

<u>No:</u>	BH2020/02801	<u>Ward:</u>	St. Peter's And North Laine Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	27 - 31 Church Street Brighton BN1 1RB		
<u>Proposal:</u>	Erection of four storey office building (Use Class E) together with cycle parking and landscaping.		
<u>Officer:</u>	Luke Austin, tel: 294495	<u>Valid Date:</u>	15.10.2020
<u>Con Area:</u>		<u>Expiry Date:</u>	14.01.2021
<u>Listed Building Grade:</u>		<u>EOT:</u>	19.05.2021
Agent:	Lewis And Co Planning 2 Port Hall Road Brighton BN1 5PD		
Applicant:	SM Brighton Ltd 17-19 Dungannon Road Cookstown Northern Ireland		

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be **MINDED TO GRANT** planning permission subject to a s106 agreement on the Heads of Terms set out below and the following Conditions and Informatives as set out hereunder, **SAVE THAT** should the s106 Planning Obligation not be completed on or before 7 October 2021 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 13 of this report:

S106 Heads of Terms

Employment:

- Submission of an Employment & Training Strategy
- A financial contribution of £36,250 towards the Local Employment Scheme

Five Year Travel Plan

Highways Works

- Widening of footway along the Church Street frontage
- Relocating 1 x motorcycle parking bay (currently on Church St) to accommodate the above
- Introducing 2 x on-street blue badge bays on Spring Gardens
- Associated build-out on Church Street to include 8 no. visitor cycle parking
- Relocating 1 x motorcycle parking bay (currently on Spring Gardens) to accommodate the above
- Widening the footway along the Portland Street frontage
- Removing a redundant vehicle crossover on Portland Street
- Repaving/ surfacing of the footways immediately abutting the site

- Removal of street furniture including existing lighting column at Church Street/ Portland Street junction
- Dropped kerbs and tactile paving Church Street/ Portland Street junction
- Highway structure checks (given proximity to the basement).

Access Agreements

- Requirement to enter into an appropriate mechanism to ensure that the finalised highway solution on Portland Street can also be used by the public and maintained, the details of which will be agreed between the LPA and the developer.

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location Plan	20013 DL(PL) 01		12 October 2020
Proposed Drawing	20013 DL(PL) 100	02	28 May 2021
Proposed Drawing	20013 DL(PL) 101	02	28 May 2021
Proposed Drawing	20013 DL(PL) 102	02	28 May 2021
Proposed Drawing	20013 DL(PL) 103	02	28 May 2021
Proposed Drawing	20013 DL(PL) 104	02	28 May 2021
Proposed Drawing	20013 DL(PL) 105	02	28 May 2021
Proposed Drawing	20013 DL(PL) 150	02	28 May 2021
Proposed Drawing	20013 DL(PL) 20		28 May 2021
Proposed Drawing	20013 DL(PL) 200	02	28 May 2021
Proposed Drawing	20013 DL(PL) 201	02	1 October 2020
Block Plan	20013 DL(PL) 10		1 October 2020
Proposed Drawing	20013 DL(PL) 202	02	28 May 2021
Proposed Drawing	20013 DL(PL) 203	02	28 May 2021
Proposed Drawing	20013 DL(PL) 250	02	28 May 2021
Report/Statement	ARCHAEOLOGICAL ASSESSMENT		1 October 2020
Report/Statement	BREEAM ENERGY PRE-ASSESSMENT		1 October 2020
Report/Statement	DAYLIGHT & SUNLIGHT ASSESSMENT		1 October 2020
Report/Statement	Design _ Access Statement		1 October 2020
Report/Statement	Energy Report		1 October 2020
Report/Statement	Land Contamination Assessment		12 October 2020
Report/Statement	Noise Impact Assessment		1 October 2020

Report/Statement	Ecological Appraisal		1 October 2020
Report/Statement	Drainage Works		1 October 2020
Report/Statement	Transport Assessment		1 October 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. If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying and assessing the risk and proposing remediation measures, together with a programme for such works, shall be submitted to the Local Planning Authority for approval in writing. The remediation measures shall be carried out as approved and in accordance with the approved programme.
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.

4. The premises hereby permitted, marked as OFFICE on the ground, first, second, third and fourth floors on the approved plans, shall be used as an office (Use Classes E(c) and E(g)) 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 supply of office floorspace in the city given the identified shortage, to comply with policy CP3 of Brighton & Hove City Plan Part One.

5. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142: 2014. In addition, there shall be no significant low frequency tones present.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton and Hove Local Plan.

6. Notwithstanding plans hereby approved, prior to commencement of development a Stage 1 Road Safety Audit shall have been submitted to and approved in writing by the Local Planning Authority for those highway works associated with that phase of development.

Reason: In order to ensure the safe operation of the development and to protect the amenities of nearby residents and to comply with policies TR7, TR9, TR15, TR18 and QD27 of the Brighton & Hove

7. No development above ground floor slab level shall be commenced until samples of the following materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority:
- a) samples or details of brick, render and tiling (including details of the colour of render/paintwork to be used)
 - b) samples or details of all cladding to be used, including details of their treatment to protect against weathering
 - c) samples or details of all hard surfacing materials
 - d) samples or details of the proposed window, door and balcony treatments
 - e) samples or details of all other materials to be used externally

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

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

8. No development, including demolition, shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:
- (i) The phases of the Proposed Development including the forecasted completion date(s)
 - (ii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
 - (iii) A scheme of how the contractors will minimise disturbance to neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site
 - (iv) Details of hours of demolition and construction including all associated vehicular movements
 - (v) Details of the demolition and construction compound
 - (vi) A plan showing demolition and construction traffic routes

The demolition and construction shall be carried out in accordance with the approved CEMP.

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

9. Prior to occupation of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be, to include food-producing plants, implemented in accordance with the approved details in the first planting season

after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:

- a. details of all hard and soft surfacing to include type, position, design, dimensions and materials and any sustainable drainage system used;
- b. a schedule detailing sizes and numbers/densities of all proposed trees/plants including details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
- c. details of all boundary treatments to include type, position, design, dimensions and materials;

Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD15 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One.

10. No development (excluding demolition) shall take place until full details of existing and proposed ground levels (referenced as Ordnance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.

Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policy QD27 of the Brighton and Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

11. No development shall take place until details of the construction of the biodiverse green roofs of the area as shown on the submitted plans, have been submitted to and approved in writing by the Local Planning Authority. The details shall include a cross section, construction method statement, the seed mix, details of at least one insect boxes/'hotels' in each area of green roof and a maintenance and irrigation programme. The green roofs shall be chalk grassland and use a species that are locally native and of local provenance. The roofs shall then be constructed in accordance with the approved details before first occupation and shall be retained and maintained as agreed thereafter.

