 4.1 Seven (7) letters have been received from 4 & 25 Buckingham Street; 67a Upper Gloucester Road (The Edinburgh Pub); 11, 38 & Top Floor Flat 74 Buckingham Road & 'Chatham Place' objecting to the proposed development for the following reasons:
 - Design: out of character with the area, too high, detrimental to the conservation area, bay windows should be included, more plot coverage than existing buildings;
 - Neighbouring amenity: impact on sunlight to basement flats opposite, disturbance from additional residential units in the area;
 - Traffic: entrance on the roundabout will cause congestion;
 - Parking: limited capacity in the zone;
 - Loss of the health centre: site would be better used for accommodation for homeless people;
 - Community use: unusable amount of space, no toilets or kitchen;
 - Impact on neighbouring Public House: new residential units have a negative impact on existing entertainment businesses;
 - Affordable housing: failure to provide on-site.

5 CONSULTATIONS

5.1 **Police:** No objection

The principles of Secured by Design should be adhered to.

5.2 **Sustainability Officer:** No objection

The scheme has responded well to CP8 in relation to energy and water efficiency. As a mixed use scheme which combines both new build and refurbishment/change of use to create new dwellings, a consistently high energy performance standard is expected to be achieved across the scheme.

5.3 An Energy Strategy has been submitted which provides details of the planned energy solutions for the site.

5.4 The New build element of the development (80 Buckingham Road) will target: the minimum water and energy efficiency requirements set out in City Plan Policy CP8. It is estimated in the submitted Energy Strategy that photovoltaic array generating approximately 11,915 kWh electricity per annum will be required to meet the energy efficiency standard. This will be refined during design development, but the anticipated solution includes: use of renewable technologies: air source heat pumps, and a 14kWp solar array (107m²) in the form of integrated photovoltaic tiles that mimic slate to the rear of the townhouses. Heating will be provided through a communal system fed by air source heat pumps and gas boilers. Fabric/thermal performance will exceed Building Regulations minimum standards. Mechanical Ventilation with Heat Recovery (MVHR) will be incorporated into the scheme. The non-residential element is targeting an EPC rating of 'A' which is welcomed. This area covers 63.5m² and therefore falls below the trigger point for use of BREEAM standards under policy CP8. An Energy Performance Certificate 'A' rating is very much welcomed for this element of the scheme.

5.5 Other aspects of policy CP8 have been addressed through the proposed: enhanced air tightness designed into scheme; intention to carry out feasibility study for rainwater harvesting and/or grey water recycling; timber from certified sustainable sources.

5.6 The site is not in an area that has been identified as having potential for a heat network. Whilst communal heating is proposed, it is not recommended that a condition be applied to secure potential future connection to a heat network. The scheme could be improved by addressing the following which are currently not proposed for the scheme: use of green roofs or green walls; provision of a composting facility; biodiversity enhancements.

5.7 **County Archaeologist:** No objection

The site is not within an Archaeological Notification Area and is not listed but is within the West Hill Conservation Area. 76-79 are not listed but are mid-Victorian in date and contribute to the character of the Conservation Area. Information about the heritage values of the buildings is set out in the 'Heritage Statement' by RPS CGMS.

- 5.8 It is not considered that the proposals are likely to have a significant archaeological impact and have no further comments to make in this case.
- 5.9 **Heritage Officer:** No objection / Comment
- 5.10 76-79 Buckingham Road
The proposed improvements to the front elevation of 76-79 Buckingham Road are welcomed as enhancements to the conservation area. The detailing should exactly replicate surviving historic detailing; conditions should be applied to ensure this and to confirm the exact details/location of reinstated elements.
- 5.11 The inserted window at second floor level at 79 Buckingham Road should be removed as part of the proposal, as indicated within the Design & Access Statement but still shown on the proposed elevation. The railings to the LHS of 79 Buckingham Road should also match the remainder of the existing and proposed railings. This should exactly match those surviving to 76 and 77. It should be ensured that red pavements are retained and/or reinstated to the front basements of all properties. Slate would be an inappropriate material for use to the front of the properties. The cast iron rainwater goods would appropriately be painted to match the elevation, rather than painted black. This should be amended.
- 5.12 To the rear, it is proposed to alter the existing fenestration. The existing fenestration is much altered and lacks uniformity. Introduction of a greater sense of uniformity to the elevations would be appropriate. The level of uniformity introduced by the proposals is however limited given the number of styles and sizes of windows proposed. It would be more appropriate to introduce windows of greater regularity and traditional proportions. It is however noted that this elevation will not be visible in the streetscene and thus the impact of these alterations to the conservation area are limited.
- 5.13 It is understood that it is proposed to also reinstate the interiors of these buildings, including cornices etc., based on surviving evidence. It should be noted that these buildings are not listed, and therefore alterations to their interiors are not therefore controlled as part of the planning system. Future alterations to the interior could be made without planning permission. Whilst reinstatement of the interiors is appropriate in heritage terms, it is unlikely to receive weight as a heritage benefit in planning terms. No evidence of the historic layout nor details have been provided, and it is therefore also unclear whether a previous plan form or details are being exactly matched; parts of the plan form do not appear to be traditional.
- 5.14 80 Buckingham Road
The existing 80 Buckingham Road is of no architectural or historic interest and there is no objection to its demolition, subject to a suitably-designed replacement. The principle of a building of modern design in this location is accepted, provided it remains sympathetic to the character of the conservation area. The scale and massing of the proposal has been reduced since pre-application. It nevertheless constitutes a large building within the conservation area, set in a prominent location. There is a disparity in scale of building to either side of Upper Gloucester Road which has the potential for the proposed

