

<b><u>No:</u></b>	<b>BH2020/01505</b>	<b><u>Ward:</u></b>	<b>Queen's Park Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>11 - 12 Rock Place, Brighton, BN2 1PF</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing buildings and erection of a part two, part three storey mixed use development comprising flexible co-working B1(a) use on ground &amp; first floors, 3no. one bedroom flats &amp; 1no. two bedroom flat (C3) on first &amp; second floors with roof terrace.</b>		
<b><u>Officer:</u></b>	Russell Brown, tel: 293817	<b><u>Valid Date:</u></b>	04.06.2020
<b><u>Con Area:</u></b>	East Cliff	<b><u>Expiry Date:</u></b>	30.07.2020
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>EOT:</u></b>	23.10.2020
<b><u>Agent:</u></b>	GHOST Mr Ben Stanier 112-114 Great Portland Street London W1W 6PH		
<b><u>Applicant:</u></b>	Mr CSJ Lewcock 36 Vine Street Brighton BN1 4AG		

## 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 GRANT planning permission and the following Conditions and Informatives as set out hereunder.

### 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.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Proposed Drawing	219013 -A2.1		20 October 2020
Proposed Drawing	219013 -A2.2		20 October 2020
Proposed Drawing	219013 -A2.3	A	20 October 2020
Proposed Drawing	219013 -A8.1	A	20 October 2020
Proposed Drawing	219013 -A8.2		20 October 2020
Proposed Drawing	219013 -A9.1		20 October 2020
Proposed Drawing	219013 - SK2.1		20 October 2020
Location Plan			04 June 2020
Block Plan			04 June 2020
Report/Statement	Phase 1: Desktop Study and Preliminary Desk Assessment Report		04 June 2020
Report/Statement	Transport Statement		07 August 2020
Report/Statement	Travel Plan		07 August 2020

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 development above ground floor slab shall take place until full details of all dormers and their windows including 1:20 elevations and 1:1 sections have been submitted and 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 Policies HE6 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.

4. No development above ground floor slab shall take place until full details of all new windows and doors and their reveals and sills including 1:20 scale elevational drawings and sections and 1:1 scale joinery 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 Policies HE6 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.

5. No development apart from demolition 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:

- a) samples of all brick (including details of its bonding and pointing), render and tiling (including details of the colour of render and paintwork to be used);
- b) a product specification sheet for the street bollards; and
- c) 1:20 elevations, 1:1 sections and a product specification sheet for the roof terrace hard surfacing and balustrading, including that for the means of separation.

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

**Reason:** To ensure a satisfactory appearance to the development and to comply with Policies QD14 and HE6 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.

6. A bee brick shall be incorporated within the external walls of the development hereby approved and shall be retained thereafter.

**Reason:** To enhance the biodiversity of the site and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and SPD11.

7. Eight swift bricks shall be incorporated within the external walls of the development hereby approved and shall be retained thereafter.

**Reason:** To enhance the biodiversity of the site and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and SPD11.

8. The hard surface, including to the segregated pedestrian footpath, hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the

hard surface to a permeable or porous area or surface within the curtilage of the property.

**Reason:** To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with Policies CP8 and CP11 of the Brighton & Hove City Plan Part One and SPD16.

9. The B1(a) office use hereby permitted shall not be carried out except between the hours of 09:00 and 17:00 on Mondays to Fridays, and not at all on Saturdays and Sundays, including Bank or Public Holidays.

**Reason:** To safeguard the amenities of the locality and to comply with Policies SU10 and QD27 of the Brighton & Hove Local Plan.

10. Details of soundproofing and glazing specifications shall be submitted to and approved by the Local Planning Authority prior to the first occupation of the development hereby approved. They shall be installed in accordance with the approved details and shall be retained in perpetuity in accordance with those details thereafter.

**Reason:** To safeguard the amenities of the future residential occupiers, to not unacceptably restrict the activities carried out by the licenced premises at 6 Rock Place and to comply with Policies SU10 and QD27 of the Brighton & Hove Local Plan.

11. Notwithstanding the drawings hereby approved, the development hereby permitted shall not include a door accessing the residential staircase to the southern part of no. 12 at first floor level.

**Reason:** To safeguard the privacy of the future residential occupiers and to comply with Policy QD27 of the Brighton & Hove Local Plan.

12. Within 6 months of commencement of the residential development hereby permitted or prior to occupation, whichever is the sooner, a scheme shall be submitted to the Local Planning Authority for approval 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. The approved scheme shall be implemented before occupation.

**Reason:** This 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 and QD27 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One and SPD14.

- 13.

(a) Notwithstanding the drawings hereby approved, the development hereby permitted shall not be occupied until details of accessible and spaced cycle parking facilities providing 14 spaces for the employees of, and visitors to, the commercial development 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.

- (b) The commercial development hereby permitted shall not be occupied until showers and changing facilities are provided to cater for a minimum of 10% of staff.

**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.

14. The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with Policies QD27 of the Brighton & Hove Local Plan, CP8 of the Brighton & Hove City Plan Part One and WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

15. No development, including demolition and excavation, shall commence until a Site Waste Management Plan (SWMP) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved.

**Reason:** To maximise the sustainable management of waste and to minimise the need for landfill capacity and to comply with Policy WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan.

16.

- (1). No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority:

- (a) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS 10175:2011+A1:2013;

And if notified in writing by the local planning authority that the results of the site investigation are such that site remediation is required then,

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

- (2). The development hereby permitted shall not be occupied or brought into use until there has been submitted to, and approved in writing by, the Local Planning Authority a written verification report by a competent person approved under the provisions of Condition 18 (1b) that any remediation scheme required and approved under the provisions of Condition 18 (1b) has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise

agreed in writing by the Local Planning Authority the verification report shall comprise:

- a) built drawings of the implemented scheme;
- b) photographs of the remediation works in progress;
- c) certificates demonstrating that imported and/or material left in situ is free from contamination.