Reason: To ensure that the development contributes to sustainability and ecological enhancement on the site and in accordance with policies CP8 and CP10 of the Brighton & Hove City Plan Part One.

12. Unless otherwise agreed in writing, the development hereby permitted shall not be first occupied until details, including specification, scale and appearance of the proposed photovoltaic array at roof level plans has been submitted to and approved in writing by the Local Planning Authority. The agreed array shall be implemented before first occupation.

Reason: To ensure the development is sustainable and reduces carbon emissions and has an acceptable appearance, to comply with policies CP8 and CP12 of the Brighton and Hove City Plan Part One.

13. Within 3 months of first occupation of the non-residential floorspace hereby permitted a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential floorspace built has achieved a minimum BREEAM New Construction rating of 'Excellent' shall be submitted to the Local Planning Authority for approval.

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.

14. The development hereby permitted shall not be commenced (other than demolition works) until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods as per the recommendations of the Preliminary Drainage and Flood Strategy 15648/01/FRA submitted with the application has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented and maintained in perpetuity accordance with the approved detailed design.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policy SU3 of the Brighton & Hove Local Plan.

15. No development above basement slab level of any part of the development hereby permitted shall take place until a drainage strategy detailing the proposed means of foul water disposal and an implementation timetable, has been submitted to and approved in writing by, the Local Planning Authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.

Reason: To ensure adequate foul sewage drainage/treatment is available prior to development commencing and to comply with policy SU5 of the Brighton & Hove Local Plan.

16. The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.

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

17. The development hereby permitted shall not be first occupied until the showers and associated changing/locker areas in the ground level have been provided and fitted out ready for use. The facilities shall thereafter be retained for use by the occupants of, and visitors to the development at all times.

Reason: To promote the use of sustainable modes of transport to comply with policy CP9 of the Brighton and Hove City Plan Part One.

18. The development hereby permitted shall not be first occupied until:
- i. details of external lighting, which shall include details of; levels of luminance, hours of use, predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors, hours of operation and details of maintenance 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 comply with policies QD25 and QD27 of the Brighton & Hove Local Plan
19. The development hereby permitted shall not be first occupied until a scheme to enhance the nature conservation interest of the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall accord with the standards described in Annex 6 of SPD 11 and shall be implemented in full prior to the first occupation of the development hereby approved and thereafter retained, other than any planting which shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is the sooner. Any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
- Reason:** To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy CP10 of the Brighton and Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
20. The development hereby permitted shall not be occupied until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out and provided in full in accordance with the approved details prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.
- Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton & Hove Local Plan, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.
21. No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.

Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policy HE6 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.

22. The development hereby permitted shall not be occupied until the disabled parking area on the approved plans have been fully implemented and made available for use. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

Reason: To ensure the development provides for the needs of disabled residents and visitors to the site and to comply with policy TR18 of the Brighton & Hove Local Plan and SPD14 guidance.

23. Other than the balcony areas and terraces identified on the approved plans, access to the flat roofs of the development hereby approved shall be for maintenance or emergency purposes only, and the flat roofs shall not be used as a roof garden, terrace or patio or similar amenity area.

Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policy QD27 of the Brighton and Hove Local Plan.

24. All approved hard surfaces 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 & CP11 of the Brighton & Hove City Plan Part One.

25. The communal roof terrace amenity spaces hereby approved shall only be used by occupiers between the hours of 7am-9pm Monday-Friday and 8am-10pm on Saturdays and Sundays.

Reason: To protect the amenity of occupiers of the development and neighbours from undue noise or disturbance, to comply with policy QD27 of the Brighton and Hove Local Plan.

26. The development hereby approved shall be implemented in strict accordance with the acoustic design criteria, and recommendations contained within Adnitt Acoustics, Ref: Report E20104/EAR/R1, and dated 28 August 2020. Specific reference should be made to "External Building Fabric Assessment" found on page 6 and 7 of the report and "Internal Building Fabric Assessment" found on page 8 of the assessment.

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

27. If relying on closed windows to meet the internal noise levels, appropriate alternative ventilation that does not compromise the facade insulation or increase internal noise levels. If applicable, any room should have adequate

ventilation e.g. trickle ventilators, (that should be open during any assessment). Noise mitigation measures, including associated alternative ventilation arrangements shall not compromise the need to provide the required cooling of the dwellings under Approved Document L and the removal of pollutants such as moisture and CO2 under Approved Document F.

Reason: To protect the amenity of future residents and to comply with policies SU10 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. 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).
3. The applicant is advised that a formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or www.southernwater.co.uk
4. The applicant is advised that an agreement with Southern Water, prior to commencement of the development, the measures to be undertaken to divert/protect the public water supply main. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or www.southernwater.co.uk

2. SITE LOCATION

- 2.1. The application relates to a rectangular 0.12 ha. plot of land on the junction of Church Street and Portland Street within the North Laine Conservation Area. The site was previously occupied by industrial buildings and has remained vacant, other than several temporary uses, since it was cleared in 1996.
- 2.2. The site is bounded to the north by Church Street and by Portland Street to the east. To the west are a number of commercial and residential properties fronting onto Windsor Street and to the south is a large four storey residential/retail building fronting onto North Street.
- 2.3. The site is within a central area of the city and is surrounded by a number of buildings of various scales under various uses including commercial and residential. The former Drill Hall to the north of the site and Nos 20, 21 & 23 Church Street to the east are Grade II listed.

- 2.4. There have been a number of applications for mixed use development on the site including; BH2011/02401 for the erection of mixed use development comprising 9 residential dwellings, retail and offices which was allowed at appeal 08 February, and 93/1046/FP for the erection of a 5 storey office/retail building; both of which have been partially implemented and remain extant.
- 2.5. The site falls within the Central Brighton Area (SA2) and is part of a long-term mixed use allocated on a wider site with a residential element having already been provided. The site is allocated in the Proposed Submission City Plan Part 2 under Policy H1 (which can be given significant weight) for mixed use development.

3. THE APPLICATION

- 3.1. The application seeks permission for the erection of a four-storey office block providing 3560sqm of office floorspace, with associated amenities for staff including a landscaped area to the west of the building.
- 3.2. The ground floor would provide a reception area with showers/changing for staff and exhibition space in addition to an open plan office space.
- 3.3. The first, second and third floors would provide open plan office space, with external amenity space/terraces provided at second storey and roof level.
- 3.4. The site would provide 2 off-site disabled parking spaces and 46 cycle parking spaces.