development to appear overbearing. The scale of development also means that the proposed will be particularly prominent in views up Upper Gloucester Road. Both of these issues could be reduced through reducing the scale of the development, or by setting back the building line to Upper Gloucester Road. Contrary to that stated in the Heritage Statement (p26), a set back building line would reinstate the historic arrangement, as the previous school building was set back from the pavement edge. It is however acknowledged that the existing building is of a similar scale and massing to that proposed.

- 5.15 The building (particularly height, bulk, eaves and roof form) have the potential to be overbearing to the historic terraces on Buckingham Road and Buckingham Street. To mitigate for this, a recessed portion has been introduced. This allows a degree of separation to remain, reducing the dominance of the new build in relation to its neighbours. The amount by which this portion is recessed is minimal however, and its effectiveness is further undermined due to its height (eaves matching that of the main building) and the inclusion of a roof. It also extends much further to the rear than the terraced buildings on Buckingham Road (although it is acknowledged this is not visible from the streetscene). The eaves height of the recessed elements should be set below that of the main building. The proposed roof should be omitted; a flat roof to this section would be appropriate. Alteration to this roof will require amendment to the neighbouring portion of the main roof.
- 5.16 The building has been designed to reflect and respond to the rhythm and architectural design of the surrounding buildings and streets. The use of render with rustication and string courses is appropriate. A sample of the render and all other materials would be required by condition. The sense of solidity to the residential entrance and the less solid shopfront-style entrance with corner doorway is appropriate for the community use; both reflecting entrances on their respective streets. Large scale details and sections will be required for all architectural elements by condition. The roof form is a particularly striking element of the design. Its success will be dependent on very careful detailing and choice of materials. The windows at this level have been amended to a more traditional shape, but do not align with windows below nor to the design of the elevation as a whole. Given the modern design of the roof, a more overtly modern design should be applied to the windows. The integrated balconies are bounded by a section of solid roof as well as railings in order to minimize their impact on the streetscene. Further large scale details should be provided on this element to be able to consider the impact of these features. It is considered that a greater degree of solidity will be required (at places it seems that only 500mm of solid roof is proposed).
- 5.17 Further detail is required of the eaves detail, which appears somewhat bulky. The proposed windows incorporating small top hung casements are out of keeping with the area and with the proposed architectural style. This element needs to be reconsidered. Substantial reveals will be required to the windows in order to achieve an appropriate level of relief to the elevation, and to be in keeping with the character of the conservation area.

- 5.18 Railings and rendered piers reflecting (but not matching) those to 76-79 Buckingham Road are proposed. This provides a boundary between public and private space which is characteristic of the conservation area, except that there will be no basement lightwell behind the railings. It would be appropriate for some soft landscaping to be introduced behind the railings so that this difference is not so clearly evident in the streetscene. There is the potential for this area to be used for ad hoc storage, which should be avoided. The proposed material to the front forecourted area should be confirmed. Inclusion of window openings at ground floor level on the Buckingham Street elevation is appropriate for the design and sense of proportion of the elevation. However the bars across the windows do not contribute to the character of the street and require further consideration.
- 5.19 **Conservation Advisory Group:** No objection
The Group recommend APPROVAL of the application and has confidence that the Conservation Officers will check the detail.
- 5.20 **City Clean:** No objection
Cityclean have no objections to the proposed developments so long as the standard bin collection guidelines are followed.
- 5.21 **Planning Policy:** Comment
Loss of Community Facilities
Policy HO20 of Brighton & Hove Local Plan seeks to retain community facilities. However it recognises that a site in community use may no longer be needed and specifies four exceptions that may apply which are as follows:
- a) The community use is incorporated, or replaced within a new development;
or
 - b) The community use is relocated to a location which improves its accessibility to its users; or
 - c) Existing nearby facilities are to be improved to accommodate the loss; or
 - d) It can be demonstrated that the site is not needed, not only for its existing use but also for other types of community use.
- 5.22 Where an exception applies a priority is attached to residential and mixed use schemes which may provide 'live work' and/or starter business units to meet identified local needs.
- 5.23 Apart from the 2 flats the application site's lawful use is considered to be community use. Before falling vacant numbers 76-79 Buckingham Road accommodated the Southdown Mental Health Recovery Centre and no. 80 Buckingham Road accommodated adult / day centre services.
- 5.24 76-79 Buckingham Road:
The Southdown Mental Health Recovery Centre, which used to occupy 76-79 Buckingham Road, was relocated to a new facility in Frederick Place in November 2014. Its relocation provided the use within the same catchment area and with better access to Brighton Station and bus routes.

