

<u>No:</u>	BH2018/01137	<u>Ward:</u>	St. Peter's And North Laine Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	76-79 And 80 Buckingham Road Brighton BN1 3RJ		
<u>Proposal:</u>	Partial demolition of no. 80 Buckingham Road erection of a five storey building over basement including roof accommodation to create 20no. dwelling units (C3) and community use unit (D1). Conversion of nos. 76-79 Buckingham Road to provide 14no. dwelling units (C3) with associated car parking, cycle parking, landscaping and service provision.		
<u>Officer:</u>	Joanne Doyle, tel: 292198	<u>Valid Date:</u>	23.04.2018
<u>Con Area:</u>		<u>Expiry Date:</u>	23.07.2018
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	ECE Planning Limited Worthing BN12 4AP	Brooklyn Chambers	11 Goring Road
<u>Applicant:</u>	Buckingham Developments (Brighton) Ltd Brooklyn Chambers	C/O ECE Planning	11 Goring Road Worthing BN12 4AP

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 Obligation and the conditions and informatives as set out hereunder **SAVE THAT** should the s106 Planning Obligation not be completed on or before 5th December 2017, the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 10 of this report.
- 1.2 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 £29,894;
 - Open Space contribution of £97,568.61;
 - The production of an Employment and Training Strategy;
 - Local Employment Scheme contribution of £9,600;
 - Construction Training and Employment Strategy including a commitment to using 20 percent local employment during the demolition and construction phases of the development
 - Sustainable Transport contribution of £16,500
 - Travel Plan Measures
 - Two years' membership of the local car club
 - A 12-month season ticket for buses in Brighton & Hove

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
Floor Plans Proposed	413.SK.003D (SECOND FLOOR)	D	19 June 2018
Block Plan	413.SK.007	A	12 April 2018
Floor Plans Proposed	413.SK.00G (LOWER GROUND)	G	12 April 2018
Floor Plans Proposed	413.SK.001F (GROUND FLOOR)	F	12 April 2018
Floor Plans Proposed	413.SK.002D (FIRST FLOOR)	D	19 June 2018
Floor Plans Proposed	413.SK.004E (THIRD FLOOR)	E	10 July 2018
Roof Plan Proposed	413.SK.006C (ROOF)	C	10 July 2018
Elevations Proposed	413.SK.200C (BUCKINGHAM ROAD)	C	19 June 2018
Elevations Proposed	413.SK.201D (BUCKINGHAM STREET)	D	10 July 2018
Elevations Proposed	413.SK.202C (UPPER GLOCESTER RO)	C	19 June 2018
Elevations Proposed	413.SK.203D (BUCK STREET REAR)	D	19 June 2018
Elevations Proposed	413.SK.204F (COURTYARD)	F	3 July 2018
Location Plan	413.SK.008	-	12 April 2018
Floor Plans Proposed	413.SK.005C (FOURTH FLOOR)	C	10 July 2018

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. 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.

5. 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.

6. 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.

7. The community use and communal garden hereby permitted shall not be operated or open to the public outside the following hours; 8am-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.

8. 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.

9. No development above ground floor slab level of any part of the development hereby permitted shall take place until 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 to 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.

10. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a method statement to identify, risk assess and address the unidentified contaminants. Verification of the steps taken to protect human health including photographs, consignment notes and invoices for example for barrier pipework shall be provided. The structure shall not be lived in. The structure shall not have a water infrastructure applied to it until this condition is satisfied.

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.

11. No development above ground floor slab level of any part of the development hereby permitted shall take place until, 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.

12. No development above ground floor slab level of any part of the development hereby permitted 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.

13.No development above ground floor slab level of any part of the development hereby permitted shall take place until the mitigation measures outlined in the Anderson Acoustic reports, including revision April 2018, must be implemented and tested to verify performance, and shall thereafter be retained as such.

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

14.No development above ground floor slab level shall take place until a scheme setting out highway works to implement the:

- a) Removal of the existing ambulance bay that will become redundant due to this development on Buckingham Street. The ambulance bay is recessed into the footway and the Highway Authority would want to see this area back to being public footpath and the footway and kerb edge to be reconstructed and reinstated up to the point to the basement entry point.
- b) Relocation of the communal bins adjacent to the Buckingham Street ambulance bay;
- c) Replacement of any existing footway surfaces or kerbs that have been damaged around the site due to this development

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.