4. AMENDED PLANS:

- 4.1. Amended plans have been received during the course of the application in response to design, heritage, amenity and transport concerns which are summarised below:
 - Design modifications to the main entrance
 - Revised material finishes
 - Updated elevational treatment
 - Increased width of footways surrounding the site
 - Provision of disabled bays
 - Amendments to cycle parking design and layout
 - Increased stand-off distance between proposal and Windsor Street
 - Proposed green wall to the west elevation
 - Amendments to fenestration
- 4.2. Additional information has also been provided including:
 - Bat Survey
 - Additional information regarding the daylight sunlight report
 - Additional sustainable transport reports

5. RELEVANT HISTORY

- 5.1.

Date	Key Milestones
11.10.2019	Pre-application submitted - PRE2019/00255 (see details below)
01.10.2020	Application submitted
- 5.2. Pre-Application History:
The applicant entered pre-application discussions with BHCC which involved a number of meetings and input from relevant consultees. The council's Urban Design Officer was brought into the pre-application discussions at a later stage which resulted in two further meetings with written feedback given. Several iterations of the development were discussed during the consideration of the pre-application enquiry.
- 5.3. *Pre-Application Response Summary:*
- The principle of a mixed-use office led redevelopment of the site is supported and the provision of additional upgraded employment floor space is welcomed.
 - The overall scale and massing of the building is an improvement over the original submission however further revisions/considerations are advised.
 - The revised design is considered appropriate and includes strong design features that are sympathetic to the street scene and conservation area.
 - Careful consideration and revisions are required to minimise harm to neighbouring amenity.
- Planning Applications:
- 5.4. **89/0749** - Demolition of existing buildings and erection of 4 storey office block (3020m²) plus an A1 and/or A2 and/or A3 unit fronting Church Street with basement parking for 28 cars (amendment following refusal 88/1348/F). Approved 06/06/1991.
- 5.5. **93/1046/FP** - Erection of 5 storey building comprising basement car park, A1, A2 or A3 unit (ground) remainder as offices. Amendment to 89/0749 including raising floor levels, elevation changes and general re-arrangements. Approved.12/08/1996.
- 5.6. **BH2001/02823/FP** - Construction of four-storey building with basement car park. comprising offices at upper ground to second and A1, A2 or A3 unit at ground floor on Church Street (amendment to previously approved and commenced permission Ref. 93/1046/FP). Withdrawn.
- 5.7. **BH2002/00211/FP** - Amendments to extant and commenced planning permission (93/1046/FP) involving the erection of four storey building comprising lower ground floor car and cycle parking, A1/A2 or A3 ground floor unit (fronting Church Street) with the remainder as offices. Approved 04/03/2002.
- 5.8. **BH2006/01813/FP** - Mixed use development accommodated on seven floors comprising 12 studio flats, 31 one-bedroom apartments, 7 two-bedroom

apartments, 3 three-bedroom apartments, 2 A1 (shop) units and 1 A3/A4 (cafe/bar) unit. Provision of 21 car parking spaces. **Withdrawn.**

- 5.9. **BH2011/02401/FP** - Erection of mixed-use development comprising 9no residential dwellings, retail and offices incorporating basement level parking and associated landscaping. Allowed on appeal 08/02/2013.
- 5.10. **BH2012/02555/FP** - Erection of mixed-use development comprising 9no residential dwellings, retail and offices incorporating basement level parking and associated landscaping. Approved 02/11/2012.
- 5.11. **BH2015/03236** - Removal of conditions 17 & 18 of BH2011/02401 of APP/Q1445/A/12/2181318. Approved 25/01/2016.
- 5.12. **BH2016/02226** - Application for variation and removal of conditions of application BH2015/03236. Variation of condition 2, 7 & 15 to allow amendments to the approved drawings and removal of condition 4 that requires detailed drawings approved under application BH2015/03397. Approved 02/12/2016.

6. REPRESENTATIONS

- 6.1. **Twelve (12)** letters have been received from, objecting to the proposed development for the following reasons:
- Overshadowing/loss of privacy
 - Impact on conservation area
 - Additional traffic
 - Inappropriate height
 - Overdevelopment
 - Poor design
 - Not in keeping
 - No housing
 - Noise from roof plant
 - Loss of light
 - Lack of parking
 - Increased congestion and pollution
 - Does not respect the urban grain
 - The area is overwhelmed by office space
 - The pavement is too narrow
- 6.2. A petition has been received with **21 signatures**, objecting to the proposed development on the following grounds:
- Out of scale with the surrounding buildings
 - Inappropriate bulk
 - Loss of light, overshadowing and loss of privacy
 - Missed opportunity for housing
 - Lack of off-street parking
 - Unsuitable for this location
 - Lack of demand for office space

- 6.3. The **North Laine Community Association** objects to the proposed development on the following grounds
- Detrimental to conservation area
 - Unsympathetic design
 - Does not respect urban setting
 - Overbearing on adjacent Grade II Listed Drill Hall
 - Impact on residential amenity
 - Inappropriate use
 - Impact on residents of Windsor Street and Portland Street,
 - Contrary to North Laine Conservation Area Statement and Draft Urban Design Framework SPD
- 6.4. **Councillor Lizzie Dean** objects to the proposed development. A copy of the letter is attached.

7. CONSULTATIONS

Internal:

- 7.1. **Air Quality:** No objection
Recommend approval, subject to confirmation of vehicle trips. Conditions recommended to secure to be combustion and emission free and avoid biomass burning, auxiliary diesel, CHP, gas or other fuelled boilers with chimney plume and NOx emission to air.
- 7.2. **Economic Development:** No objection
No objection. Due to the size of the development, it meets the criteria as a major development and as such will be subject to developer contributions for the sum of £36,250 in line with the council's Technical Guidance for Developer Contributions. There will also be a requirement for the submission of an Employment and Training strategy relating to the site in respect of the construction phase of the development.
- 7.3. **Environmental Health:** No objection
No objections subject to conditions securing acoustic building fabric, noise levels of plant and machinery, alternative ventilation and a discovery condition for potential land contamination,
- 7.4. **Heritage:** No objection
The principle of an office development on this site has been established by previous approvals which are material considerations and, in principle, such development would preserve the mixed-use character of the North Laine conservation area. The principle of developing this long-term vacant site, which detracts from the appearance and character of the conservation area, is welcomed as having the potential to repair the urban form of the conservation area.
- 7.5. The scale and height of the development are considered to be acceptable and suitably reflect the historic context of the different scales and statuses of Church

Street and Portland Street. The design development of the scheme, as set out and illustrated in the Design and Access Statement, has generally responded positively to the pre-application advice, particularly at roof level.