5.25 The relocated facility provides a similar service to that provided at the application site, even though the floorspace occupied is less, and continues to run in conjunction with Preston Park Recovery Centre. The planning statement indicates the same level of support and staffing has been maintained and the new facility has delivered a number of benefits. It would appear the aim of the policy to ensure the community use remains available to its users on similar terms equal to, if not better than, those previously provided has been met in respect of 76-79 Buckingham Road. Especially when considered against the benefits to the conservation area offered from the proposed conversion of the premises back to residential and the removal of unsympathetic features. Based on the information submitted it is therefore considered the proposal in respect of 76-79 meets policy HO20.

5.26 80 Buckingham Road:

It is indicated that no.80 Buckingham Road has been vacant since March 2015 and is no longer needed for its former adult/Day Services use. The planning statement indicates changes in service delivery have resulted in the reduction of central services in favour of providing individual support plans to service users and providing a more personalised operation using Personal Budgets. Central services will continue to operate out of two other existing bases within the Brighton & Hove area. However there is no information on their location or whether they have been improved in order to accommodate the loss of no.80 Buckingham Road. No supporting letter from the previous occupier has been submitted to verify the extent to which the former services and facilities have been 'replaced' to help demonstrate that policy HO20 criteria (b) or (c) have been met.

5.27 It therefore appears that due to budgetary and service changes the 'existing use' is no longer needed. The day services do not appear to have been replaced or relocated within another building in accordance with criteria (a)-(c) in policy HO20. Criterion (d) of policy HO20 appears to be the most applicable which states "Exceptions may apply when it can be demonstrated that the site is not needed, not only for its existing use but also other types of community use". Policy HO20 (d) relates to the 'site' and therefore seeks to secure the full floorspace. Sales details for the premises state the existing D1 floorspace provided at no. 80 is 1,043.2sqm (11,228sqft). The proposal reduces this to 63.5sqm and whilst it will provide a community use it will not meet criterion (a) because it will not provide the former day centre/adult services use. No information has been submitted to indicate the space proposed will meet the requirements of a particular future occupant. It is therefore unclear how the D1 space will be managed and maintained for example will it be included as a general area for all occupants and included within the management of the block or left vacant until let to a D1 occupant. Without this information the merits of the future use cannot be fully assessed.

5.28 There is a lack of information to demonstrate the proposal complies with policy HO20 in relation to no.80 Buckingham Road.

5.29 Affordable housing

Policy CP20 requires the provision of affordable housing and seeks 40% on-site affordable housing provision on sites of 15 or more net dwellings. The policy advises the target may be applied flexibly where it is considered to be justified. The policy indicates the following matters will be taken into consideration: local needs; accessibility of the site to local services, facilities and public transport; viability; the extent affordable housing would prejudice other planning objectives; and, the need to achieve a successful housing development.

NB: the applicant agreed to provide a policy compliant level of affordable housing after the Planning Policy Team consultation response was submitted objecting to this element of the scheme.

5.30 Open Space

In accordance with policies CP16 and CP17 the proposal should provide for the generated demand in open space. This requirement is separate to the on-site provision of private amenity and landscaping space which are covered by policies HO5, QD15 and QD16. Based on the proposed residential mix and a financial contribution of £67,928 would be required to address the generated demand for open space and indoor sport.

5.31 Other matters:

The proposed density is indicated to be 185 unit/ha which does not conflict with policy CP14 subject to it complying with the six specified criteria. Criterion CP14. emphasises the need for high density developments to accord with policies CP10, CP16 and CP17.

5.32 The application indicates every residential unit will have access to private amenity space ranging in size from 4sqm to 17.5sqm which helps to satisfy the requirements of policy HO5.

5.33 Accessible housing and lifetime homes are sought by policy HO13 and it is noted the proposal includes two wheelchair accessible homes which are located on the third and fourth floors with lift access. This is welcomed and consideration should be given to accessibility in the event of lift failure.

5.34 Regard to how the proposal accords with transport and design policies, including amenity, and also policy CP7 will be subject to the comments from other consultees and on-site considerations.

5.35 Waste Management

Policy WMP3d of the Waste and Minerals Plan requires development proposals to minimise and manage waste produced during construction demolition and excavation.

Paragraph 49 of the National Planning Practice Guidance provides guidance on what could be covered in order to meet the requirements of the policy. A fully completed SWMP with sufficient information to demonstrate compliance with Policy WMP3d should be required, this could be by condition.