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

17. None of the 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 Brighton & Hove City Plan Part One.

18. None of the residential units hereby approved shall be occupied until each residential unit built has achieved as a minimum, a water efficiency standard of 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 Brighton & Hove City Plan Part One.

19. Within three months of first occupation of the non-residential development hereby permitted, a Post Construction Review Certificate issued by the BREEAM Building Research Establishment confirming that the non-residential development built has achieved a minimum BREEAM New Construction rating of 'Very Good' / 'Excellent' shall be submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with Policy CP8 of the Brighton & Hove City Plan Part One.

20. The ground and first floors of the building hereby approved shall be used as an office (Use Class E(g)(i)) only and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification), no change of use shall occur without planning permission obtained from the Local Planning Authority.

**Reason:** The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the amenities of the area, the City's office space and to comply with Policies QD27 of the Brighton & Hove Local Plan and CP8 of the Brighton & Hove City Plan Part One.

21. The works of demolition hereby permitted shall not begin until documentary evidence has been submitted to and approved in writing by the Local Planning Authority to show that contracts have been entered into by the developer to ensure that building work on the site the subject of this consent is commenced within a period of 6 months following commencement of demolition in accordance with a scheme for which planning permission has been granted.  
**Reason:** As this matter is fundamental to the acceptable delivery of the permission to prevent premature demolition in the interests of the character and appearance of the conservation area and to comply with Policy HE8 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
3. Swift bricks can be placed on any elevation, but ideally under shade-casting eaves. They should be installed at a height above 5m height, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting them above windows or doors.
4. The applicant is advised that the scheme required to be submitted by Condition 12 should include the registered address of the completed development; an invitation to the Council as Local Highway Authority (copied to the Council's Parking Infrastructure Team) to amend the Traffic Regulation Order; and details of arrangements to notify potential purchasers, purchasers and occupiers of the restrictions upon the issuing of resident parking permits.
5. In order to be in line with Policy TR14 Cycle Access and Parking of the Brighton & Hove Local Plan 2005 cycle parking must be secure, convenient (including not being blocked in a garage for cars and not being at the far end of a rear garden), accessible, well lit, well signed, near the main entrance, by a footpath/hardstanding/driveway and wherever practical, sheltered. It should also be noted that the Highway Authority would not approve vertical hanging racks as they are difficult for many people to use and therefore not considered to be policy and Equality Act 2010 compliant. Also, the Highway Authority approves of the use of covered, illuminated, secure 'Sheffield' type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22 or will consider other proprietary forms of covered, illuminated, secure cycle storage including the Police approved Secure By Design cycle stores, "bunkers" and two-tier systems where appropriate.

6. The applicant is advised that the condition on land contamination has been imposed because the site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer. To satisfy the condition a desktop study shall be the very minimum standard accepted. Pending the results of the desk top study, the applicant may have to satisfy the requirements of parts (a) and (b) of Condition 16.
7. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
8. The water efficiency standard required under Condition 18 is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.
9. The applicant is advised that details of the BREEAM assessment tools and a list of approved assessors can be obtained from the BREEAM websites ([www.breeam.org](http://www.breeam.org)).
10. A formal application for connection to the public sewerage system is required in order to service this development. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link: [www.southernwater.co.uk/developing-building/connection-charging-arrangements](http://www.southernwater.co.uk/developing-building/connection-charging-arrangements).
11. The applicant is advised to consult with the sewerage undertaker to agree a drainage strategy including the proposed means of foul water disposal and an implementation timetable. Please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (tel 0330 303 0119), or [www.southernwater.co.uk](http://www.southernwater.co.uk).

## **2. SITE LOCATION & APPLICATION DESCRIPTION**

- 2.1. The application relates to 11 and 12 Rock Place on the east side of this mews. The former is a single storey with pitched roof vacant vehicle repair garage (Use Class B2) whilst the latter is a two storey vacant used car dealership (Sui Generis) on the ground floor with two residential units (Use Class C3) above, also with a pitched roof. No. 12 has a underpass leading to a double height space to the rear where vehicles used to be stored.

- 2.2. The subject properties are located towards the northern end of Rock Place, closer to the junction with St James's Street than to the southern junction with Marin Parade (A259). Properties on the western side of Lower Rock Gardens back onto the rear of the site. Rock Place itself is a one-way street from south to north with double yellow lines to the southern part and a few marked parking spaces.
- 2.3. The buildings are within the East Cliff Conservation Area, but are not subject to an Article 4 direction removing permitted development rights nor are they listed. The closest listed buildings are at 8 and 9 Lower Rock Gardens and Chain Pier House (both Grade II listed). The site is also within It is also within Controlled Parking Zone (CPZ) C.
- 2.4. The current application seeks planning permission for the demolition of the existing buildings and the erection of a part two, part three storey mixed use development comprising flexible co-working B1(a) use on the ground & first floors, 3 one bedroom flats & a two bedroom flat (C3) on the first & second floors with a roof terrace.

### 3. RELEVANT HISTORY

- 3.1. **PRE2018/00298:** Phased redevelopment to provide office / studio space at ground floor level with residential flats above at 2-5 and 11-12 Rock Place. Advice issued 12 March 2019
- 3.2. **BH2019/03350:** Demolition of existing buildings and erection of a three storey (plus basement) mixed use development comprising flexible co-working B1 use over basement, ground & first floors and 5no one bedroom flats on the second floor. Withdrawn by the applicant 15 January 2020 following concerns from Officers
- 3.3. **PRE2020/00042:** Demolition of existing car garages and construction of a new 4 story building comprising basement, ground and first floor co-working space and five self-contained residential flats at second floor level. Response issued 26 March 2020 giving the following advice:
- The proposal would not result in a loss of employment, instead providing a substantial amount of office floor space would support the Council's objectives;
  - Whilst the provision of 3 additional dwellings would make a contribution to the Council's housing targets, justification must be provided as to why they all have one bedroom;
  - The proposal, by reason of its scale, mass, form and detailing, would be incongruous and would fail to respect the character and appearance of Rock Place as a service street / mews and the East Cliff Conservation Area contrary to national and local policy;
  - The non-provision of an internal courtyard to provide landscaped amenity space for the offices should be justified and the proposal must result in a net gain for biodiversity;

- The impact upon the flats at 6 and 7 Lower Rock Gardens in terms of outlook and overlooking, and on Brighton Rocks from noise and disturbance should be addressed;
- The proposed dwellings should meet or exceed the Technical Housing Standards - Nationally Described Space Standard and be provided with sufficient ventilation, outlook and natural lighting, but on site external amenity space is not required;
- Disabled parking apart, car-free development is acceptable, the residential and commercial units must have separate cycle spaces and bin stores, the travel plan must be revised and a servicing and deliveries management plan must be provided; and
- The proposal must result in sustainability gains and contamination being remediated.