- 7.6. The materials are considered to be acceptable in principle and details should be secured by condition.
- 7.7. The development would modestly enhance the appearance of the conservation area and would preserve the setting of the Grade II listed Former Drill Hall.
- 7.8. **Planning Policy:** Comment
The proposal for a new build office is considered acceptable in principle as it would significantly contribute towards meeting the needs for new office floorspace in the city over the plan period. It is considered that the proposal would make an effective use of a central Brighton site which has been vacant for a number of years.
- 7.9. The applicant has not provided any residential element to the proposal. Whilst it is recognised there is an acute need for new residential development in the city, the low housing target overall for the mixed use residential allocation in the Proposed Submission City Plan Part 2 reflects the need for this Central Brighton site to deliver employment floorspace.
- 7.10. The provision of 3,625 GIA sq. m of new office floorspace is welcome and should be afforded significant weight. There are considered to be strong planning benefits to an office only scheme on this site.
- 7.11. **Sustainability:** No objection
The targeted BREEAM score of 71.46% is only 1.46% above the 'excellent' BREEAM rating threshold and it would be helpful if this can be increased in order to avoid any slippage during construction. It is not possible to provide a full assessment of the building against City Plan CP8, as full details of the proposals for building fabric, thermal performance, heating, ventilation and cooling, and renewable energy have not been provided.
- 7.12. **Sustainable Drainage:** No objection
No objection subject to conditions securing detailed design of surface water drainage prior to commencement.
- 7.13. **Sustainable Transport:** No objection subject to conditions
It has been agreed with the applicant that the outstanding information required for the proposed highway works can be secured as part of the detailed design stage (s278).
- 7.14. Overall, the proposal will provide improvements within the vicinity of the site, including the widening of footways on Church Street and Portland Road. Currently, the footways in both these locations are substandard. The development will also provide two on-street disabled bays. As such, we can now confirm that we have no objection to the proposals subject to the inclusion of recommended conditions/obligations.

- 7.15. There are further aspects of the proposals that also remain unsatisfactory or less than ideal. However, these can be dealt with by condition/obligation.
- 7.16. **Urban Design: No objection**
The amendments made during the process have mitigated any outstanding concerns regarding urban design. As such, recommendation is in support of proposals. Consider that further improvement could be made by adding windows to the stair core on the west elevation to gain natural light (obscured / screened to avoid overlooking) which may be sought by condition.
- External:
- 7.17. **Brighton and Hove Archaeological Society: Comment**
The Brighton and Hove Archaeological Society are unaware of any archaeological deposits that are likely to be affected by this development. The Society would suggest that you contact County Archaeology for further recommendations.
- 7.18. **County Archaeology: Comment**
The site in question has already been subject to an archaeological trial trench evaluation undertaken in association with a previous application (BH2012/02555). Confirm that no further archaeological mitigation measures are required.
- 7.19. **Conservation Advisory Group: Object**
The Group recommends REFUSAL. The design, scale and massing of the proposed block conflict with the existing townscape and streetscape and fail to respect the urban grain which is characterised here by the two-storey residential terraces of Portland Street. The rising ground in Church Street would make the office block appear even more overbearing in views from the east. The design is totally unsympathetic. The fenestration being particularly stark and dominant. The setting of the Grade II listed Drill Hall directly opposite would be severely comprised as well as no.s 20, 21 and 23 Church Street which are also listed
- 7.20. **Ecology: Initial Comment - Objection**
In the light of the findings of the Preliminary Ecological Appraisal and the proposals to modify the wall to the eastern boundary, further bat surveys are required before planning permission can be granted in order to establish whether there are bats on site. These surveys are seasonally dependent.
- 7.21. In summary, further information is required to assess the potential impacts of the proposed development on bats and to inform appropriate mitigation, compensation and enhancement. This information is required before planning permission can be granted. The loss of Urban Commons LBAP habitat should be compensated through the provision of a biodiverse green roof.
- 7.22. **Ecology: Second Comment - No objection**
No evidence of roosting bats was found and there was little/no foraging or commuting activity across the site. Works can therefore proceed without a

licence, but as the wall retains roosting potential, a precautionary approach to works, as recommended in the bat report, is considered appropriate.

- 7.23. A scheme of ecological measures should be secured by condition.
- 7.24. **Historic England:** No comment
On the basis of the information available to date, we do not wish to offer any comments. Recommend seeking the views of your specialist conservation and archaeological advisers, as relevant.
- 7.25. **Scotia Gas Networks:** Comment
On the mains record you may see the low/medium/intermediate pressure gas main near the site. There should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system. You should, where required confirm the position using hand dug trial holes.
- 7.26. **SSE Telecoms:** Comment
Locations of SSE Telecoms equipment has been provided. Safe digging practices should be followed.
- 7.27. **Southern Water:** Comment
Locations of existing public combined sewer and water distribution main assets within the development site have been provided. Conditions requested to secure details of means of foul sewerage prior to commencement.
- 7.28. **Sussex Police:** Comment
Secured by Design and best practices have been advised in order to reduce the likelihood of crime.

8. MATERIAL CONSIDERATIONS

- 8.1. 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
- 8.2. 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 Harbour JAAP (adopted October 2019).
- 8.3. 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.

9. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP2	Sustainable economic development
CP3	Employment land
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP13	Public streets and spaces
CP15	Heritage
CP18	Healthy city

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

TR4	Travel plans
TR7	Safe Development
TR14	Cycle access and parking
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD5	Design - street frontages
QD15	Landscape design
QD18	Species protection
QD27	Protection of amenity
EM4	New business and industrial uses on unidentified sites
SR4	Regional shopping centre
HE1	Listed buildings
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas
HE10	Buildings of local interest
HE12	Scheduled ancient monuments and other important archaeological sites

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. The weight given to the key CPP2 policies considered in determining this application is set out below where applicable.

DM19	Maximising Development
DM20	Protection of Amenity

DM21	Extensions and alterations
DM26	Conservation Areas
DM27	Listed Buildings
DM29	The Setting of Heritage Assets
DM31	Archaeological Interest
DM33	Safe, Sustainable and Active Travel
DM34	Transport
DM35	Travel Plans and Transport Assessments
DM36	Parking and Servicing
DM40	Protection of the Environment and Health - Pollution and Nuisance
DM41	Polluted Sites, Hazardous Substances and Land Stability
DM42	Protecting the Water Environment
DM43	Sustainable Urban Drainage
DM45	Community Energy
DM46	Heating and Cooling Network Infrastructure
H1	Housing Sites and Mixed Use Sites

Supplementary Planning Documents:

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

10. CONSIDERATIONS & ASSESSMENT

- 10.1. The main considerations in the determination of this application relate to the principle of developing the site for office, the impact on the character and appearance of the locality, conservation area (CA) and nearby listed buildings, the impact on neighbouring amenity, impact in terms of sustainable transport, sustainability and biodiversity.