- 5.36 Policy WMP3e of the WMP requires proposals for new development to identify the location and provision of facilities intended to allow for the efficient management of waste, e.g. location of bin stores and recycling facilities.
- 5.37 **Environmental Health:** No objection / Comment
The initial Environmental Health consultation response raised several queries including the submitted Acoustic Report (dated May 2016) which the applicant sought to address during the application process. The applicant submitted further and more detailed evidence and reports during the lifetime of the application, including an amended Acoustic Report (dated August 2016), and the Environmental Health Officer provided a final response as follows:
- 5.38 In relation to the relative internal arrangement of the flats, 'like for like' rooms are best positioned adjacent to and above one another so as reduce the potential for later noise problems.
- 5.39 The Anderson Acoustic report revised August 2016 (2852_002R_3-0_RNM) was considered alongside the acoustician's comments to specific queries and approval is now recommended subject to conditions.
- 5.40 The proposal is in a densely populated area and there is a need for effective implementation of full construction environment management plan.
- 5.41 **County Ecologist:** No objection
The majority of the site comprises hard standing and buildings and is of minimal ecological value. It is therefore considered unlikely that there will be any significant impacts on biodiversity.
- 5.42 In summary, the proposed development is unlikely to have any significant impacts on biodiversity and can be supported from an ecological perspective. The site offers opportunities for biodiversity enhancements that will help the Council address its duties and responsibilities under the NERC Act and NPPF.
- 5.43 **Education Officer:** No objection
We seek contributions where there is a demonstrable need for additional pupils. In this part of the city there is a demonstrable need in all phases of education at St Mary Magdalene RC Primary, St Pauls C E Primary, Middle Street Primary St Bartholomew's and Carlton Hill Primary. These schools offer a total of 1050 permanent places and there are currently 1052 pupils on roll. In terms of secondary schools this development would fall into the catchment area of Hove Park and Blatchington Mill and the funding would be used at either or both of these schools. A contribution of £62,387.80 is therefore sought in line with the Council's contributions policy.
- 5.44 **Sustainable Transport:** No objection
Recommended approval as the Highway Authority has no objections to this application subject to the inclusion of the necessary conditions and Section 106 requirements.
- 5.45 Pedestrian & Mobility Impaired Access

The Highway Authority does not wish to object to the access overall on the site as:

- Pedestrian access to the block of flats is satisfactory with lift access to each floor and a step-free main entrance.
- The community room entrance has step-free access.
- The access to the proposed houses is not step-free however their design and appearance reflects that of neighbouring houses along the street.
- The lower ground floor car park can be accessed via the lift or stairs for residents.
- Due to the layout and access provision set out above there is likely to be minimal pedestrian movements accessing the ramp to the car park and it's design is acceptable.

5.46 Cycle parking

The City Council's Parking Standards SPD14 requires the Community space to have a minimum of 2 spaces, the 20 apartments to have a minimum of 1 cycle parking space per dwelling and 1 per 3 dwellings for visitors or part thereof (26) and the proposed 4 houses to provide a secure store each (1-2 spaces per store).

5.47 The applicant indicates 42 spaces (21 josta stands) within a store at the basement level of the flats/ community space for residents and visitors. This is above the required amount in total and appears to be acceptable in design and spacing.

5.48 Disabled Parking

For this size and type of development Parking Standards SPD14 requires a minimum of 5-6 spaces compliant with DfT guidance - Traffic Advisory Leaflet (TAL) 05/95.

5.49 Amount

The applicant is less than the required amount proposing only 2 disabled spaces on site in the lower ground floor that is accessed via ramp. It is however noted that there are 3 existing disabled bays on Buckingham Road adjacent to the site and there is opportunity for Blue Badge holder visitors to the site by car to park on double yellow lines for up to 3 hours if safe to do so in the vicinity. It is also noted that there are only two wheelchair assessable units in the development. This is acknowledged and the amount both internally and externally is deemed acceptable.

5.50 Bus Parking

Parking Standards SPD14 requires Community Centres to have a Loading area/ setting down bay suitable for bus use. This is proposed to be in the car park entrance and would be acceptable.

5.51 S278/ Highway Works

The Highway Authority would also seek off-site works to be implemented with amended drawings submitted via a Section 278 Agreement which will be secured by condition.

5.52 Car Parking/ Highway Impact

The applicant is proposing 6 standard sized spaces in the undercroft car parking area. These are acceptable and the swept path analysis provided by the applicant demonstrates how they would work in practice.

5.53 Based on the 2011 car ownership census data this development is forecast to have on average 10 vehicles associated with the residential element. The applicant is providing 6 or 5 standard spaces (if one is lost to accommodate guidance compliant disabled parking spaces) on site. This amount is below the likely amount and therefore there is likely to be overspill parking on the highway of 4 or 5 vehicles approximately.

5.54 It is however noted that the existing on-street 2 Doctors' bays and 3 Ambulance bays would become redundant due to this development and it is likely that a minimum of 6 regular car parking spaces could be achieved by their removal. This would make up for the short fall. The Highway Authority would also in addition look for other measures to mitigate any overspill parking that may occur by requesting that the applicant provides 2 years membership for each residential unit to the City's Car club (see Travel Plan Measures below). There are existing car club bays on Buckingham Street, Leopold Road and Guildford Street, in close proximity to the site. The provision of 2 years membership for each residential unit should be secured via a S106 agreement. With these measures, and the additional on-street car parking spaces the Highway Authority does not deem the proposed level of car parking on site to be a reason for refusal. It is also noted that the City Council's parking standards SPD14 are a maximum and therefore the amount is within the standards.

5.55 Travel Plan Measures

In order to encourage lower car ownership and to promote sustainable forms of travel to and from the site the Highway Authority would look also for the applicant to provide a Travel Information Pack to first residents of the residential units. This Travel Pack should be secured through a S106 agreement and should include the following:

- Details of pedestrian and cycle routes in the local area;
- Public transport timetable/maps;
- 2 years membership to City Car Club; and
- Bus 12 month season ticket for Brighton & Hove buses.

