

<u>No:</u>	BH2020/01505	<u>Ward:</u>	Queen's Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	11 - 12 Rock Place Brighton BN2 1PF		
<u>Proposal:</u>	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 & first floors, 3no. one bedroom flats & 1no. two bedroom flat (C3) on first & second floors with roof terrace.		
<u>Officer:</u>	Russell Brown, tel: 293817	<u>Valid Date:</u>	04.06.2020
<u>Con Area:</u>		<u>Expiry Date:</u>	30.07.2020
<u>Listed Building Grade:</u>		<u>EOT:</u>	23.10.2020
<u>Agent:</u>	GHOST 112-114 Great Portland Street London W1W 6PH		
<u>Applicant:</u>	Mr CSJ Lewcock 36 Vine Street Brighton BN1 4AG		

Conditions:

- 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
Report/Statement	Phase 1: Desktop Study and Preliminary Desk Assessment Report		4 June 2020
Report/Statement	Transport Statement		7 August 2020
Report/Statement	Travel Plan	B	8 December 2020
Location Plan			4 June 2020
Block Plan			4 June 2020
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	B	14 December 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 Class E(g)(i) office use hereby permitted shall not be carried out except between the hours of 07:00 and 22:00 on Mondays to Sundays, including Bank and 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. The door hereby permitted accessing the residential staircase to the southern part of no. 12 at first floor level shall be for means of escape only.

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 adequately 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 for 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. (a) Notwithstanding the drawings hereby approved, the development hereby permitted shall not be occupied until details of adequately 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 for staff.

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 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 16 (1b) that any remediation scheme required and approved under the provisions of Condition 16 (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' 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.

22. The development hereby permitted shall not be first occupied until:
- i) details of external lighting, which shall include levels of luminance, hours of use / operation and predictions of vertical illuminance affecting immediately adjacent receptors, to the street and bollards have been submitted to and approved in writing by the Local Planning Authority.
 - ii) the predicted illuminance levels have been tested by a competent person to ensure that the illuminance levels agreed in part i are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed in part i.

The external lighting shall be installed, operated and maintained in accordance with the approved details and thereafter retained.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to ensure the safety of highway users in compliance with Policies TR7, QD25 and QD27 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. 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).
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.
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.
12. The applicant is advised that the details of external lighting required by Condition 22 should comply with the recommendations of the Institution of Lighting Engineers (ILE) 'Guidance Notes for the Reduction of Light Pollution (2011)' similar guidance recognised by the Council. A certificate of compliance signed by a competent person (such as a member of the Institution of Lighting Engineers) should be submitted with the details. Please contact the Council's Pollution Team for further details. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP (telephone 01273 294490 email: ehlpollution@brighton-hove.gov.uk website: www.brighton-hove.gov.uk).

1. RECOMMENDATION

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.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application relates to 11 and 12 Rock Place on the eastern side of this narrow mews in Kemptown. The former is a vacant, pitched-roof, single storey building previously in use as a vehicle repair garage (Use Class B2). The latter contains 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 an 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 Marine Parade (A259). Rock Place itself is a one-way street from south to north, with double yellow lines at the southern end, and a few marked parking spaces. To the rear (east) of the site are the rear of properties on Lower Rock Gardens.
- 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 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 (use class B1(a)) use on the ground and first floors, with three one-bedroom flats and a two-bedroom flat (use class C3) on the first and second floors, along with a roof terrace.

3. RELEVANT HISTORY

- 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:
 - Proposal would not result in loss of employment; support provision of substantial amount of office floor space;
 - Provision of three additional dwellings would contribute to Council's housing targets, but query why all single bedroom;
 - Scale, mass, form and detailing would be incongruous and fail to respect character and appearance of Rock Place as a service street / mews and the East Cliff Conservation Area;
 - Non-provision of an internal courtyard to provide landscaped amenity space for the offices should be justified, proposal must result in a net gain for biodiversity;
 - Impact upon outlook for/overlooking of flats at 6 and 7 Lower Rock Gardens, and on Brighton Rocks from noise and disturbance should be addressed;
 - 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 excepted, 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.

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

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

3.4. 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:

- Improvement to earlier scheme - two bed flat introduced and shared roof terrace.
- Fenestration revised to be more appropriate for the area.
- Appropriate set of buildings, sits well within the street, will complement recent development at 2-5 Rock Place.
- Car-free scheme supported; introduction of bollards will prevent unofficial, random car parking and provide a safe route for pedestrians.
- Regeneration benefits outweigh any adverse impact on the conservation area.
- 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)** Object; recommend refusal and ask to be heard at Planning Committee for determination for the following reasons:

- No attempt made to improve the proposal on previous applications; o Still failure to appreciate 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. 'Unassuming side street' still illustrates how it served the grander properties of New Steyne and Rock Gardens. Preservation of existing idiom much more helpful than architectural statement.

- Should reclaim and incorporate the original clay peg tiles of No 11.
- Overall design clumsy, too large, inappropriate Previous advice re. hierarchy of the windows, size of dormers etc., seems to have been ignored.
- Will visually harm the Conservation Area.