Principle of Development:

- 10.2. As set out above, the site has a varied planning history with two extant permissions (89/0749 as amended by 93/1046/FP and BH2011/02401/FP, as amended by BH2016/02226) for mixed use developments comprising office and retail in the former application and residential, retail and office in the latter. Both permissions have been partially commenced by way of digging trenches and laying foundations and therefore remain extant. The principle of development of the site is therefore established and, furthermore, the site is part of a long-term allocation for development, as set out below.
- 10.3. The application site is located on the corner of Portland Street and Church Street within Central Brighton, an area designated as a Special Development Area with the Brighton & Hove City Plan Part One (CPP1) policy SA2. Policy SA2 seeks to ensure its long term success and viability through ongoing improvements to the attractiveness of the physical environment and public realm; ensuring that historic buildings are maintained and enhanced; and by requiring new

development to support and maintain the vibrant mix of cultural activities, business, retail, leisure and tourism uses.

- 10.4. Policy SA2 also seeks to promote new business floorspace and protect existing office space within the centre whilst promoting the refurbishment and upgrading of existing office space.
- 10.5. Similarly, CPP1 Policy CP3 (Employment Land) supports proposals for the upgrade and refurbishment of existing employment floorspace in order to contribute to the shortfall of office employment floorspace within the city; the city has experienced low vacancy rates, low stock and low delivery rates in recent years.
- 10.6. The site is within the North Laine Conservation Area, the Regional Shopping Centre prime frontage and the Central Brighton Area and is part of a long-term allocation under saved Brighton & Hove Local Plan 2005 (BHLP) Policy EM9: Mixed Uses and Key Mixed Use Sites which supports housing and residential uses, with nine dwellings having already been delivered on Portland Street.
- 10.7. The site has also been allocated in the Proposed Submission City Plan Part 2 (CPP2) under Policy H1: Housing Sites and Mixed-Use Sites (which can be given significant weight). This supports an indicative minimum of 630 sqm of office space and a minimum of 10 units of residential accommodation, reflecting the extant planning permission.
- 10.8. The proposed development would provide 3560sqm (gross internal) of office floorspace, but no residential floorspace. However, as reflected in the response from Planning Policy Officers, while there is an acute need for housing in the city, the ten units allocated on this site would make only a minor contribution, and the provision of much-needed office accommodation must be given significant weight, as set out below.
- 10.9. Background evidence supporting the CPP1 (Employment Land Study 2012) indicates a shortfall of between 16,240 to 21,240sqm of office floorspace over the Plan period. More recent monitoring of the office supply trajectory (Housing and Employment Land supply Assessment 2017) suggests the overall potential supply of employment floorspace has reduced.
- 10.10. In addition to issues with the supply of office space, there are indications that demand is strong, particularly for 'Grade A' office accommodation currently proposed. Commercial monitoring of market demand for office floorspace in Q1 2020 (South East Office Focus, Stiles Harold Williams), albeit prior to the Covid-19 pandemic, indicated strong business demand for employment floorspace with low vacancy rate and low stock and delivery rates of office and light industrial floorspace in the city over recent years.
- 10.11. The Design and Access Statement indicates previous new-build offices brought forward by the applicant at City View (2014) and the Brinell Building (2019) and highlights the 'severe lack of Grade A office accommodation in the city'.

- 10.12. The Planning and Heritage Statement submitted by the applicant indicates that the c.900sqm Grade A floorplates would be flexible to allow for the expansion of smaller local businesses or the relocation of regional tenants, and has the potential to accommodate 350 full time employees. This accords with Policy CP2 of CPP1 which seeks a range of office and flexible workspaces including larger footplate office stock and affordable business floorspace suitable for small business and the creative, digital and information technology industries.
- 10.13. The proposal exceeds the indicative requirement for office floorspace set out in the emerging allocation in the Proposed Submission City Plan Part 2, which is welcomed given the strong demand, and lack of supply, as set out above,
- 10.14. Further, while no housing would be provided the benefits of allowing an office-only scheme on the site are considered to be substantial.
- 10.15. The proposal would result in the delivery of 2,807sqm of lettable Grade A office floorspace on a central Brighton site that has remained vacant for 25 years, which would assist in the wider regeneration of the area, in accordance with extant BHL Policy EM9 and policies SA2 Central Brighton and CP2 and of the CPP1. As set out above, there has been a lower rate of delivery of office space than anticipated over the plan period thus far and the development would assist in addressing this shortfall. The nature of the office floorspace proposed would address the market demand for 'move-on' accommodation for growing businesses which would help to ensure that the supply of new office space does not become constrained, helping to support the aims for economic growth in the Greater Brighton City Region.
- 10.16. The applicant has worked positively with the Council since pre-application stage and has made a number of amendments in order to achieve a high quality contemporary design which would improve the aesthetic of the site and is supported by both Urban Design and Heritage Officers, as set out in detail below. The scheme is also supported by the Planning Policy and Economic Development teams.
- 10.17. On this basis, is considered that the supply of much needed office space would provide significant planning benefits, and would outweigh the lack of the small amount of housing the allocation in Policy H1 of CPP2 required, allowing an exception to the requirements for the site allocation. The provision of an office-only development is therefore supported in principle on this site, subject to the detailed assessment as set out below.