5.56 These measures would help to mitigate the likelihood of a localised parking stress occurring in the streets around the development. It is noted that the applicant is proposing a travel information pack in the transport assessment that would provide information only. The Highway Authority would want to see the above car club membership and bus season tickets included in their proposal.

5.57 Trip Generation/ S106

The proposed development will generate an increase in the level of trips to and from the site. In order to ensure that the development provides for the additional

trips it generates and that there is adequate pedestrian provision for users of all abilities, the Highway Authority seeks a sustainable transport contribution of £14,000 in accordance with the council's standard contributions formula.

5.58 City Regeneration: No objection

The provision 22 dwellings (net) is welcomed and will contribute towards the city's challenging targets for new homes.

5.59 An Employment and Training Strategy will be required in addition to developer contributions of £7,400 towards the council's Local Employment Scheme, as referenced in the council's Developer Contributions Technical Guidance. Early contact with the council's Local Employment Scheme Co-ordinator is recommended to progress the Employment and Training Strategy, in order to avoid any delays in the planned commencement of the development.

6 MATERIAL CONSIDERATIONS

6.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report.

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

7 POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

- SS1 Presumption in Favour of Sustainable Development
- CP1 Housing delivery
- CP2 Sustainable economic development
- CP3 Employment land
- CP4 Retail provision
- CP5 Culture and tourism
- CP6 Visitor accommodation
- CP7 Infrastructure and developer contributions
- CP8 Sustainable buildings

CP9 Sustainable transport
CP10 Biodiversity
CP11 Flood risk
CP12 Urban design
CP13 Public streets and spaces
CP14 Housing density
CP15 Heritage
CP16 Open space
CP17 Sports provision
CP18 Healthy city
CP19 Housing mix
CP20 Affordable housing
CP21 Student housing and Housing in Multiple Occupation

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

TR4 Travel plans
TR7 Safe Development
TR14 Cycle access and parking
SU9 Pollution and nuisance control
SU10 Noise Nuisance
QD5 Design - street frontages
QD14 Extensions and alterations
QD15 Landscape design
QD16 Trees and hedgerows
QD18 Species protection
QD27 Protection of amenity
HO5 Provision of private amenity space in residential development
HO13 Accessible housing and lifetime homes
HO20 Retention of community facilities

HE3 Development affecting the setting of a listed building
HE6 Development within or affecting the setting of conservation areas
HE8 Demolition in conservation area
HE10 Buildings of local interest
HE12 Scheduled ancient monuments and other important archaeological sites

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste
SPD06 Trees & Development Sites
SPD09 Architectural Features
SPD11 Nature Conservation & Development
SPD12 Design Guide for Extensions and Alterations
SPD14 Parking Standards

8 CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application are the principle of development, including the loss of the community use floorspace; the design of the proposed development and its impact on the character and appearance of the conservation area; the provision of affordable housing to ensure mixed,

sustainable communities; the standard of residential accommodation and private amenity space for future occupants, any impacts on neighbouring amenity and transport impacts.

8.2 The City Plan Part 1 Inspector's Report was received February 2016. This supports a housing provision target of 13,200 new homes for the city to 2030. It is against this housing requirement that the five year housing land supply position is assessed following the adoption of the Plan on the 24th March 2016. The City Plan Inspector indicates support for the Council's approach to assessing the 5 year housing land supply and has found the Plan sound in this respect. The five year housing land supply position will be updated on an annual basis.

8.3 **Community Use / Former Mental Health Use**

Policy HO20 of Brighton & Hove Local Plan seeks to retain community facilities. However it recognises that a site in community use may no longer be needed and specifies four exceptions that may apply which are as follows:

- a) The community use is incorporated, or replaced within a new development; or
- b) The community use is relocated to a location which improves its accessibility to its users; or
- c) Existing nearby facilities are to be improved to accommodate the loss; or
- d) It can be demonstrated that the site is not needed, not only for its existing use but also for other types of community use.

8.4 The former mental health facility was relocated to a new Mental Health Recovery Centre at 42 Frederick Place in November 2014 which continues to be operated by Southdown Recovery Services. This new facility is within the same catchment area and with better access to Brighton Station and bus routes.

8.5 The applicant submits that the former accommodation at Buckingham Road was underutilised and constrained by the cellular nature of the accommodation split across a number of floors and did not meet the needs of its users. The existing facility has therefore been re-provided in an accessible central location providing new, improved accommodation across a single floor which meets the needs of the services being provided.

8.6 The Planning Policy Team consultation response outlines that the relocated facility at Frederick Place provides a similar service to that provided at the application site, even though the floorspace occupied is less, and continues to run in conjunction with Preston Park Recovery Centre. The aim of the policy to ensure the community use remains available to its users on similar terms equal to, if not better than, those previously provided has been met in respect of 76-79 Buckingham Road.

8.7 It is indicated that no.80 Buckingham Road has been vacant since March 2015 and is no longer needed for its former adult/Day Services use. The applicant's Planning Statement indicates changes in service delivery have resulted in the reduction of central services in favour of providing individual support plans to

service users and providing a more personalised operation using Personal Budgets. Central services will continue to operate out of two other existing bases within the Brighton & Hove area. However there is no information on their location or whether they have been improved in order to accommodate the loss of no.80 Buckingham Road.