3.4. Of relevance at 2 - 5 Rock Place:

**BH2019/01200:** Change of use of the ground floors from car showrooms/workshops (Sui Generis) to office/studio (B1) incorporating revised fenestration to front elevation, installation of roller shutter and associated work.  
Granted 30 September 2019

#### 4. REPRESENTATIONS

4.1. **Two (2)** representations in support, including one from the Regency Society, have been received for the proposal for the following reasons:

- It is an improvement on the earlier scheme in that a 2 bed flat has been introduced together with a shared roof terrace. The fenestration has been revised to be more appropriate for the area.
- It seems like an appropriate set of buildings, sits well within the street and will complement the recent development at 2-5 Rock Place.
- It will be a car-free scheme and the introduction of bollards will prevent unofficial, random car parking and provide a safe route for pedestrians.
- The regeneration benefits outweigh any adverse impact on the conservation area.
- The current buildings are ramshackle and of no merit attracting anti-social behaviour, particularly drug use.

4.2. **Councillor Rainey** has supported the application for the following reasons:  
Investment to the area

- Good quality accommodation
- In keeping with the Conservation Area
- High environmental standards
- Development will be car free
- Provide cycle storage

A copy of the correspondence is attached to the report.

4.3. **The Conservation Advisory Group (CAG)** has recommended that this application be refused and be heard at Planning Committee for determination for the following reasons:

- No attempt has been made to improve the proposal on previous applications, as there still is a failure to appreciate the scale and simplicity of the old stables and workshops being the last visible signs left in Rock Place of the latter part of the C18th.
- This unassuming side street which still illustrates how it served the grander properties of New Steyne and Rock Gardens does not require an architectural statement of no period and nor random references to other buildings in the CA. The preservation of the existing idiom would be much more helpful.
- To reclaim and incorporate the original clay peg tiles of No 11 should be part of any new proposal.
- The overall design is clumsy and too large and inappropriate as before. Also the advice given at the pre-application stage as to the hierarchy of the windows, size of dormers etc., seem to have been ignored.
- This development will visually harm the Conservation Area.

## 5. CONSULTATIONS

### 5.1. **Heritage:** Approve with conditions

#### North Block

The proposed north block is two-storeys with accommodation within the attic. The roof form has been amended from a non-traditional mansard to a gable roof running north-south. This change to the roof shape of the north block is welcomed and presents a more traditional roof profile to the street.

- 5.2. The location and size of the dormers in the north block have been revised to be smaller and align with the windows below. This also reflects the earlier comments that the window opening sizes should reflect the traditional hierarchy seen throughout the conservation area. A condition will be required for dormer details for all the proposed dormers within the scheme.

- 5.3. The re-use of the existing clay peg tiles on this non-traditional mansard roof is welcomed. The painted brick finish is also a suitable material finish for the building as it relates well to the historic service use of Rock Place.

#### Middle Block

- 5.4. The window treatment of the first floor has been amended to relate better to the ground floor windows. The large ground floor windows / doors have been amended to sit at ground level and not on a plinth as previously submitted. A condition requiring door and window details will be required for all street elevation openings. A condition should also be required regarding the materials and detailing of the roof terrace balustrading.

#### South Block

- 5.5. The southern block of the proposal has undergone the most amendments from the initially submitted proposal. The overall roof form and siting of the southern block has been altered in line with the initial heritage comments provided. Instead of replicating the poor architectural example to the immediate south of the subject site, the southern block now sits better with the middle and northern

blocks. The roof form is now a traditional mansard to the street and is pitched from well behind the parapet which minimises the bulk of the roof. This has also allowed dormers to sit behind the parapet to gain additional internal space. As with the northern block, the windows and dormer positions and sizes have been rationalised and follow the traditional hierarchy of openings within the conservation area. As mentioned above, window, dormer and door details on the street elevation will be required by condition.

5.6. Policy HE8 of the Local Plan requires proposals to retain buildings and structures that make a positive contribution to the character and appearance of the conservation area. Whilst the existing buildings on the subject site are representative of the historic service street, they are not considered to make a positive contribution to the conservation area. However, as advised in previous applications and pre-application advice, the built form and scale of the buildings does make a positive contribution to the conservation area in that they represent the historic service nature of Rock Place. As the current buildings on site are not considered to make a positive contribution to the character and appearance of the conservation, Policy HE8 does not apply. The assessment of the proposal has been undertaken using Policy HE6 to ensure the proposed development preserves the character and appearance of the East Cliff Conservation Area.

5.7. The amended plans have addressed the initial concerns raised in the June heritage comments. The proposal now represents a high standard of design and reflects the character and appearance of Rock Place and the wider East Cliff Conservation Area and is in accordance with the requirements of Policy HE6. Therefore, the proposal as amended is supported subject to conditions.