15. 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.

16. Prior to commencement of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan and SPD14.

17. 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.

18. 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.

19. 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.

20. 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 new build dwellings within 80 Buckingham Road 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.

21. No development above ground floor slab shall take place until elevational landscaping drawings 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 Brighton & Hove City Plan Part One.

22. No development above ground floor slab level 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.

23. Prior to first occupation of the development hereby permitted, details of the car parking provision, including disabled spaces, 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 for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved 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 SPD14: Parking Standards.

24. The development hereby permitted shall not be occupied until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out and provided in full in accordance with the approved details 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, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

25. 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.

26. No development above ground floor slab level of any part of the development hereby permitted shall take place until 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 have been submitted to 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.

27. 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 April 2018 (2852_004R_2-0_JB):

- a) In-duct intake and exhaust silencers fitted to air source pumps;
- b) 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;
- c) Strategic duct termination away from sensitive windows;
- d) 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.

28. Prior to first occupation of the development hereby permitted, the removal of asbestos containing materials shall be carried out.

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.

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 commemorative E. Marshall plaque on the ramp adjoining 79 Buckingham Road shall be relocated to 80 Buckingham following completion of the new build construction at No. 80. The future location of the plaque should be agreed with the Council.

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 for the demolition of an unlisted building in a Conservation Area and for a residential-led mixed use redevelopment was approved under application BH2016/01766. The application proposed the creation of 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 (D1 use class). The proposed unit sizes were 6 x 1 bed, 13 x 2 bed, and 5 x 3+ bed homes.

Following this a pre-application (ref: PRE2017/00211) was submitted proposing the provision of a higher number of dwellings by subdividing the townhouses into 14 flats (instead of 4 houses as previously approved) including revisions to the scheme, namely to remove the D1 floorspace and reuse (rather than demolish) the existing structural frame of 80 Buckingham Road.

- 2.6 The current application has taken into account the advice given at the pre application stage namely support for the re-use of the structural frame at number 80 and the retention of an element of D1 community use. The proposed unit sizes within the 5-storey building at no.80 Buckingham Road are 5 x 1 bed, 14 x 2 bed and 1 x 3 bed and 12 x 2 bed and 2 x 1 bed units within 76-79 Buckingham Road. Associated car parking, cycle parking, landscaping and servicing provision is also provided. The proposal is for partial demolition as works have started on the site at no.80 Buckingham Road with the structural frame of the building being re-used. During the course of the application the design of the scheme has been amended on the advice of the Heritage team to incorporate the design elements proposed under application BH2016/01766 and an amendment to the roof detail of the Buckingham Street elevation to no. 80.
- 2.7 Other minor changes from the approved scheme BH2016/01766 (following amendments) are:
- Changes to the Buckingham Street elevation (at no. 80) to include the relocation of the undercroft parking and minor external alterations.
 - Window reconfiguration and minor detailing.
 - Minor changes to internal layout, mainly at lower ground floor level at 80 Buckingham Road.

3. RELEVANT HISTORY

PRE2017/00211- Conversion of nos 76-79 Buckingham Road to provide 14no. residential units (C3). Remodelling and retention of no. 80 Buckingham Road to create a five storey building consisting of 20no. residential units (C3).

BH2016/01766- 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. Approved on 11.08.2017.

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.

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.

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.

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 One (1) letter of representation has been received commenting that:

- The proposal is an improvement to the previous application and the inclusion of 14 affordable social rented flats is welcomed
- Some of the 20 private market flats should be sold as shared ownership homes
- Consideration should be given to providing a warden for the block of 34 flats
- A small number of additional car parking spaces should be provided as the number provided would put pressure on residents parking in the wider area

4.2 Two (2) letters of representations have been received objecting to the proposal for the following reasons:

- The proposal would result in increased noise and disturbance from the coming and going of traffic
- The proposal would have a detrimental impact on noise, pollution and parking provision in the local area
- The transport assessment based on the 2011 census is outdated as a number of things have changed in Brighton and Hove since then
- The access to the parking spaces appears tight
- The building is too high and out of scale in the conservation area
- The current form and structure should be retained
- The housing should all be for affordable housing and social housing
- Objection to large scale building works, to profiteering by Buckingham Development

5. CONSULTATIONS

External

5.1 Sussex Police: No objection

The principles of Secured by Design should be adhered to.