8.8 Following the Planning Policy Team consultation response which raised some concerns about the level of detail justifying the loss of the community use at number 80, the applicant submitted further evidence in a Planning Statement Addendum. This included marketing information provided by the Council during the disposal of the site in 2014: the Council instructed Cushman and Wakefield to market the site and investigate potential uses, a wide ranging approach to marketing the site was undertaken, which constituted the following:

- Direct marketing to active investors, developers and operators in the local area using the Cushman and Wakefield database with additional input from the Brighton & Hove City Council team commenced 1 March 2015;
- Advertising in the national property publication, the Estates Gazette on 7 March 2015;
- Advertising in the local press, the Argus on 24 March 2015;
- Advertising on the Cushman & Wakefield website; and
- Placement on commercial property advertising websites such as Novaloca, EGi, and Propertylink.

8.9 Over the disposal period between March 2015 and October 2015 Cushman and Wakefield received bidding interests and enquiries regarding residential redevelopment. No interests or enquiries were received from community use operators or providers over the length of the disposal exercise.

8.10 The application includes the provision of 63.5sqm of D1 community space with a 'shop window' frontage onto the junction of Buckingham Street and Upper Gloucester Road. Notwithstanding the substantial reduction in floor area for community use at 80 Buckingham Road it is considered that sufficient marketing for potential uses, including community use, has been undertaken (unsuccessfully) and that the provision of a smaller amount of floor space to continue some community use on site is acceptable and sufficient to comply with criteria (a) and (d) of Policy HO20. Representation letters have raised concerns about the utility of the proposed community use unit; the applicant has confirmed that a local mental health counsellors and psychotherapists practice, The Withdean Practice, has expressed interest in occupying the unit at Buckingham Road. They are currently located on Withdean Road, Preston Park, and they are looking to expand their practice to new locations. This would appear to demonstrate that the space could be utilised for its intended use and the retention of this space will be secured by condition.

8.11 **Affordable Housing:**

The City Plan Part 1 Policy CP20 requires the provision of affordable housing at 40% on-site for schemes of 15 or more net dwellings, including converted buildings. For a scheme of 22 net units this would be 8.8 affordable units; the

City Council would therefore require 9 affordable units on-site to ensure the 40% requirement is met.

- 8.12 The applicant's original Planning Statement detailed a justification for excluding affordable housing from the scheme on the basis of difficulty providing mixed tenures (open market housing and affordable housing) within a single building; the 'Vacant Building Credit'; and being in conflict with the heritage objectives of restoring 76-79 Buckingham Road. This was contrary to the Council's Affordable Housing Guidance Note (September 2016) which justifies a case for the provision of affordable housing outweighing the Vacant Building Credit as a material consideration. It is also considered that the inclusion of affordable housing within number 76-79 Buckingham Road is possible without compromising the historic restoration as these buildings are not listed and the restoration of their interior would not outweigh the policy objective of providing affordable housing to meet an acute need. The Heritage Officer consultation response confirmed that whilst the reinstatement of the interiors of numbers 76-79 is appropriate in heritage terms, it is unlikely to receive weight as a heritage benefit against other planning objectives because the properties are not listed.
- 8.13 The applicant confirmed in a Planning Statement Addendum (23 September 2016) that the scheme would now provide a policy-compliant level of affordable housing:
- 8.14 *"I can confirm that we are now proposing to deliver a policy compliant scheme in relation to affordable housing for the above development, delivering on-site provision of 40% of the net increase in units (ie. 9 affordable units based on the proposed net total increase of 22 residential units). We would be happy to agree the tenure split and mix of the affordable units as part of the detailed drafting of the S106 Agreement immediately following the committee meeting on the 12th October.*
- 8.15 *Whilst our Planning Statement submitted with the application originally identified potential issues in terms of providing affordable housing on site due to the constraints of providing a second core within the new building on No.80, together with the heritage benefits of converting No. 76-79, we now believe that an acceptable position can be agreed on-site through agreement with an RSL for the provision of affordable housing within the current scheme for No. 80.*
- 8.16 *Given that we have now agreed to take forward the provision of affordable housing on site as set out above to meet the requirements of Policy CP20, we withdraw our Affordable Housing Note (received 20 June 2016)."*
- 8.17 It is therefore considered that City Plan Part 1 Policy CP20 has been met, subject to securing the correct level of affordable housing through a Section 106 Legal Agreement. Should members resolve to grant permission for this scheme and the legal agreement is not completed in a timely fashion, the application will be returned to Committee with an opportunity to refuse permission.
- 8.18 **Design and Appearance:**

Demolition of the existing building (80 Buckingham Road) in the Conservation Area complies with Local Plan Policy HE8 as is it visually harmful to the special interest of the Conservation Area and its demolition is supported on heritage grounds. Policy HE8 also requires the submission of acceptable detailed plans for a replacement building, which is satisfied by this current application.

