

<b><u>No:</u></b>	<b>BH2017/01259</b>	<b><u>Ward:</u></b>	<b>Patcham Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Sussex Police Sussex House Crowhurst Road Brighton BN1 8AF</b>		
<b><u>Proposal:</u></b>	<b>Change of Use of part of ground and first floor from general business (B1) to recreational use/immersive adventure experience. (D2)</b>		
<b><u>Officer:</u></b>	Luke Austin, tel: 294495	<b><u>Valid Date:</u></b>	02.06.2017
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	01.09.2017
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	Krona Design Ltd 50 Grand Parade Brighton BN2 9QA		
<b><u>Applicant:</u></b>	Mr Lambor Cambridge Cottage Brantridge Lane Balcombe RH17 6JR		

## 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 **REFUSE** planning permission for the following reasons:

- 1 The proposed D2 use would be contrary to Policy CP3 Employment Land in the adopted City Plan Part 1, which seeks to ensure that identified employment areas are retained in B Class use. The applicant has failed to demonstrate that there is no reasonable prospect of the premises (which is currently undergoing refurbishment) being used for B Class use. In addition, the proposed D2 recreational/ immersive use is, for the purposes of the NPPF, a main town centre use. Paragraph 24 of the NPPF requires local planning authorities to apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. The applicant has failed to demonstrate compliance with the sequential test requirements of paragraphs 24 and 27 of the NPPF.

### 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 is based on the drawings received listed below:

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	A.002		11 April 2017
Site Layout Plan	A.001		11 April 2017
Floor Plans Proposed	A.111		23 April 2017
Floor Plans Proposed	A.112		23 April 2017

Elevations Proposed	A.200		20 July 2017
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## 2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The application site relates to the former Sussex Police building located to the east of Crowhurst Road, to the eastern end of the Hollingbury Industrial Estate. The building is set on a section of Crowhurst Road with a moderately steep gradient which rises from south to north towards the A27. The surrounding buildings are of a commercial nature, varying in size and appearance. Hollingbury Industrial Estate is an identified employment site which is protected under Policy CP3.
- 2.2 The majority of the building is two storey with a flat roof and a projecting section above the main stair well. The site currently has two vehicular access routes to the west of the building from Crowhurst Road in addition to a number of parking spaces to the front of the building. The site is bound by several commercial buildings including a storage facility to the north, a St Johns Ambulance facility to the south and a Police Custody Facility to the rear.
- 2.3 The building is currently vacant and was last occupied by Sussex Police in September 2016. This application relates to an 'L' shaped section of the building; covering two storeys to the north-east corner and measuring approximately 2098sqm in area. The application seeks consent for a change of use of this section of the building from general business (B1) to a recreational use (D2). The remainder of the building will be retained as a general business use (B1) however internal alterations and refurbishment in addition to several external alterations including recladding will be carried out as approved under application BH2016/06504.

## 3. RELEVANT HISTORY

**BH2016/06504** - Alterations to layout and refurbishment of office space including removal of temporary central metal frame building to facilitate conversion to parking spaces, formation of new entrance to car park area, re-cladding of elevations associated works. Approved 24.04.2017.

**BH2010/00386** - Alteration to layout of front parking area to allow for the provision of 1 no. additional standard parking space and 1 no. additional disabled bay. Approved 29.04.2010.

**BH2008/02062** - Construction of three industrial units with mezzanine floors for B1, B2 and B8 use and provision of associated parking. Approved 26.03.2009.

**BH2000/03192/FP** - Alterations to convert existing 2 storey industrial building with roof top car park to police custody facility with ancillary offices and vehicle inspection area including formation of 33 parking spaces on 1st floor, retention of 81 spaces on roof and formation of secure pedestrian accessing on re-aligned southern boundary (presently part of No.10 with bridge link to No.12. Approved 09.05.2001.

#### **4. REPRESENTATIONS**

4.1 No comments received.

#### **5. CONSULTATIONS**

##### **5.1 External**

##### **County Ecology: Comment**

Provided that the recommended mitigation measures are carried out, 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 enhancement that will help the Council address its duties and responsibilities under the NERC Act and NPPF.

5.2 Opportunities include, but are not limited to, the provision of a biodiverse roof and the provision of bird and/or bat boxes that target local species of conservation concern. Advice on appropriate species can be found in the Council's SPD 11, Annex 7 Notes on Habitat Creation and Enhancement. Where possible, native species of local provenance should be used.

##### **5.2 County Archaeology: No objection**

It is unlikely that any significant below ground archaeological remains would be affected by these proposals. For this reason I have no further recommendations to make in this instance.