5.8. **Transport: Unable to Approve**

The LHA strongly objects to the design of the footway, which is on public highway, due to:

- The footway not proposed to be continuous and level having steps and a raised entrance to the proposed site. This means that those with visual and mobility disabilities shall have difficulty or be unable to fully travel along the full length of the footway.
- There being insufficient details submitted with regards to the proposed works on the carriageway including its feasibility. This should include carriageway widths, levels and swept path analysis etc. and include any approved works on the highway associated with the proposals at 2-5 Rock Place. These must be provided prior to determination to ensure that the street shall operate acceptably when the amendments have been made. The applicant states that “they are happy to have a Planning Condition imposed for the detailed design of the proposed bollard arrangement together with swept path analysis prior to occupation of the development” however there is no certainty that widths will then be sufficient and is therefore conditioning such works would not be appropriate in this instance.
- Several doors opening outwards onto the footway, that may obstruct and hit pedestrians without warning when opened. Due to this being on public highway, and in reference to The Highway Act 1980, the LHA has the

right to remove and block up any doors that pose such a hazard to highway users.

- 5.9. The applicant forecasts that there is likely to be overspill of 18 vehicles from this development. The implementation of an adjacent footway including parking restrictions is likely to lead to the displacement of other vehicles not associated with the current businesses.
- 5.10. The applicant has not provided surveys that demonstrate how these additional vehicles shall be accommodated in the local area, other than stating that there will be “*stringent existing parking controls and permit restriction on staff and residents will ensure that there is no on-street overspill parking. The development will be marketed as car-free to future residents.*” However, this cannot be applied as the car permit-free condition is not appropriate and would not be applicable to staff at the new B1 use (only the residential element). Therefore, the LHA cannot be satisfied that the site’s users would genuinely be car-free and users may park in nearby streets to access the site.
- 5.11. Assessment of the transport impact of the development needs to be robust and independent, and include parking surveys in line with the Lambeth Methodology and Parking Standards SPD14. At present the applicant has not carried out such surveys and does not satisfy the concerns of the LHA.
- 5.12. The applicant has stated that it will encourage its users to be car-free and that those who choose to drive can use local car parks. However, in reality these are further away and the applicant is unlikely to be able to prevent its staff and visitors parking in nearby streets. In this case, the applicant has not demonstrated that there will not be a severe impact or overspill onto the highway as per SPD14 and NPPF.
- 5.13. The applicant is providing four bike lockers (one per unit) for the residential units. Their dimensions suggest that residents will be expected to store their bicycles vertically, which is not acceptable as the spaces will not be accessible to all. Cycles may also be damaged by such type of storage in long stay use. It is also noted that most of the other 14 spaces (7 Sheffield type stands) are inadequately spaced (700mm as opposed to 800mm in Department for Transport’s Manual for Streets).
- 5.14. Whilst some of the TRICS parameters for the comparison sites are not ideal in the submitted transport report and travel modal splits are estimated using 2011 Census modal data, the traffic impact associated from the new use is not significant enough to warrant a reason for refusal.
- 5.15. The applicant outlines various parking and other options for disabled users to access the site, to which no objection is raised.
- 5.16. A Travel Plan has been submitted to support approval and this can be secured as part of a S106 obligation should permission be granted.
- 5.17. A store is being provided for the commercial waste associated with this development and this appears to be acceptable.

- 5.18. When considering the need for a sustainable transport contribution, the number of daily person trips is considered together with the need for any off-site improvements to serve the proposed development. On this basis and when using the applicant's indicated trips in its Transport Report, a contribution of £28,000 is recommended, calculated in accordance with the Council's Development Contributions Technical Guidance.
- 5.19. The contribution will be allocated towards a number of schemes in the local area. These improvements should include but not be limited to:
- Dropped kerb and tactile paving across the southern entry point to Rock Place.
  - Bus stop accessibility improvements, such as real time information signs, at the nearest westbound bus stop 'New Steine' to the City Centre and the eastbound 'New Steine' bus stop taking the site's users to Rottingdean, Saltdean, Easts Sussex and beyond.
- 5.20. As of 5th October 2020 the Council will be taking contribution through the Community Infrastructure Levy (CIL), which will replace the individual contributions required to mitigate the impact of developments, such as the outlined sustainable transport contribution. Therefore, if this application is determined after the CIL is introduced then this will replace the sustainable transport contribution and the outlined works will be funded through the CIL instead.
- 5.21. **Planning Policy:** No objection subject to the considerations outlined below and a restriction of use condition  
Employment Floorspace  
The proposed development is located within Rock Place which is considered to be a mews. Therefore, Local Plan Policy EM11 and City Plan Part One Policy CP3 apply. As B1 use is retained on the ground & first floors, including a 600m<sup>2</sup> increase in B1 employment floorspace, the requirement for the test of redundancy and unsuitability of the B2 use is not required and the application is considered to conform with the policies.
- 5.22. The provision of 600m<sup>2</sup> new flexible co-working B1 office floorspace is welcomed; providing space for creative media and digital industries. No concerns are raised with any of the criteria in Local Plan Policy EM4 in this instance.
- 5.23. In addition, draft CPP2 Policy DM11 requires development proposals involving the provision of new B1 floorspace to provide for well-designed buildings and layouts suitable for their use and to 'future proof' the floorspace. Particular close attention is needed to check that the design features outlined in paragraph 2.97 have been taken into consideration and shown in the proposed plans in order to ensure that the space is fit for purpose and therefore will allow for a successful take-up of the employment floorspace including under any continuing or future social distancing restrictions.

- 5.24. Permitted development rights allow for the automatic change of use from B1(a) office to residential. In order to safeguard the B1(a) employment space a condition should be applied restricting the use of the employment space for no other purpose other than B1 office.

Residential

- 5.25. The provision of four residential units would result in the net gain of two dwellings and will make a small contribution towards the city's housing target as set out in City Plan Policy CP1. There are three one-bed and one two-bed units proposed, and although it is not demonstrated how housing demand and need was taken into account, as required by policy CP19c, the mix appears acceptable.

- 5.26. The proposed units should meet the minimum Nationally Described Space Standards (NDSS) as required by the draft CPP2 Policy DM1 and amenity considerations in Local Plan Policy QD27 and CPP2 Policy DM20 should be also be taken into account.

Heritage

- 5.27. The site is located within East Cliff Conservation Area and in the setting of a listed building. The case officer will need to give attention to the impact of the proposed development on the conservation area and listed building and careful consideration should be given to comments from Conservation Officers regarding the acceptability of loss of the original mews buildings and of those to replace it.