- 8.19 The external amendments to the Victorian terrace of 76-79 Buckingham Road are largely restorative in removing some of the external changes made to accommodate the former D1 use such as access ramps. This is considered acceptable and is supported by the Heritage Officer as providing a positive improvement to the conservation area.
- 8.20 The proposed scheme density of 185 unit/ha is supported by policy CP14 (Housing Density) as an appropriate density for a very central and sustainable location within the City, appropriately 5 minutes walking distance from the train station and several bus routes plus many local amenities. It also respects the residential character of the area which is constituted of relatively high-density townhouses, many of which have been converted to flats.
- 8.21 The building proposed to replace number 80 Buckingham Road has been designed to reflect and respond to the rhythm and architectural design of the surrounding buildings and streets. The use of render, iron railings, canted balconies and similar storey-heights to reflect the materials and forms of neighbouring buildings is considered to successfully incorporate positive traditional elements into the modern design.
- 8.22 As viewed from Buckingham Road, the eaves and storey heights of the new building are equivalent (and slightly lower) than the adjoining terrace. The roof line is similar. Along Buckingham Street, the storey-heights are broadly similar to the adjoining terrace although the eaves and roof heights are taller but this must be considered in the context of the existing building which is harmfully disproportionate to its neighbours.
- 8.23 The building appropriately approaches the change in levels along Upper Gloucester Road by dividing the mass of the building into two substantive parts (with a subservient central element), falling in height from west to east. All sides of the building are arranged over four main storeys plus roof accommodation. A connecting structure is proposed to join the proposed building to the adjacent terraces along Buckingham Road and Buckingham Street; amended plans were received during the course of the application limiting this connection to three storeys on the advice of the Heritage Officer.
- 8.24 The western elevation respects the building line along Buckingham Road appropriately. The proposed southern elevation abuts the pavement of Upper Gloucester Road, forward of the existing building elevation which is set back due to an access ramp. It is acknowledged that the historic building line (prior to the existing building) may have abutted the highway more closely. The existing building is overbearing against this road and pavement including the siting of a dominant access steps and ramp. The proposed design includes visual relief and fenestration to the ground/lower-ground levels on this elevation to reduce its

impact on the pedestrian environment and was supported by the Design Review Panel. The eastern elevation respects the building line of Buckingham Street with the proposed balconies broadly in line with the canted bays of the existing terrace.

- 8.25 The roof form is a particularly striking contemporary 'mansard' structure with corner glazing elements and integrated balconies. The design of the roof form establishes a unique and modern identity for a new building which respects its traditional context well through its other design elements. This approach was supported by the Design Review Panel which praised its strong architectural merits. It is considered that the modern roof design ensures that the building as a whole is not viewed as a pastiche of a traditional style but is allowed to incorporate a strong architecture statement while respecting the rhythm and characteristics of the surrounding conservation area on its elevations. The integrated balconies are bounded by a section of solid roof as well as railings in order to minimize their impact on the streetscene.
- 8.26 The overwhelmingly characteristic material in the West Hill Conservation Area is white or light coloured render. A good quality traditional wet-render with smooth finish paint could be secured by condition. The fenestration along the west and east elevations, whilst modern in proportion across some elements, does reflect the spacing and repetition of the traditional terraces along Buckingham Road and Buckingham Street, respectively. Some sash-hung and casement windows are proposed; the materials and reveals of the windows could be secured by condition to ensure they are appropriate in this location.
- 8.27 The rear elevation of 76-79 Buckingham Road would be difficult to view from a public vantage point, but none-the-less has been proposed to be improved with the restoration of a more consistent fenestration layout.
- 8.28 The glazed ground floor corner unit accommodating the D1 use at the southeast corner is acceptable as it references the corner-access of the Public House opposite and clearly identifies the community use of the site.
- 8.29 **Standard of accommodation**
The Council uses the Department for Communities and Local Government - Technical housing standards - nationally described space standards (March 2015) as a reference point for residential unit sizes. The accommodation schedule on page 18 of the Design and Access Statement appears to meet these standards.
- 8.30 The application indicates every residential unit will have access to private amenity space ranging in size from 4sqm to 17.5sqm which helps to satisfy the requirements of policy HO5 and would be commensurate to dwellings of this type in this very central location. Two wheelchair units are provided, in compliance with Policy HO13 (Accessible housing and lifetime homes), and will be secured by condition to ensure compliance with Building Regulations M4(3)(2b); the remained of the units will be conditions to comply with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings).