5. CONSULTATIONS

- 5.1. **Heritage:** Approve with conditions securing details of windows, doors, dormers and roof terrace balustrading. *North Block:* change to roof shape from mansard to gable roof welcomed, presents more traditional roof profile to street; dormer location and size supported; re-use of clay peg tiles supported, as is painted brick finish. *Middle Block:* window treatment now supported. *South Block:* following heritage comments, roof form is now traditional mansard to street, pitched from well behind parapet, minimising bulk of roof, which is supported, as are windows/dormers. Overall, existing buildings do not make positive contribution to conservation area but built form and scale represent historic service nature of Rock Place that contribute to Conservation Area. High standard of design, reflects character and appearance of Rock Place.
- 5.2. **Transport:** Comments Initial concerns over design of footway overcome during process, and can be secured through s278 agreement. Concerns over detail of cycle parking [beyond scope of planning process]. Conditions sought.
- 5.3. Additional Comments:
Following a meeting between the Local Highway Authority and the applicant's consultants, further information and revised details have been provided which overcome the previous concerns and subject to conditions the application can be supported.
- 5.4. **Planning Policy:** No objection subject to condition. Provision of 600sqm increase in B1 employment floorspace as flexible co-working office space for creative media and digital industry supported by Local Plan Policy EM11 and CPP1 Policy CP3. No concerns with criteria in Policy EM4. Note need to ensure layouts 'future proofed' in proposed plans. Seek removal of 'permitted development' rights allowing change from office to residential to safeguard employment space. Net gain of two dwellings supported, mix acceptable. Seek condition requiring Site Waste Management Plan, and incorporation of circular economy principles.
- 5.5. **City Regeneration:** Support. Would provide much-needed development of site and help to regenerate area. Proposed creative media and digital co-working spaces would be a good mix with the existing surrounding businesses and commercial premises. Requirement for a contribution of £6,000 for 600msq floorspace, and s106 securing Employment & Training Strategy in respect of both the demolition and construction phases of the development at least one month prior to the respective phases.
- 5.6. **Environmental Health:** Support with conditions.

Noise: Note concerns over new residential use opposite Brighton Rocks, well-established public house, subject to noise complaints in the past, and Rock Place is closed off for street parties during Pride. Possible could lead to formal noise complaints. Recognised there is shortage of housing so for planner to determine whether need for housing outweighs concerns.

Contamination: Note 11-12 Rock Street, according to the Kelly's 1974 directory, has been a Motor Engineers. Seek condition requiring pre-commencement desk top contamination study 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.

- 5.7. **Southern Water:** No objection with conditions. Seek informative noting need for formal application for a connection to the public foul sewer. Application form refers to Sustainable Urban Drainage Systems (SUDS) which may be adopted by Southern Water if requested by the developer. If facilities not adoptable by sewerage undertakers, applicant will need to ensure maintenance arrangements exist in perpetuity. Initial investigations show no dedicated public surface water sewers in the area to serve this development so alternative means of draining surface water from this development are required. Seek condition requiring details of foul and surface water sewerage disposal.

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

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. When considering the principle of the development, it is noted that the existing buildings were formerly 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) of the policy notes that in mews, planning permission will not be granted for the change of use of redundant business and industrial premises, or sui generis car uses 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 open plan, flexible, co-working B1 office space 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 supports new office uses, subject to various criteria being met. In accordance with this policy, 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 600sqm (1,070sqm 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.

The provision of further employment space is therefore supported in principle, subject to the final criteria relating to impact on the environment and residential amenity, discussed later in this report, being met.
- 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 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 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. As Heritage Officers have noted, 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. It is important that the scheme responds to the historic setting of the site, 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 proposed to provide a two storeys 'middle block' and three storey '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. The proposed scale and massing is considered to respond to the historic setting and its context by providing a variation of building heights. This complies with advice in SPD12 which notes 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 wider 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, which is not necessarily a characteristic element on Rock Place or this part of the conservation area, it would provide 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 particularly beneficial.
- 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 would sit level with the ground and 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 600sqm 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 on residents would be on 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 the transient nature of residents. The main considerations would be outlook, overlooking and noise/general disturbance.
- 8.26. In terms of outlook, the proposed buildings would be taller than the existing, but built no closer. Avoiding the uniform levelling-up of the street by providing a two storey, flat-roofed middle block is 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 would give 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 should be obscure glazed and fixed shut. It is recommended that this and the opening style of the windows is secured by condition.

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 in terms of the provision of employment floorspace, and housing. 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 comprising: a two-bed flat, and three one-bed dwellings, one of which would be a maisonette. All would be compliant with the Gross Internal Areas outlined within the NDSS (and in the case of the maisonette is significantly oversized), as would be the bedroom 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. 28sqm 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. The previous objection raised by the Local Highways Authority has been satisfactorily resolved subject to conditions and detailed highway design as part of the Section 278 works.
- 8.39. Revisions have been provided so that doors would not now open out onto the new footway, but would be automated by a button for wheelchair users. The footway would be both continuous and flat, and the ramp of required slopes for disability requirements, and there would still be sufficient room for two vehicles to pass on Rock Place, an improvement on the current situation. As such, no objections are raised to these matters. A condition is recommended in respect of the footway being constructed of porous and / or permeable materials to ensure proper drainage. External lighting, including to the bollards, is also recommended to be secured by condition. 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 applicant has forecast that the development would result in a maximum of 18 vehicles being parked on surrounding streets. 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 approx. 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 2020, indicating that it is already oversubscribed. Although there is little prospect of future residential occupiers gaining a residential car parking permit, it is nevertheless recommended that they be restricted from applying for one 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 now 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 Revision B of the travel plan is recommended to be secured by condition.

- 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.

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 given the revisions to this proposal. Moreover, the vehicles that would have been displaced by the new footway and proposed double yellow lines which run the length of the site are those associated with the businesses which have since closed and relocated.

- 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; those who are entitled to a blue badge 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.

- 8.46. Given the current use of the site and the small 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.