##### **5.3 Sussex Police: Comment**

The proposed opening hours of Monday - Friday 09:00 - 21:00 and Sunday 09:00 - 19:00 are supported/

5.4 No concerns regarding this application from a crime prevention perspective, however there are concerns regarding the physical security of the premises. Standard security measures are recommended.

##### **5.5 East Sussex Fire & Rescue Service: No comment received.**

##### **5.6 Internal:**

##### **Planning Policy: Objection**

Hollingbury Industrial Estate is protected under Policy CP3.3 as a primary industrial estate protected for business, manufacturing and warehouse (B1, B2, B8) use. CP3.3 supports the upgrade and refurbishment of industrial estates and premises so that they meet modern standards, are more resource efficient and improve the environment or townscape of the site or premises. Policy CP3.3 states that Sui Generis uses will be acceptable, provided that they generate employment which is quantitatively and qualitatively comparable to B1 and B2 uses; would not harm the continuation of existing uses within those classes and comply with other City Plan policies.

5.7 Demand for office and industrial space in Brighton & Hove remains strong with very low vacancy levels reflecting the limited supply of office and industrial in the city (South East Office and South East Warehouse & Industrial Logistic

Focus Q1, 2017 Stiles Harold Williams). The protection of the industrial estate for B1, B2 and B8 uses is also guided by the forecast positive demand for employment floorspace over the Plan period (as set out in Table 4 in the City Plan Part 1).

- 5.8 The proposed use would be contrary to Policy CP3 Employment Land in the adopted City Plan Part 1. It has not been demonstrated by the applicant that there is no reasonable prospect of the premises (which is undergoing refurbishment) being used for the allocated employment use in accordance with paragraphs 18-22 of the National Planning Policy Framework (NPPF). The proposed D2 recreational/ immersive use is considered by the NPPF to be a main town centre use. Paragraph 24 of the NPPF requires local planning authorities to apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. The applicant has not demonstrated compliance with the sequential test in accordance with paragraphs 24 and 27 of the NPPF.
- 5.9 **Public Art:** No comment received.
- 5.10 **Heritage:** No comment received.
- 5.11 **Sustainable Drainage:** No comment received.
- 5.12 **Sports Facilities and Development:** No comment received.
- 5.13 **City Clean:** No comment received.
- 5.14 **Sustainability Team:** Comment  
Normally a BREEAM rating for conversions would be sought, but only for changes of use only where there are substantial internal works because BREEAM can be onerous, and if there are few changes to assess the requirement unreasonable is considered unreasonable.
- 5.15 Confirmation should be sought from the applicant of what the previous EPC rating was [N.B. now confirmed as rated D] and seek an improvement of that with a rating of C minimum.
- 5.16 **Environmental Health:** Initial Comment (02/05/17)  
It is not clear from the application what the uses proposed for the ground floor or first floor are, therefore it is not possible to comment about any potential nuisance issues. There is no potentially contaminated land on the site.
- 5.17 Additional comments following the submission of additional details (19/07/07):  
Please secure additional sound proofing by condition. Full details of sound proofing measures to be secured to follow.
- 5.18 **Tourism and Leisure:** No objection  
The above application is welcomed as it would positively enhance the City's leisure facilities throughout the year both for residents and tourists. The proposed immersive adventure experience would enhance Brighton's reputation

as a year round destination to visit, and would help attract and support tourism outside of the main season.

**5.19 Economic Development: Comment**

The proposed change of use is for a re-designation from storage and office use to D2 Use Class and relates to a section of the ground floor and a section of the first floor of Sussex House. The proposed D2 Use Class will result in an immersive adventure experience.

5.20 Sussex House, which was formerly used by Sussex Police, has been vacant since Sussex Police vacated the unit in September 2016. The Planning Statement says the site has been actively marketed by Flude Commercial since the property became vacant. City Regeneration considers this is too short a time period to ascertain redundancy of use for the allocated employment use and in addition there is no evidence submitted by the applicant to demonstrate the marketing, albeit over a short time period, that has been undertaken.

5.21 The applicant indicates there would be 40 FTE job opportunities created by this scheme. City Regeneration supports inward investment and the principle of bringing vacant commercial floorspace back into use for alternative employment generating purposes but only subject to evidence of extensive marketing of the property over a substantive time period for its allocated employment use and, in addition, subject to comments provided by the council's Planning Policy team.

**5.22 Sustainable Transport: Initial Comment (13/07/17) - No objection**

Recommended approval subject to inclusion of the necessary conditions securing a car park layout plan, site access works, cycle parking details, a travel plan and a S106 sustainable transport contribution of £20,000.

5.23 Clarification requested as to whether Sussex Police have fully vacated the site (or will be) and as such whether the designated police vehicle bays on Crowhurst Road require removal. If so, an additional condition would be recommended to secure the necessary works and revocation of the Traffic Regulation Order.