- 8.31 **Impact on Amenity:**
Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.32 The use of the site as residential is unlikely to be more harmful or more intensive than the existing D1 / office use in terms of noise, activity, transportation movements or other disturbance. Furthermore, the substantial and imposing presence of the current building at number 80 Buckingham Road sets a significant precedent in terms of visual obtrusion from neighbouring properties.
- 8.33 Regarding impacts from overlooking or the loss or perceived loss of privacy, the introduction of balconies and roof terraces across all storeys could provide limited views between front-to-front aspects of the new building and properties in Buckingham Road and Buckingham Street which is acceptable across the width of a road given this is a normal relationship in a built-up area. There will be some views of the rear elevations of Buckingham Street from the rear windows of 76-79 Buckingham Road, but many of these windows are already existing. The 'rear' north elevation of the new building at number 80 contains only high-level windows.
- 8.34 The impacts of the new, taller building at Number 80 would be most significantly felt by the properties opposite on the east side of Buckingham Street and the west side of Buckingham Road. The heights of the existing and proposed buildings are as follows, although approximated to account for the sloping land levels and uneven façade of the existing building:
- 8.35 The existing building is approximately 12m tall to the eaves and 15.6m tall to the roof ridge as viewed from Buckingham Road; approximately 15.4m tall to the eaves and 18.2m tall to the roof ridge as viewed from Buckingham Street.
- 8.36 The proposed development is 13.2m tall to the eaves and 17.8m tall to the roof ridge as viewed from Buckingham Road; 14m tall to the eaves and 18m tall to the (nearest) roof ridge as viewed from Buckingham Street.
- 8.37 It should be noted that the roof of the proposed development slopes away from the eaves and so will not be as visually overbearing as the existing roof of number 80. It is unlikely these relatively small increases in height will be harmful enough to neighbouring amenity, in terms of loss of outlook or overbearing appearance, to warrant the refusal of this application.
- 8.38 The application documents include a Daylight and Sunlight Report (May 2016) which concludes:
- "...the majority of all buildings surrounding the development site will not experience any significant changes in daylight, and are fully BRE compliant. Whilst there are four buildings that experience changes in light that exceed*

those permitted by the BRE, the retained levels are commensurate with similar buildings in their current situation. As such, this scheme is considered to retain good levels of daylight and sunlight amenity to neighbouring residential buildings, maintaining existing living standards. The proposed new residential dwellings will all meet the required standards and ensure appropriate living standards for residents".

- 8.39 A representation was received, objecting on the basis of loss of sunlight/daylight to a neighbouring lower ground floor apartment. The applicant clarified in a Planning Statement Addendum that the Sunlight Report assessed the impact of the proposals on all windows to that property specifically and found that it would be BRE compliant for all daylight and sunlight tests.
- 8.40 The landlord of the Edinburgh Public House on the corner of Upper Gloucester Road and Buckingham Street has raised a concern that the new residential development will have a harmful effect on their business by virtue of sensitive residential development being potentially prejudicial to the ongoing operation of a business which generates a degree of noise and disturbance. The protection of existing business is a fundamental objective of planning policy and the introduction of new neighbouring uses should not be permitted if it could compromise the ongoing operation of business through potential noise complaints etc. This has been carefully considered: given the Edinburgh Pub has traded successfully for many years in close proximity to residential development, including adjoining neighbours, and the proposed development is located across a road it is considered that the existing use of a public house would not give rise to an unacceptably high level of disturbance to future occupants. Furthermore, only seven of the 24 proposed units front onto Buckingham Street and so this limited number is not considered to constitute a risk to the future operation of the public house.
- 8.41 The potential future use of the D1 community use unit and its potential impact on the future occupants of the new building at number 80 has also been considered. A health care practice has expressed an interest but this is not binding. Flexibility in the future use of this unit is therefore recommended to try and maximise its potential for a successful viable use. Some D1 uses may cause more disturbance than others but given the relatively small size of the unit and a condition limiting its hours of operation; it is considered that a condition limiting its future use is not necessary on amenity grounds.
- 8.42 **Sustainable Transport:**
The application includes the provision of some undercroft parking (for cars and cycles) accessed from Buckingham Street; there is an existing undercroft car park accessed from the same location. The level of cycle and vehicular parking proposed, including those reclaimed on-street from the removal of the ambulance bays, is within the parameters set out in the SPD14 Guidance and is considered acceptable by the Highways Authority as considered within the Highways Authority consultation response.
- 8.43 When applications are submitted for developments which do not provide on-site parking to address the full demand they may create, the impact of potential

overspill parking needs to be considered. These impacts may include localised increases in demand for on-street parking which can cause highway safety risks and can have a negative impact upon the amenity of existing residents in the vicinity of the site, as competition for on-street spaces in a particular area may increase. No parking survey has been submitted by the applicant to demonstrate capacity for on-street parking in the immediate vicinity of the site. Therefore, considering the specific merits of this scheme and the capacity of the surrounding Controlled Parking Zone, it is considered necessary to impose a condition restricting future occupants' eligibility for residents parking permits.

8.44 The Highways Authority has also suggested Travel Plan measures to be secured through a Section 106 legal Agreement to reduce the development's dependence on private car ownership and promote more sustainable modes of transport.

8.45 Landscaping:

There are limited opportunities for soft landscaping on this site; the existing site fronts closely onto the highway and apart from some limited frontage planting in the vicinity, the character of the area is predominantly terraced houses fronting the pavement with private amenity space to the rear. The Landscaping Strategy in the Design and Access Statement shows some planting to the proposed new building at the junction of Buckingham Road and Upper Gloucester Road which will provide some visual relief but the main landscaping will be to the rear.

8.46 The County Ecologist has not identified any likely harm to existing biodiversity but advises there may be some opportunities for improvement within the landscaping of the scheme.

8.47 **Other Considerations:**

The Section 106 legal agreement should secure, in addition to Affordable Housing requirements, the following financial contributions in line with Council policy:

- Education contribution of £62,387.80;
- Open Space contribution of £67,928;
- The production of an Employment and Training Strategy;
- Local Employment Scheme contribution of £7,400;
- Sustainable Transport contribution of £14,000.

9 EQUALITIES

9.1 Two units have been provided as wheelchair accessible homes.