Waste Management

- 5.28. The demolition of the existing buildings will create a considerable quantity of demolition waste. A comprehensive Site Waste Management Plan should be required by condition.

- 5.29. Policy WMP3d also requires applicants to demonstrate how the durability of the construction has been maximised. Circular economy principles should be incorporated wherever possible.

- 5.30. Policy WMP3e 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. A refuse area is indicated on the proposed ground floor plan.

- 5.31. **City Regeneration: Approve**

The application will provide much needed development to this site and help to regenerate the area. The proposed creative media and digital co-working spaces would be a good mix with the existing surrounding businesses and commercial premises.

- 5.32. As this development creates additional employment space of 600sqm, in accordance with Planning's Technical Guidance for Developer Contributions, there will be a requirement to submit a contribution £6,000.

- 5.33. In addition, and as an obligation with a S106 agreement, an Employment & Training Strategies must be submitted in respect of both the demolition and construction phases of the development at least one month prior to the respective phases.
- 5.34. The strategies should demonstrate how the developer or main contractor and / or their subcontractors will source local labour and provide training opportunities during the life of the project. How they will work with the Council's Local Employment Scheme Coordinator and organisations operating in the city to encourage employment of local construction workers during the demolition (if applicable) and construction phases of the proposed development, with a target that at least 20% of the temporary and permanent job opportunities created by the construction of the proposed development are provided for local people (residents living within the city postcodes).
- 5.35. **Environmental Health: Approval with conditions**  
**Noise**  
The applicant plans to put residential opposite Brighton Rocks, 6 Rock Place a well-established public house. There have been noise complaints made in the past, and the weekend of Pride, Rock Place is closed off for street parties. With residential being so close, it is possible this could lead to formal noise complaints, which Environmental Health would be duty bound to investigate and take action over if a nuisance was found.
- 5.36. Ultimately though it is recognised there is shortage of housing and it will be up to the planner to decide based on all information provided, whether on balance the need for housing outweighs concerns raised.
- Contaminated Land**
- 5.37. 11-12 Rock Street according to the Kelly's 1974 directory has been a Motor Engineers.
- 5.38. No works to be undertaken as part of this permission shall commence until there has been a desk top study submitted to and approved in writing by the Local Planning Authority followed by a site investigation report if potentially contaminants are found, then a detailed scheme for remedial works and measures if site remediation is required and finally a written verification report for the remediation scheme.
- 5.39. **Southern Water:**  
A formal application for a connection to the public foul sewer is required, and this should be attached to any consent as an informative.
- 5.40. The planning application form makes reference to using Sustainable Urban Drainage Systems (SUDS), which may be adopted by Southern Water if requested by the developer.
- 5.41. Where SUDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SUDS facilities in perpetuity.

- 5.42. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the LPA should:
- Specify the responsibilities of each party for the implementation of the SUDS scheme.
  - Specify a timetable for implementation.
  - Provide a management and maintenance plan for the lifetime of the development.
  -
- 5.43. Initial investigations indicate that there are no dedicated public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. Discharge of surface water run-off to public combined network can be allowed only once full assessment of other alternative methods have been carried out and discounted and at the agreed discharge rates. Foul and surface water on-site network shall remain separate until the boundary of the site or final connection to public sewer.
- 5.44. The disposal of surface water from this development should be in compliance with the hierarchy of Part H3 of Building Regulations:
- a) An adequate soakaway or some other adequate infiltration system
  - b) A water course
  - c) Where neither of the above is practicable: a sewer.
- 5.45. It is possible that a public sewer could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation into its ownership will be required before any further works commence on site.
- 5.46. Should this application receive planning approval, the following condition is requested to be attached to the consent: *“Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.”*

## **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);
- Shoreham Joint Area Action Plan (October 2019)

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. RELEVANT POLICIES

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications but any greater weight to be given to individual policies will need to await the outcome of the Regulation 19 consultation which ended on 30 October 2020.

#### Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP2	Planning for Sustainable Economic Development
CP3	Employment Land
CP8	Sustainable Buildings
CP9	Sustainable Transport
CP10	Biodiversity
CP12	Urban Design
CP13	Public streets and spaces
CP15	Heritage

#### 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
SU11	Polluted land and buildings
QD5	Design - street frontages
QD15	Landscape design
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
EM4	New business and industrial uses on unidentified sites
EM11	Mews - mixed uses
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

SPD03	Construction and Demolition Waste
SPD09	Architectural Features
SPD11	Nature Conservation and Development
SPD14	Parking Standards
SPD16	Sustainable Drainage

Supplementary Planning Guidance

SPGBH9	A Guide for Residential Developers on the Provision of Outdoor Recreation Space
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## **8. CONSIDERATIONS & ASSESSMENT**

- 8.1. The main considerations in the determination of this application relate to the principle of development, design and heritage, landscaping and biodiversity, the impact on neighbouring amenity, the proposed standard of accommodation, the impact on the highway, contamination and sustainability.

**Principle of development:**

- 8.2. It is noted that the existing buildings were formally in use as a car workshop (Use Class B2) and a car showroom (Sui Generis). They are considered to be in a mews and therefore Local Plan Policy EM11 applies. Part (a) outlines that planning permission will not be granted for the change of use of such businesses to residential unless employment floorspace is retained at ground floor level. It further states that where B2 uses are no longer required, then the premises will be retained for B1(a), (b) (c) business use.
- 8.3. The proposed development would result in a change of use to an open plan, flexible, co-working B1 office over the ground and first floors, with the retention of a residential use above. The car workshop business has moved to 1 Church Road in Portslade and the car showroom business has relocated to Unit 3 of Harbour Industrial Estate in Shoreham-by-Sea. As such, the proposal complies with Policy EM11.
- 8.4. Local Plan Policy EM4 relates to new office uses. The site is readily accessible by public transport, walking and cycling, and would not result in the net loss of residential accommodation or an important open space. In terms of the need for the proposed use, the Employment Land Study 2012 indicated that the city as a whole has insufficient supply of B1 office space to accommodate future employment needs. The scheme for an additional 600m<sup>2</sup> (1,070m<sup>2</sup> in total) of office floor space would therefore support the Council's corporate and strategic objectives to support business growth, income generation and job creation. There is no landscaped amenity open space, but it is not considered possible to provide this without compromising the privacy and security of the residential uses above.
- 8.5. The impact of the proposal on the environment and residential amenity as per criteria e and f of the policy is considered further upon in this report. The provision of further employment space is, however, supported in principle.