Design, Appearance and Heritage:

- 10.18. Policy CP12 of CPP1 on urban design states that development should comply with certain criteria. The keys points are set out below:
- High quality design
 - Create a sense of place
 - Conserve and enhance the city's built archaeological heritage and settings
 - Achieve excellence in sustainable building design and construction

- 10.19. Policy CP15 specifically relates to protection and enhancement of heritage assets and the city's aim to conserve and enhance the historic environment will be in accordance with its identified significance, giving the greatest weight to designated heritage assets and their setting.
- 10.20. Saved Policy HE6 of the BHLP, as updated by emerging CPP2 Policy DM26 (which can be given significant weight) advises that proposals within or affecting the setting of a conservation area should preserve or enhance the character or appearance of the area and should show. Policy HE3 of the BHLP and emerging Policy DM26 of CPP2 (which can be given significant weight) states that development will not be permitted where it would have an adverse impact on the setting of a listed building.
- 10.21. The main areas of concern relate to the impact on the surrounding conservation area and the Grade II listed Former Drill Hall to the north.
- 10.22. The site is located on the corner of Church Street and Portland Street and fronts onto both streets to the north and east. The site is bounded to the west by a tall retaining wall which forms the shared boundary with the properties fronting onto Windsor Street, which are set significantly higher than the application site. The site is bounded to the south by a terrace of houses (20-28 Portland Street) and a commercial carpark.
- 10.23. The site is in a central area of the city and falls within the North Laine Conservation Area which is characterised mainly by low-rise high-density terraces laid out on a grid with strong straight building lines. Whilst there are a number of larger buildings, such as the Drill Hall, the North Laine's buildings are predominantly two to three storeys in height.
- 10.24. Portland Street to the east comprises terraces of brick, flint and stucco finishes to 19th century and 1980s two storey dwellings with attic dormer windows and ridged roofs. To the south of the site is a row of modern houses built in the early 2000s in a traditional style using flint and brick which are two storeys in height with pitched roofs and attic dormers. The buildings on either side on the Church Street frontage are 19th century buildings, with hipped and ridged roofs, comprising ground floor shops. Those to the east have first floors and attic accommodation. Windsor Street comprises two/three storey Victorian/19th century properties with a group of commercial buildings to the south.
- 10.25. The design of the scheme has evolved positively from the pre-application proposals and advice provided by officers has been incorporated into the current scheme. The overall design concept has been shaped around recommendations from both Heritage and Urban Design officers in order to reflect the positive features of the adjacent Drill Hall whilst paying respect to the surrounding CA, as set out in detail below.
- 10.26. The proposed building would cover the majority of the site, leaving a strip of land to the rear (east) of the building open to provide an external amenity area for staff and to create a physical break with the properties on Windsor Street beyond. The building would be four storeys in height with a projecting plant room

and terrace at roof level. Since the original pre-application stage, a fifth storey has been omitted from the proposal and the overall height is now considered appropriate with regards to the conservation area and adjacent Drill Hall.

- 10.27. The main entrance would front onto Church Street which would provide access to the building via a spacious reception area with flexible exhibition space which would clearly distinguish this element of the of the building which is a strong attribute to the building's design. The staff entrance would be located to the rear via the amenity space which would provide a spacious and welcoming entrance for staff.
- 10.28. The Church Street elevation would reflect that of the adjacent Drill Hall in terms of scale and form, with a mansard roof with projecting dormers to the north and east elevations and with eave heights to match that of the listed building, as recommended at pre-application stage by the Urban Design Officer. The use of the Drill Hall as a reference point generates a positive relationship between the two buildings and contributes to the setting of the building and is considered to improve local views through the conservation area. The Church Street elevational detailing would also effectively reflect the rhythm of the Drill Hall with the use of an exposed metal glazed wall system combined with brick masonry and cladding.
- 10.29. The Portland Street elevation is of lesser scale and is set back at second and third floor level to address the junction between the building and the adjacent two storey terrace to the south. This elevation proposes a strong vertical emphasis through the use of bays which effectively mimics the rhythm and eaves line of the adjacent terrace. Following comments from officers, further amendments have been made to this elevation by way of amending the material finish to a lightweight cladding to better reflect the adjacent roof form which is considered appropriate.
- 10.30. Concerns have been raised by officers throughout the consideration of the application with regards to the stand-off distance of the eastern elevation and properties fronting onto Windsor Street with regards to both design and neighbouring amenity, as set out below in further detail. In response, the applicant has increased the set back of the central element of the building above first floor level and has introduced green walls to this element to soften the elevations. The latest proposals are considered acceptable in terms of design.
- 10.31. In terms of materiality, the proposed development has progressed positively in response to feedback from officers. Initial feedback raised concerns that the brick tone proposed was too uniform and similar to the bronze metal cladding which lacked vibrancy and articulation. Further details and elevational studies were provided which confirm the variance between the materials and mathematical tile accent panels are now proposed at ground floor level which is considered to address concerns raised.
- 10.32. The Urban Design Officer has worked closely with the applicant to achieve a high-quality scheme within this prominent site set within a sensitive location. The Urban Design Officer has acknowledged the applicant's willingness to work

collaboratively and adaptively to address concerns and recommendations raised at the pre-application stage.

- 10.33. Heritage Officers have confirmed that a contemporary design approach is considered to be appropriate given that this is single large office building and confirm that the scale and height of the development are considered to be acceptable and suitably reflect the historic context of the different scales and statuses of Church Street and Portland Street. Heritage Officers also note that the footprint would be uncharacteristic of the historic fine urban grain, however it is acknowledged that this has been established in principle by previous approvals.
- 10.34. Case law has held that the desirability of preserving the character or appearance of a conservation area and/or the desirability of preserving a listed building or its setting must be given "considerable importance and weight.
- 10.35. It must also be noted that Paragraph 196 of the NPPF sets out that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 10.36. For the reasons set out above, it is considered that the proposal would not result in significant harm to the setting of adjacent listed buildings nor the surrounding North Laine Conservation Area.
- 10.37. In summary, the proposal presents a thorough contextual analysis of the site and surrounding area with a clear site strategy and development vision with regard to townscape, heritage assets and visual character. The architectural form, elevational treatment and the use of traditional vernacular expressed in a contemporary fashion is considered to be high quality and in accordance with development plan policies. As a result, it is considered that the proposed building can be accommodated comfortably within this context and would pay respect to neighbouring developments and heritage assets whilst developing a site that has had a negative effect on the conservation area for several decades. Overall, the development and would provide a high-quality building within a sensitive area, in accordance with City Plan Part One Policy CP12.

Impact on Amenity:

- 10.38. Policy QD27 of the BHLPP and emerging Policy DM20 of CPP2 (which can be given significant weight) state that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health. This can include a loss of privacy, a loss of natural light, a loss of outlook or the creation of a sense of enclosure. In addition, Policy SU10 and emerging Policy DM40 of CPP2 (which can be given significant weight) seeks to ensure that proposed developments do not create undue levels of noise and disturbance.
- 10.39. The proposed building is of relatively significant scale and is located on a plot which has been vacant for many years, within close proximity to residential

dwellings of a domestic scale and therefore the development would have the potential for significant impact on neighbouring amenity. It must be noted, however that the existing site is unusual in that it is within a high-density area and is vacant and therefore any development would likely result in an impact on the outlook and light levels of adjacent properties. Additionally, the site is in a central location, where there is a prevailing character of larger buildings set alongside smaller dwellings. Furthermore, the site is allocated for redevelopment where a level of impact is to be expected, and the site includes two extant permissions for major developments, as set out below.