5.2 County Archaeologist: No objection

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.

5.3 County Ecologist: No objection

As the current application will result in no material external differences to the previously approved scheme, and given the minimal ecological value of the site, my previous comments (submitted 26/07/16) would also apply to the current application. As before, the applicants should seek opportunities to enhance the site for biodiversity, e.g. through the use of species of known wildlife value in the landscaping scheme, the provision of green (biodiverse) walls and/or roofs,

and/or the provision of bird boxes which should target species of local conservation concern. 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. 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.

5.4 Environment Agency: No comment

5.5 Conservation Advisory Group: No objection

The Group recommends APPROVAL whilst also recommending that the railings to NO. 80 are of a more substantial (contemporary) design and painted black to make reference to the 19th C. cast iron railings existing at Nos 76-79 and elsewhere in Buckingham Road. The Group would like clarification of the style of roof proposed for the link building: is it to be flat or pitched? The Group insists that the historic E.J. Marshall, Eric Gill, plaque is removed as agreed before by Tilley's before works start, and repositioned into the finished No 80, its original site, together with an informative plaque about the new building. This must be with consultation and direction from the Council Plaque Panel. The Group would expect that as the previous owner did agree, historic street name plates would be installed at the developer's cost replacing existing signs to five roads near the site, Alfred Road, Albert Road, Upper Gloucester Road, Buckingham Road, and Buckingham Street. The Group noted the excellent Heritage Officer Report for the very similar 2016 application and recommends it here for further guidance.

Internal

5.6 Sustainability Officer: No Comment

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

5.7 Heritage Officer: Following amendments- No objection- 10.05.2018

The submitted amended plans have addressed the concerns raised in the initial heritage comments subject to recommended conditions.

5.8 Planning Policy: Comment

The principle of residential development on the site has been established through the permitting of application BH2016/01766. The application currently under consideration is similar to that application but proposes 14 flats at Nos 76-79 Buckingham Road rather than four residential dwellings. The increased number of residential units is welcomed and provides a greater contribution towards the city's housing target as set out in City Plan Policy CP1. The proposed number of dwellings and housing mix at no. 80 remains the same as that in previous application and no concerns are therefore raised with regard to

City Plan Policy CP19 (housing mix). The 14 residential units are nos. 76-79 are all indicated to be affordable. This results in an overall affordable housing provision of 41%, in excess of that required by City Plan Policy CP20, and is strongly welcomed. Whilst it is disappointing that no larger (3 bedroom) dwellings are proposed as a response to the city's needs for larger dwellings set out in the supporting text to Policy CP19, the delivery of a policy compliant level of affordable housing means that no objection is raised on this point. The loss of the existing community facilities was considered during the determination of the previous application and was found to be acceptable in the context of Local Plan Policy HO20. The revised application also retains a community use within the new development and this is welcomed.

5.9 Waste Management

Policy WMP3d of the Waste and Minerals Plan requires development proposals to minimise and manage waste produced during construction demolition and excavation. A Site Waste Management Plan should be required by condition. Paragraph 49 of the National Planning Practice Guidance provides guidance on what could be covered in the SWMP in order to meet the requirements of the policy¹. 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. The location of recycling facilities is indicated on the submitted plans and no concerns are raised with regard to this policy.

5.10 Environmental Health: No objection

Recommend approval subject to conditions. The proposal is in a densely populated area and there is a need for effective implementation of full construction environment management plan. Anderson Acoustic report revised April 2018 was considered alongside the contaminated land investigations. The EA need to be consultees as the piling may alter the groundwater.

5.11 Education Officer: No objection

We seek contributions where there is a demonstrable need for additional pupils. In this instance we will not be seeking a contribution in respect of primary education places as there are sufficient primary places in this part of the city and the city overall. A contribution of £29,894 is therefore sought toward secondary education in line with the Council's contributions policy.

5.12 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.

Further comment - 29.06.2018

The access adjacent to the terraced houses to the north is as existing. Therefore, while it's not absolutely ideal (from a pedestrian visibility point of view - vision of children will be obscured by the wall around the adjacent front garden) it does not warrant refusal.