5.24 Second Comment Following Clarification of the Police Parking Bays (13/07/17):  
No further action would be required.

**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, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);

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  
 CP2 Sustainable economic development  
 CP3 Employment land  
 CP5 Culture and tourism  
 CP7 Infrastructure and developer contributions  
 CP8 Sustainable buildings  
 CP9 Sustainable transport  
 CP10 Biodiversity  
 CP11 Flood risk  
 CP12 Urban design  
 CP13 Public streets and spaces  
 CP15 Heritage  
 CP17 Sports provision  
 CP18 Healthy city

#### 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  
 QD18 Species protection  
 QD27 Protection of amenity  
 HO20 Retention of community facilities

#### Supplementary Planning Documents:

SPD03 Construction & Demolition Waste  
 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 relate to the principle of the change of use, the amenity impacts, ecology, sustainable transport and sustainability.
- 8.2 **Principal of Development:**  
The existing building was previously occupied by Sussex Police as office and associated storage (B1) and has been vacant since September 2016. The application seeks consent for the change of use of a section of the site covering a portion of the ground and first floor to the northern end of the building equating to approximately 2098sqm. The proposed use would be recreational (D2) and is described as an 'interactive immersive experience'.
- 8.3 The remaining floor space of the building would be retained as a (B1) use however it would be adapted and modernised with several external alterations as approved under BH2016/06504. The alterations to the internal layout had begun at the time of the site visit.
- 8.4 The facility would consist of 2 'adventure routes'; each route would have teams of 8 participating and teams would be set off round the course every 30 minutes. This concludes that each hour could see a footfall total of 32 people (8 teams x 2 routes x teams per hour). The proposed opening hours would be Monday to Saturday 9am to 9pm and Sunday 9am to 7pm. The proposed change of use would provide employment for up to 40 staff (part time and full time).
- 8.5 Policy CP5 - Culture and Tourism seeks to maintain and enhance the cultural offer of the city to benefit residents and visitors through supporting the role of the arts, creative industries and sustainable tourism sector in creating a modern and exciting visitor destination with a range of high quality facilities, spaces, events and experiences. Whilst the proposed use would be in accordance with the objectives of CP5 by providing a positive tourist attraction, which would be non-seasonal, this must be weighed up against the loss of the existing B1 use.
- 8.6 The site is located within the Hollingbury Industrial Estate which identified as a primary industrial estate within the City Plan Part One. Policy CP3 (Employment Land) recognises that sufficient employment sites and premises should be safeguarded in order to meet the needs of the city in order to support job creation, the needs of modern business and the attractiveness of the city as a business location.
- 8.7 Hollingbury Estate is identified as a primary industrial estate under Policy CP3 and as such is protected for business, manufacturing and warehouse use (B1, B2 and B8). This allocation was guided by the 2012 Employment Land Study (a background study supporting the City Plan Part 1) which assessed the continued suitability of the industrial estate for B use class employment uses. The study found that this estate, one of the city's largest employment estates, provided a large range of employment uses with reasonable quality buildings, overall a good quality employment site. Demand for industrial space in Brighton & Hove remains strong with very low vacancy levels reflecting the limited supply of industrial accommodation.

- 8.8 The Planning Statement indicates that in its current state and without significant investment the ground floor unit would be inappropriate for a different storage and office use however this has not been substantiated by any marketing details or additional evidence. Furthermore the applicant indicates that the proposed use will help to facilitate the refurbishment of the rest of the building but it has not been adequately explained by the applicant how the proposal links to the previous permission and whether this change of use is the only option to facilitate the refurbishment of the offices.
- 8.9 It is noted that the proposed conversion would retain an existing proportion of the site as a B1 use and the proposed D2 use would generate employment for up to 40 staff. For comparative purposes the Homes and Communities Agency Document Employment Densities Guide (2015) states an average of 11.3m<sup>2</sup> is required per Full Time Equivalent (employee) for a general office use (B1(a)). Therefore if the proposed section of the building in question were to remain as a general office use (B1(a)) it could accommodate approximately 148 jobs based on a net internal floor area of 1678m<sup>2</sup>.
- 8.10 Policy CP3 safeguards sites and premises on the estate for B1, B2 and B8 and appropriate sui generis uses. Without further evidence it would be difficult to conclude that there is no reasonable prospect of the premises being used for the allocated employment use in accordance with paragraphs 18- 22 of the National Planning Policy Framework (NPPF).
- 8.11 Furthermore the proposed D2 recreational use is considered by the NPPF to be a main town centre use. Paragraph 24 of the NPPF requires Local planning authorities to apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. The applicant has not provided details of other possible locations for the proposed use within the City Centre and therefore has not demonstrated compliance with the sequential test.
- 8.12 The proposed conversion would result in a loss of B Class employment floorspace within a protected area and would introduce a town centre use in an inappropriate location. The change of use would also see a reduction in the likely level of employment that this part of the building would provide. The proposed development is therefore contrary to policy CP3 of the Brighton and Hove City Plan Part One and paragraphs 18-22 and paragraphs 24 and 27 of the NPPF.
- 8.13 **Design and Appearance:**  
The application does not propose any external alterations however it should be noted that refurbishment of the building; including recladding and associated alterations to the elevations, was recently approved under application BH2016/06504.