- 10.40. Application 89/0749 (as amended by 93/1046/FP) granted permission for the erection of a five-storey mixed use office/retail building which would cover the majority of the site with a footprint similar to that of the proposed building.
- 10.41. Application BH2011/02401/FP (as amended by BH2016/02226) allowed a three/four storey mixed use retail/office/residential development, with the tallest commercial elements fronting onto Church Street and lower residential elements fronting onto Portland Street with an open central courtyard.
- 10.42. Both permissions are extant so can, in theory at least, be built out. The potential impacts of these developments must therefore be given some weight in determining the present application and considering its impacts on neighbouring residents.
- 10.43. The closest residential units to the site are:
- 46 Windsor Street - three-storey end of terrace building to the west of the site with public house at lower levels and flat above.
 - 45 Windsor Street - three storey mid-terrace dwelling to the west of the site.
 - 44 Windsor Street - three storey mid dwelling to the west of the site.
 - 43 Windsor Street - three storey dwelling to the west of the site.
 - 1-12 Raglan Court - three storey block of flats to the east of the site.
 - Nos. 10 to 12 Portland Street - three terraced dwellings to the south-west of the site.
 - Nos. 26-28 Portland Street - three terraced dwellings adjoining the site to the south.
 - No. 24-26 Church Street - three storey mixed use building containing four flats.
 - Nos. 1-10 Windsor Street - terrace of three storey dwellings to the west of Windsor Street.
 - Nos. 32 & 32A Church Street - three storey end of terrace mixed use building with flat in upper levels.
- 10.44. The applicant has submitted a Daylight and Sunlight Report which has assessed the impact on the properties set out above and has been reviewed by the BRE. The results of the report indicate that ten of the properties assessed would meet the BRE guidelines. There would be a loss of daylight/sunlight to the remaining properties beyond BRE guidelines as a result of the proposed development.

- 10.45. The BRE have concluded that the general level of impact on some local residential properties, when compared against the existing situation, would be significant. For 43-46 Windsor Street, Raglan Court and 24-26 Church Street the impact would be considered significant; for 10 and 28 Portland Street moderate and for 11 and 26 Portland Street and 8 Windsor Street minor.
- 10.46. The BRE do, however, acknowledge that the guidelines are intended to be used flexibly and the standard methodology may not always be appropriate. Furthermore, the BRE accept that as the site is currently cleared, there are no obstructions to daylight and sunlight. The existing scenario is not, therefore, particularly representative of typical levels of obstruction experienced within other buildings in the vicinity of the site. The majority of the BRE tests are calculated by comparing the existing daylight and sunlight levels with the proposed levels as a result of the development. As the site is currently vacant, any large-scale development on the site would result in a disproportionate percentage change which would likely result in a breach of the BRE guidelines.
- 10.47. Nevertheless, it is noted that the reports do conclude that the level of impact to a number of dwellings, particularly those to the east of Windsor Street. Officers raised concerns over the relationship of the proposed development with neighbouring dwellings, particularly those to the east of Windsor Street, throughout the assessment of the application. In order to examine this point further, additional assessment was requested from the applicant in order to compare the current proposal with the daylight/sunlight levels in existing dwellings on other streets within the vicinity. The applicant provided an Addendum Daylight/Sunlight Report which provides an assessment of the existing scenarios within a number of other streets within the city, including Jew Street, Bond Street, Pavilion Mews, Tichborne Street, Robert Street, Marlborough Place and Foundry Street. The report concludes that the relationship between the buildings on these streets and the equivalent obstruction angles are broadly comparable to, and in some cases worse than that of the proposed development and neighbouring dwellings on Windsor Street and Portland Street.
- 10.48. The Addendum Daylight/Sunlight Report also provided information comparing the current proposal with the daylight/sunlight loss which would be experienced if the extant permissions came forward (ref. 89/0749 and BH2011/02401/FP). Although no daylight/sunlight figures have been provided, comparative sections through the site that illustrate all three permissions have been submitted. The sections reveal that, although the current proposal is taller than both previous permissions, the stand-off distance is increased by between 3 and 6 metres in some instances, and as the upper levels are hipped or stepped away from neighbouring dwellings, the level of harm is comparable and in some instances improved over earlier permissions.
- 10.49. In order to further mitigate the impact of the building on the dwellings to the east of Windsor Street, the applicant has submitted an amended design with an increased set-back of 2m to the first, second and third floor levels to the central section of the building and green walls have been added. This has resulted in a

loss of 400sqm of office floorspace overall and has been achieved by reconfiguring the escape stair and building core on the upper levels.

- 10.50. The development is therefore considered acceptable in terms of its daylight/sunlight impacts, particularly when considered in the context of existing dwellings in the vicinity, and the impact of the extant permissions on the site.
- 10.51. With regards to overlooking, the proposed development would include substantial levels of glazing to all elevations which forms a key element of the contemporary design and is generally characteristic of office blocks. Fenestration to the western elevation is generally limited in comparison to other elevations and the windows that are proposed are obscure glazed and set away from adjacent dwellings. This is considered appropriate and would be secured by condition. The eastern elevation would include glazing throughout, in addition to a terrace at second floor level. The proposed terrace would be set above neighbouring properties to the east and therefore the general outlook would be above these properties rather than into windows. There would be a significant introduction of overlooking in comparison to the existing scenario, however it must be noted that this would be front-to-front where a level of overlooking is expected, and the resultant relationship is similar to that of both extant permissions so is considered acceptable.
- 10.52. The proposal would include a plant room which has the potential to generate noise impact on the neighbouring residential properties. In order to address these concerns, maximum noise levels emitted from the plant would be secured by condition. Furthermore, the roof terraces have the potential to accommodate groups of people which may result in noise and disturbance to neighbouring residential properties however a level of noise is to be expected with a central location such as this. In order to mitigate potential noise impact, it is recommended that hours of use of the terraces is secured by condition
- 10.53. Overall, in regard to overshadowing and daylight, loss of privacy and the potential for disturbance, it is acknowledged that the proposed development would have an impact on amenity. Additional overshadowing and overlooking would be caused. The light and views currently available through the site would be lost. It is however considered that the result scenario and relationships would be in keeping with the pattern of development in the immediate area, and the relationships between buildings which would result are acceptable given the central location of the site where a degree of enclosure and overlooking caused by larger buildings is expected. Taking into account all factors, including the benefits which the proposed development would deliver, including the provision of grade A office space in a sustainable location, the proposed development is considered acceptable and the harm which would be caused is not of a magnitude which warrants the refusal of planning permission.