- 8.6. 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.
- 8.7. The Council's most recent housing land supply position published in the SHLAA Update 2019 shows a five year housing supply shortfall of 1,200 (equivalent to 4.0 years of housing supply). As the Council is currently unable to demonstrate a five year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 8.8. The site counts as a small 'windfall site', bringing the benefit of providing two additional housing units to the city, and contributing to the City's ongoing five year supply requirements and meeting the Council's target of 4130 new homes within the built up area. A net increase of two dwellings (such as that in this proposal) would represent a minor contribution.
- 8.9. Accordingly, the proposal is acceptable in-principle and is considered to be compliant with Policies SS1, CP1, CP2, CP3, EM4 and EM11.

**Design and Heritage:**

- 8.10. When considering whether to grant planning permission for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. Case law has held that the desirability of preserving the character or appearance of a conservation area must be given "considerable importance and weight".
- 8.11. In considering whether to grant planning permission which affects the setting of a listed building the Council has a statutory duty to have special regard to the desirability of preserving its setting and any features of special architectural or historic interest which it possesses.
- 8.12. Rock Place is characterised by its historical service use with ad-hoc development and informal architecture adding to the distinctiveness of the narrow street. Varied building heights, roof forms and building fenestration also add to the character of the street.
- 8.13. Historic OS maps indicate that the properties along the western side of Rock Place were likely associated with the grand townhouses of the (eastern side of) New Steine. The ordnance survey maps show less convincing evidence of this on the eastern side of Rock Place, but these sites may also have been associated with the larger townhouses on Lower Rock Gardens.
- 8.14. Whilst the existing buildings may be representative of the historic service street, the demolition of the existing buildings is considered acceptable since

they are not considered to make a positive contribution to the conservation area. Local Plan Policy HE8, which requires the retention of buildings that do make a positive contribution to be retained does not therefore apply.

- 8.15. Given the historic setting of this site it is important that the scheme responds to that as well as the existing context sitting between a two storey building (no. 10) with a tall hipped roof to the north and a three storey building (no. 12a) to the south with dormers in the roof forming accommodation on the top floor. As such, it is two storeys to what will now be referred to as the 'middle block' and three storeys to what will henceforth be referred to as the 'north and south blocks'.
- 8.16. All of the proposed buildings would exceed the height of those that they are directly replacing, which is considered necessary to provide a viable scheme and to optimise the development potential of the site. However, the proposed scale and massing does not uniformly level-up the street, but instead responds to the historic setting and its context through the variation of building heights. This complies with advice in SPD12 outlining that where a varied roof-line is an important aspect of the character of a street that has developed with buildings of varying height and scale, any proposal to level up buildings to a uniform height will be resisted.
- 8.17. Furthermore, the use of different types of roof typology with varying degrees of roof pitch allows the top floors of the north and south blocks to fit in with existing development along Rock Place and the vicinity as well as be subordinate to the buildings themselves. This is particularly evident in the changes to the south block, which features a traditional mansard with a roof pitch and dormers set well back from the parapet allowing for additional internal space, as opposed to following the less sympathetic architectural example immediately to the south. The use of traditional roof profiles, forms and well-proportioned front dormers are important elements of the design that are supported. Whilst a large area of flat roof is proposed to the middle block, and which is not necessarily a characteristic element on Rock Place or this part of the conservation area, it provides an important external amenity space for two of the residential units, one of which is a family sized dwelling where the provision of such a space would be expected.
- 8.18. The proposed buildings are also considered to be well-designed in respect of reflecting the hierarchy of floors through window sizes, with their size decreasing as the building ascends, inclusive of those within the dormers, which align with the windows below. It is recommended that a condition be imposed to be secure details for all the proposed dormers. A further improvement to the scheme over that originally submitted has been to the ground floor fenestration, which sit level with the ground level and do not open outwards on the proposed segregated pedestrian footpath. Officers also recommend that window and door details be secured by condition.
- 8.19. In terms of materials, such as the painted brick finish, they are considered suitable in this historic setting and are also recommended to be secured by an appropriately worded condition. The condition is recommended to include the

details for the roof terrace balustrade. Officers acknowledge the re-use of the existing clay peg tiles on the non-traditional mansard roof of no. 11, which has benefits in terms of the impact on heritage assets and material waste.

- 8.20. This scheme has undergone various iterations following Officer advice at application stage and during the pre-application process to reach a proposal that is considered to be acceptable for the reasons discussed above.
- 8.21. Given that the proposal in its revised form represents a high standard of design, it is considered to preserve the character and appearance of Rock Place and the wider East Cliff Conservation Area. Since it does not cause any harm to the significance of designated heritage assets, the public benefits of the proposal do not need to be weighed against it, although they would be significant in the form of the 600m<sup>2</sup> of new employment floorspace as well as the net gain of two dwellings. As such, the proposal is considered to be compliant with City Plan Part One Policies CP12 and CP15 and Local Plan Policies QD5, HE3 and HE6.

**Biodiversity and Landscaping:**

- 8.22. Conditions in respect of bee and swift bricks are recommended to be added in order to provide a biodiversity net gain on the site.
- 8.23. The extent of landscaping proposed is largely limited to the new segregated pedestrian footpath. It is recommended that a condition be imposed to ensure it is finished in porous and / or permeable materials so that any rainwater would not run-off onto the adopted (public) highway. The only other landscaped area would be the roof terrace between the two bedroom flat (Flat C) and the maisonette (Flat D) over the first and second floors. The finish to this has not been specified, but as part of the aforementioned materials condition the surfacing can be submitted for assessment.