- 8.14 **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.
- 8.15 It is stated within the outline document provided that the proposed development will make use of a 'combination of lighting, audio, visuals, props and bespoke, theatrical staging and costumes' which is likely to generate noise impact in addition to disturbance associated with the general movements and activity from users of the site. The planning statement suggests that the remaining section of the building shall remain as a B1 use. Although the use within the remaining section of the building would be of a commercial nature it is still considered that the potential noise impact of the proposed use should be taken into account.
- 8.16 The environmental health team have recommended that details of additional sound proofing, beyond what would be secured through building regulations, should be secured by condition in order to avoid noise impact on the adjacent office use within the building. This is considered acceptable and could be secured by condition were approval to be recommended.
- 8.17 As the site is located within an industrial estate with no residential properties within close proximity, the proposed use is unlikely to result in any significant harm to residential amenity.
- 8.18 **Sustainable Transport:**  
City Plan Part One policy CP9 sets out the Council's approach to sustainable transport and seeks, generally to further the use of sustainable forms of transport to reduce the impact of traffic and congestion and in the interests of health to increase physical activity.
- 8.19 The proposed development would result in additional trip generation and therefore improvements to sustainable transport infrastructure in the immediate vicinity of the site are required to mitigate the impact of the proposed development. In the event of an approval these would be secured by legal agreement.
- 8.20 The site is currently located within an accessible location, close to the A27 with bus routes to the city centre and other areas near to the site. The site is currently accessed via two entrances from Crowhurst Road which would remain unchanged as part of the proposal. The Sustainable Transport team, however, have identified that both accesses are currently wider than is necessary and have requested dropped kerbs and tactile paving to the northern access. If all other aspects of the development were considered acceptable this could be secured by condition.
- 8.21 30 car parking spaces are proposed for the proposed D2 use which is considered to be appropriate to cater for the visitor capacity of 32 per hour and

staff (40 people will be employed although not all would be on-site at any one time). This in particular takes into account the likelihood that visitors will arrive in groups. The applicant has however proposed travel plan measures, including bus pick up service, which are welcomed and could be secured by condition in the event of an approval.

- 8.22 No information appears to be provided in relation to disabled parking. For D2 uses, SPD14 requires three bays as a minimum. It is noted that some disabled parking is provided to the front of the existing premises; however, it is unclear whether these would serve the retained office or proposed leisure use. Were approval to be recommended a car park layout plan identifying the allocation of parking bays, including disabled parking, for the different uses to be provided could be secured by planning condition.
- 8.23 No cycle parking appears to be provided on site; again details of such provision could be secured by condition were approval to be recommended.
- 8.24 **Sustainability:**  
Policy CP8 required that all new development incorporate sustainable design features unless it can be demonstrated that doing so is not technically feasible and/or would make the scheme unviable.
- 8.25 Policy CP8 seeks for conversions over 1000sqm to achieve a BREEAM standard of Excellent. As the proposal relates to a change of use and will make use of the existing building with the majority of the layout retained it is considered that securing a BREEAM standard would be overly onerous in this case. Discussions with the applicant have confirmed that the existing building has an Energy Performance Certificate Rating of D. It is therefore considered that an Energy Performance Certificate rating of C would need to be secured by condition in order to meet the requirements of CP8, were approval to be recommended.
- 8.26 **Trees, Landscaping & Ecology:**  
As no external alterations or landscaping works are proposed on site the proposed change of use would not result in any direct harm to trees and ecology.
- 8.27 The NPPF, policy CP10 and the guidance set out in SPD11 and its annex requires that all development delivers a 'net gain' in biodiversity terms.
- 8.28 The County Ecologist recommends that that these requirements could be met through the securing of nature conservation measures including the provision of bird and/or bat boxes that target local species of conservation concern. The county Ecologist has recommended that if protected species are encountered during the development, works should stop and advice should be sought on how to proceed from a suitably qualified and experienced ecologist. These measures could be secured by condition were approval to be recommended.

## 9. EQUALITIES

- 9.1 No changes are proposed to the access to this section of the building which is suitable for wheelchair access. As detailed above full details of disabled parking provision could be secured by condition were approval to be recommended.