5.13 City Regeneration: No objection

The provision 32 dwellings (net) is welcomed and will contribute towards the city's challenging targets for new homes.

An Employment and Training Strategy will be required in addition to developer contributions of £9,600 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 in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this

minimum housing requirement that the City's five year housing land supply position is assessed annually.

8.3 The Council's most recent land supply position was published in the 2017 SHLAA Update (February 2018) which showed a marginal surplus (5.0 years supply). However, the inspector for the recent planning appeal on Land south of Ovingdean Road (APP/Q1445/W/17/3177606) considered that the Council's delivery timescales for two sites were over-optimistic and concluded that there would be a five year supply shortfall of at least 200 dwellings. The Council's five year housing land supply figures are currently being updated as part of the annual monitoring process and an updated five year housing position will be published later this year. In the interim, when considering the planning balance in the determination of planning applications, increased weight should be given to housing delivery in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

8.4 Principle of development:

The principle of residential development has been established by extant permission BH2016/01766 which approved the demolition of the existing building at no. 80 Buckingham Road and the conversion of nos. 76-79 Buckingham Road to deliver 24 gross residential units and a small re-provision of D1 community floorspace. Some work on site is underway, namely the stripping back of no. 80 Buckingham Road.

8.5 Community Use / Former Mental Health Use

The loss of the existing community facilities was assessed and accepted through the approval of the previous application BH2016/01766. This current application includes the provision of 64sqm of D1 community space with an active 'shop window' frontage onto the junction of Buckingham Street and Upper Gloucester Road. The assessment and conclusions made under the previous application remain, whereby sufficient marketing for potential uses, including community use, had been undertaken (unsuccessfully) and that the provision of a smaller amount of floor space to continue some community use on site was considered acceptable and sufficient to comply with criteria (a) and (d) of Policy HO20. The retention of this space will be secured by condition.

8.6 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 32 net units this would be 12.8; the City Council would therefore require 13 affordable units on-site to ensure the 40% requirement is met. The applicant is proposing 14 at no's 76-79 Buckingham Road to be affordable. This results in an overall affordable housing provision of 44%, in excess of the requirement of City Plan Part 1 Policy CP20. To meet the Affordable Housing Brief the applicant is proposing 55% Affordable Housing for Rent and 45% shared ownership. 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.

8.7 Design and Appearance:

Redeveloping 80 Buckingham Road complies with Local Plan Policy HE8 as the existing building is visually harmful to the special interest of the conservation area and its demolition is supported on heritage grounds.

The external alterations to the Victorian terrace of 76-79 Buckingham Road are largely restorative in removing some of the external changes made to accommodate the former health care 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.

The proposed scheme density of 262 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.

The redevelopment of 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.

As viewed from Buckingham Road, the eaves and storey heights of the development 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.

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.

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.

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 in considering application BH2016/01766 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.

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.

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.

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.

In design terms there is no objection to the minor changes to the scheme in comparison to the approved scheme, which mainly includes the reconfiguration of window openings and minor detailing and the relocation of the undercroft parking access on the Buckingham Street elevation.

8.8 Standard of accommodation

The Council uses the Department for Communities and Local Government - Technical housing standards - nationally described space standards (March 2015) as a useful reference point for residential standards. All units meet or exceed this guidance with functional layouts and adequate light and outlook.

Policy HO5 requires the provision of private useable amenity space for occupiers, appropriate to the scale and character of the development. The application indicates every residential unit at 80 Buckingham Road will have access to private amenity space in the form of balconies ranging in size from 4sqm to 17.5sqm and a shared courtyard which is a positive design merit. The ground floor flats at 76- 79 Buckingham Road will have access to private rear

gardens and although the upper flats at 76-79 would not have the benefit of private amenity space this lack of outside space is acceptable for flats in a 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). In terms of Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) the 14no flats within 76-79 Buckingham Road has stepped access and therefore only the flats within 80 Buckingham Road will be conditioned to comply with requirement M4(2).

8.9 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.

- 8.10 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.
- 8.11 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.
- 8.12 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:
- 8.13 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.
- 8.14 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.