**Impact on Neighbouring Amenity:**

- 8.24. Paragraph 127 of the NPPF outlines that planning decisions should ensure that developments create places that promote health and well-being, with a high standard of amenity for existing and future users.
- 8.25. The main impact of the proposal would be the flats at 6 and 7 Lower Rock Gardens. There are hostels at nos. 2, 3 and 4-5 and as such are less sensitive to amenity impacts given their transient nature. The main considerations would be outlook, overlooking and noise/general disturbance.
- 8.26. In terms of outlook, the proposed buildings would be higher than the existing, albeit at the same distance away. Avoiding the uniform levelling-up of the street by providing a two storey, flat-roofed middle block is also considered to provide a sufficient gap for outlook for the occupiers of nos. 6 and 7.
- 8.27. The windows at first floor level would largely serve the offices. Whilst these are a lot closer to the buildings on Lower Rock Gardens than the second floor windows and those to Flat D, their main purpose is to provide natural light and ventilation of the office use, which is not considered to be significantly noisy

and would likely operate between 09:00 and 17:00 i.e. not anti-social hours. The former uses are considered to be substantially noisier. As such, it is not considered that their location gives rise to any harmful overlooking or noise issues, subject to the office hours being secured by condition. The three windows to Flat D largely serve a staircase and are set back approx. 14m from the nearest residential window.

- 8.28. The second floor residential windows to Flats B and C would be set back 1.15m further than the first floor office windows. Given the proximity, it is considered that any section of those windows that is below 1.7m from internal floor level is obscure glazed and fixed shut. It is recommended that this and the opening style of the windows is secured by condition.
- 8.29. Given the substantial increase in commercial floorspace and therefore employees that would be on site at any one time, as well as an increase in residential occupiers, the proposal could result in an increase in general noise and disturbance. As previously noted, opening hours are to be conditioned and whilst Environmental Health Officers have concerns that the future residents may be impacted by noise from the current licenced premises (Brighton Rocks) opposite, this harm is considered to be outweighed by the benefits of this proposal as previously outlined. Whilst it is noted that that future occupants would be aware of the proximity of the pub opposite before occupying the building it is nevertheless important that appropriate glazing specifications and soundproofing are incorporated into the proposed development, to protect residents amenity and avoid noise complaints for the pub. It is recommended that this be achieved by condition.
- 8.30. As such, the proposal is considered to be in accordance with Policy QD27 of the Brighton and Hove Local Plan.

**Standard of Accommodation:**

- 8.31. Policy QD27 of the Brighton and Hove Local Plan aims to secure a good standard of living accommodation for current and future occupiers in all new developments. Accommodation should therefore provide suitable circulation space within the communal spaces and bedrooms once the standard furniture has been installed, as well as good access to natural light and air in each habitable room.
- 8.32. The 'Nationally Described Space Standards' (NDSS) were introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments. Although these space standards have not been formally adopted into the Brighton and Hove City Plan, they provide a useful guideline on acceptable room sizes that would offer occupants useable floor space once the usual furniture has been installed.
- 8.33. Four dwellings are proposed as follows: a 2b4p (2 bedroom, 4 person) flat and three 1b2p dwellings, one of which is a maisonette. All are compliant with the Gross Internal Areas outlined within the NDSS (and in the case of the maisonette is significantly oversized), as are the bedrooms sizes, and this is

therefore considered acceptable. The floor to ceiling height to the first floor level would be 2.77m and that to the second floor mostly at 2.4m, which are considered acceptable.

- 8.34. Only Flats C and D are dual aspect, but Flats A and B face west and east respectively, therefore benefitting from sufficient outlook, ventilation and natural light, subject to the aforementioned condition for details of the windows. The staircase to the southern part of no. 12 is shown as serving both the office and residential uses, which is considered unacceptable, particularly since there is a separate staircase providing access to the first floor office space. It is recommended that a condition be imposed requiring that the first floor door to the residential staircase not be formed.
- 8.35. It is acknowledged that the roof terrace is proposed to be shared between Flats C and D, but this is considered to be inappropriate on privacy grounds. It is therefore considered that as part of the recommended condition for the roof terrace balustrade, details of a means of separation be provided. This also applies to the rear of the roof terrace to prevent overlooking to and from the dwellings to the rear of the site. Splitting the roof terrace would still provide approx. 28m<sup>2</sup> of external amenity space to each dwelling, which is considered to be an acceptable amount of provision in this instance. For the other two dwellings the proximity of both the beach (a 4 minute walk) and Queens Park (a 7 minute walk) is noted.
- 8.36. As such, the proposal is considered to offer acceptable living conditions for future occupiers, compliant with Local Plan Policies QD27 and HO5.

**Sustainable Transport:**

- 8.37. The site is considered to be in a sustainable location given the proximity to bus stops on Marine Drive and St James's Street, and local shops and services on the latter.
- 8.38. It is recognised that the Local Highways Authority have currently raised an objection in respect of the segregated pedestrian footway, overspill car parking and the quality of the cycle parking provision.
- 8.39. Given that revisions have been provided so that doors do not now open out onto the new footway and that the footway is both continuous and flat, no planning objections are raised to these issues. A condition is recommended in respect it being construction of porous and / or permeable materials for the reasons previously given. It is, however, noted that this is proposed on land pertaining to the LHA and therefore will subject to further discussions with them, separate to the planning process.
- 8.40. As regards overspill car parking, the maximum of 18 vehicles is considered to be a worst-case assessment. In terms of where these vehicles would park, the site (and the streets to the north, east and west) are within a Controlled Parking Zone (CPZ) which prevents on-street parking. It is noted that the nearest street that is not within a CPZ or subject to pay and display is Madehurst Close a mile away, and so approximately 20 minutes' away by foot. The uptake for

residential parking permits within CPZ C is 99% as a 12 month average and 108% for February this year, indicating that it is already oversubscribed. Given that there is no prospect of future residential occupiers gaining a residential car parking permit, it is recommended that they be restricted from applying for such a permit by condition. Although the existing residential units would be entitled to a permit, the loss of any parking in front of the development means there would be a further impact if this entitlement were to be retained. If visitors wished to arrive to site by vehicle, they could use public car parks or the pay and display parking on Madeira Drive.