- 8.15 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.
- 8.16 The impact of the development was considered in full under the previously approved application BH2016/01766 in terms of overshadowing, loss of light, loss of outlook and loss of privacy. There have been no fundamental changes which would lead to a differing conclusion.
- 8.17 The previous application considered the impact the development would have on the adjacent Edinburgh Public House and was considered that given that the proposed development was located across of the road and the limited number of proposed units fronting Buckingham Street, the development was not considered to constitute a risk to the future operation of the public house.
- 8.18 The previous application considered the potential future use of the D1 community unit and its potential impact on the future occupants of the new building at no. 80. It was considered that whilst some D1 uses may cause more disturbance than others given the relatively small size unit and a condition limiting its hours of operation there would be no significant harm. This application has slightly increased the D1 floorspace by 0.5sqm, which given this small size would not result in additional harm and a condition limiting its future use is not necessary on amenity grounds.
- 8.19 It is not considered that the subdivision of 76-79 Buckingham Road into 14no flats rather than 4no separate houses as proposed under the previous application would result in significant amenity harm. There would be a more intensive use of the properties as flats and a greater impact on the immediate and surrounding area, however the increased impact likely to be caused in this case would not be of a magnitude which would cause demonstrable harm to neighbouring amenity, particularly in an area where there are a number of properties subdivided into flats.
- 8.20 It is not considered that the relocation of the undercroft parking access on the Buckingham Street adjacent to the terraced houses to the north would have a detrimental impact in terms of noise/traffic disturbance given that the frequent comings and goings would be minimal for the number of car parking spaces.
- 8.21 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. There is no objection to the access to the undercroft parking from Buckingham Street.
- 8.22 The proposed quantity of cycle parking is broadly meets SPD14 guidance standards; however there is concern that the proposed cycle parking does not meet the accessible and convenient requirements as set out in policy TR14. Therefore, a condition will be attached to secure details of secure cycle parking

in line with policy TR14 as considered within the Highways Authority consultation response.

8.23 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.

8.24 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.

8.25 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.

8.26 The Landscaping Strategy in the Design and Access Statement states that the landscaping will be the same as that proposed under application BH2016/01766 which 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. No plans detailing the landscaping have been submitted and therefore landscaping plans will be sought via condition.

8.27 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.

8.28 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 £97, 568.61 would be required to address the generated demand for open space and indoor sport.

8.29 Other matters:

This application has been considered under the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations) for its potential impacts on the Natura 2000 (European) sites. A pre-screening exercise has been undertaken

which has concluded that there is no potential for in-combination "likely significant effects" on European sites and therefore it is not necessary to carry out further appropriate assessment under the Habitats Regulations.

8.30 106 Agreement:

In the event that the draft S106 agreement has not been signed by all parties, the application shall be refused for the following reasons:

1. The proposed development fails to provide 40% affordable housing at a tenure split of 55% social/affordable rent and 45% Intermediate (shared ownership) contrary to policy CP20 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance, notwithstanding that the applicant's own Financial Viability Appraisal demonstrated that the scheme could viably provide 20% (33) affordable units as verified by the District Valuer Service.
2. The proposed development fails to provide a financial contribution towards the improvement and expansion of capacity of local schools required as a result of this proposed development contrary to policies DA5 and CP7 of the City Plan Part 1 and the City Council's Developer Contributions Technical Guidance.
3. The proposed development fails to provide a financial contribution towards the improvement and expansion of open space and recreation in the vicinity of the site required as a result of this proposed development contrary to policies DA5, CP7 and CP16 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
4. The proposed development fails to provide a financial contribution towards the City Council's Local Employment Scheme to support local people to employment within the construction industry contrary to policies CP2 and CP7 of the Brighton & Hove City Plan Part 1 and the City Council's Developer Contributions Technical Guidance.
5. The proposed development fails to provide an Employment and Training Strategy targeting a minimum of 20% local employment for the construction phase of the proposed development contrary to policies CP2 and CP7 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
6. The proposed development fails to provide a financial contribution towards sustainable transport measures contrary to policies DA5, CP7 and CP9 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
7. The proposed development fails to provide a Framework Travel Plan to provide sustainable transport measures and incentives for the occupants of the proposed development contrary to policies TR4 of the Brighton and Hove Local Plan and DA5, CP7 and CP9 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.

9. EQUALITIES

9.1 Two units have been provided as wheelchair accessible homes.