- 8.41. In terms of the new B1 use, the aforementioned car parking permit restriction on the future occupier(s) would not be applicable. In this case, a Travel Plan has therefore been provided by the applicant for the co-working offices detailing how travel by sustainable modes of transport would be encouraged with dedicated measures to reduce the number of vehicle trips. This is in accordance with SPD14, which states that *“If overspill car parking is likely from a proposed development the Highway Authority would look for... suitable mitigation which could include a Travel Plan which should include measures to promote sustainable travel including but not limited to car club bays and membership and public transport season ticket vouchers.”* Compliance with the submitted travel plan is recommended to be secured by condition rather than by S106 Agreement, which is unnecessary.
- 8.42. Additionally, the applicant has stated that the commercial development would be marketed as car-free to future occupiers and it is considered that the parking bays on New Steine, Marine Parade and Madeira Drive and The Lanes and Chapel Street car parks are unlikely to be a feasible option for employees given the cost of daily parking and of annual season tickets.
- 8.43. It is not considered that a car parking survey undertaken at this time would be representative of the ‘normal’ or pre-Covid situation. As such, the application would not be contrary to NPPF paragraph 109 since it is not considered that there would be an unacceptable impact on highway safety or that the residual cumulative impacts on the road network would be severe. Moreover, the vehicles that would have been displaced by the new footway are those associated with the businesses, which have since closed and relocated as previously mentioned.
- 8.44. Since there are no wheelchair accessible dwellings proposed, there is no need to provide a disabled parking space. A space is required for each disabled employee for the commercial element plus two additional spaces or 5% of the total capacity, whichever is greater. However, no parking can be provided on-site, including for disabled people. In mitigation, there are designated disabled car parking spaces located on New Steine and Devonshire Place within 150m of the site; they can also park for up to three hours on single yellow or double yellow lines (providing there are no loading restrictions); a wheelchair taxi guarantee service is provided by the Brighton & Hove bus company; and door-to-door transport service for people who find it difficult or impossible to get on and off buses, or to get to the bus stop, would be promoted in the offices and

dwellings. The non-provision of disabled car parking is therefore considered acceptable in this case.

- 8.45. Four lockers for the residential dwellings have been provided in addition to seven Sheffield stands for the commercial element. Whilst ideally separate rooms would be provided, the provision of a separate means of storage is considered acceptable. A total of 14 spaces (11 for staff and 3 spaces for visitors) are required and seven Sheffield stands would be sufficient to accommodate the bicycles. However, insufficient space has been left in-between the stands to allow for bicycles to be manoeuvred in and out. Given that the layout of the room is not capable of being reconfigured given its limited size, it is recommended that a condition be imposed requiring that the plans be revised at a later date to show an enlarged cycle store with an acceptable layout of stands. As part of the cycle parking condition, it is recommended that showers and changing facilities are provided to cater for a minimum of 10% of staff.
- 8.46. Given the current use of the site and the scale of this scheme, it is not considered necessary to condition a servicing and delivery management plan. The commercial refuse store shown is considered to be acceptable.
- 8.47. Whilst there is not forecast to be a significant increase in vehicle trip generation as a result of this proposal, the combined trips by all forms of transport would generate the need for a Sustainable Transport Contribution. In accordance with the Council's Developer Contributions Technical Guidance, this has been calculated to be £28,000. However, given that the Community Infrastructure Levy (CIL) came into force on 5 October, this is no longer necessary as it would be captured by the CIL payment for the residential units, B1 being exempt from any charge.
- 8.48. Given the extent of demolition, a Site Waste Management Plan (SWMP) is recommended to be secured by a pre-commencement condition.

**Contamination:**

- 8.49. The Phase 1: Desktop Study and Preliminary Risk Assessment Report submitted with the application recommends that an intrusive contaminated land investigation is carried out. Given that the land has been identified as potentially being contaminated as result of the former uses, it is recommended that a pre-commencement condition is added in respect of a site investigation report, then a detailed scheme for remedial works and measures if site remediation is required and finally a written verification report for the remediation scheme.

**Sustainability:**

- 8.50. City Plan Part One Policy CP8 requires new residential development demonstrate efficiency in the use of water and energy, setting standards that mirror the national technical standard for water and energy consumption. Therefore, conditions are recommended to ensure the development met those standards. It is noted that triple A rated air conditioning and rain water

harvesting are to be used, which is welcomed. Conditions relating to bee bricks and swift boxes are also proposed.

- 8.51. For the commercial element, it is expected that the proposed development would achieve BREEAM Very Good rating and this is also recommended to be conditioned.

## **9. COMMUNITY INFRASTRUCTURE LEVY**

- 9.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. The amount of CIL liability for this application would be calculated at £175 per square metre of new residential floorspace. The exact amount will be confirmed in the CIL liability notice which will be issued as soon as it practicable after the issuing of planning permission.

## **10. CONCLUSIONS**

- 10.1. The scheme makes a minor contribution to the Council's housing targets in addition to a significant contribution to the City's supply of office floorspace, which is considered to further weigh in favour of the proposal. The scheme is considered to preserve the character and appearance of Rock Place and the wider East Cliff Conservation Area. The scheme satisfactorily overcomes previous concerns regarding the redevelopment of the site, and would maintain residential amenity, provide an acceptable standard of accommodation, ensure highways safety whilst promoting sustainable transport and provide net gains in sustainability and biodiversity. As such, this application is recommended for approval subject to conditions.

## **11. EQUALITIES**

- 11.1. The dwellings would not be suitable for wheelchair users or those with a mobility-related disability given their location on the upper floors and a lift not being provided. The non-provision of disabled car parking has been justified and numerous measures have been proposed by the applicant to facilitate travel to the site by wheelchair users and those with a mobility-related disability, which is welcomed.