Sustainable Transport:

- 10.54. The existing site is cleared and therefore does not include any existing vehicular or pedestrian access; however there is a historical dropped curb onto Portland Street which is not currently in use. The new primary entrance to the site would be on the corner of Portland Street and Church Street. There would also be a

pedestrian/cycle entrance for staff to the east of the building on Church Street in addition to a fire exist on Portland Street which is considered acceptable.

- 10.55. Initial concerns were raised by the transport team in relation to the width of the footway onto Portland Street due to the narrow pavement and potential highway safety concerns. The applicant has now proposed additional highways works in order to widen the footway which is considered acceptable and would be secured via the legal agreement.
- 10.56. Following amendments, the proposed cycle parking would include a total of 38 long stay spaces and 8 short stay spaces. Amendments were also made to the type, quality and design of the proposed cycle parking, in addition to the provision of extra shower/changing facilities for staff. This element of the proposal is therefore acceptable and in accordance with CPP1 Policy CP9 and SPD14 guidance. Implementation of the cycle parking shall be secured by condition.
- 10.57. The development is proposed to be 'car free' with no parking on site which is in line with SPD14 guidance. Given the site's accessible, city centre location and the existing on-street parking restrictions this is considered appropriate. Following revisions, two off-site disabled parking bays are proposed on Spring Gardens which is considered appropriate. The disabled bays would result in the loss of one pay and display bay and one motorcycle bay, which is to be relocated to Church Street. This quantum and location/re-location of the parking bays is considered appropriate. Final design details shall be secured via the s278.
- 10.58. In terms of deliveries and servicing, the applicant has confirmed that taxis would be accessed from Queens Road to the West of the site and other deliveries would take place from the kerbside if both Church and Portland Street with no designated delivery bay. The transport team have confirmed that there would be a peak of 4 deliveries in an hour including 3 large goods vehicles and 1 other goods vehicle. As the proposed development would generate what Transport Officers describe as minimal deliveries throughout the day, with the majority of deliveries being LGVs which typically have a shorter dwell times, the proposed deliveries and servicing is considered appropriate. Due to the low levels of deliveries, it is not considered that a Delivery and Servicing Management Plan is required in this instance.
- 10.59. With regards to vehicle movements, the proposed development would result in 39 two-way vehicle trips and 226 two-way pedestrian trips per day. This is not considered significant and therefore no objections are raised in this regard. A five year Travel Plan to promote sustainable transport to and from the site, would be secured via the s106 agreement.
- 10.60. The proposal would include a number of highways works as set out below:
- Widening of footway along the Church Street frontage
 - Relocating 1 x motorcycle parking bay (currently on Church St) to accommodate the above
 - Introducing 2 x on-street blue badge bays on Spring Gardens
 - Associated build-out on Church Street to include 8 no. visitor cycle parking

- Relocating 1 x motorcycle parking bay (currently on Spring Gardens) to accommodate the above
- Widening the footway along the Portland Street frontage
- Removing a redundant vehicle crossover on Portland Street
- Repaving/ surfacing of the footways immediately abutting the site
- Removal of street furniture including existing lighting column at Church Street/ Portland Street junction
- Dropped kerbs and tactile paving Church Street/ Portland Street junction
- Highway structure checks will need to be secured.

10.61. Final design details in addition to a Road Safety Audit shall be secured via condition/obligation.

10.62. Overall, subject to the conditions and s106 recommendations set out above, which include measures to address the deficiencies in the applications submission, the proposed development is considered to be acceptable in regard to sustainable transport impacts.

Ecology:

10.63. Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 states that: 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Policy CP10 of the City Plan Part 1 sets out criteria for development to conserve, restore and enhance biodiversity and improve access to it. The site comprises buildings and hard standing within an urban setting. There are no trees or vegetation on site, although there are two trees close to the site.

10.64. The County Ecologist has confirmed that as the site is an abandoned/disused demolition site, containing a mix of concrete and brick hard standing, gravelled areas, exposed chalk substrate and rubble piles, it currently provides a variety of opportunities for plant communities to establish in addition to the potential for invertebrates and bats. The loss of the habitat should therefore be compensated via scheme of ecological enhancement, which shall be secured by condition.

10.65. The preliminary ecological appraisal (PEA) originally submitted with the application indicated that the western boundary wall offers the potential for roosting bats and recommended that further surveys should be carried out in order to examine evidence of bats on site. The County Ecologist reviewed the PEA and confirmed that further bat surveys were required prior to determination of the application.

10.66. A survey was carried out which revealed no evidence of roosting bats with little/no foraging or commuting activity across the site. The County Ecologist has confirmed that works can therefore proceed without a licence, but as the wall retains roosting potential, a precautionary approach to works, as recommended in the bat report, is considered appropriate.

10.67. In summary, the County Ecologist raises no objections and provided the recommended mitigation and enhancement measures are implemented and

considers that the proposed development can be supported from an ecological perspective.

10.68. Overall, the proposal will comply with Policy CP10 of the CPP1.

Sustainability and Air Quality:

10.69. City Plan Policy CP8 requires that all new development achieves minimum standards for energy and water performance as well as demonstrating how the proposal satisfies a range of criteria around sustainable design features. 'Major' non- residential developments are expected to achieve BREEAM 'Excellent'.

10.70. In order to achieve these targets, the following is proposed:

- Well insulated building fabric
- Low energy heating, ventilation and cooling system - incorporating a heat pump for heating and cooling
- Efficient lighting throughout/design to maximise natural light and reduce energy used for lighting
- Solar photovoltaics
- Rainwater harvesting and attenuation
- Low water use WCs, taps and fittings
- Lifecycle environmental analysis during specification of materials and products

10.71. The proposed reduction in carbon emissions would meet the requirements of Brighton & Hove Policy CP8.

10.72. In terms of air quality, the site is located within an Air Quality Management Area (AQMA). In accordance with Policy DA4 of the City Plan Part One, BHCC seeks to ensure new development proposals take into account impact on local air quality and that improvements and/ or mitigation is sought wherever possible. Regard should be had to Policy SU9 of the Saved Local Plan and SA2 of the City Plan Part One and an air quality assessment would be required to accompany any planning application. The development should ensure that improvements and/ or mitigation is sought wherever possible.

10.73. The development is supported in general by the Air Quality officer and the prospect of a car free development with the promotion of sustainable means to travel is welcomed.

Contamination:

10.74. A contamination report has been submitted which demonstrates that the risk for contamination and associated remediation is low. Environmental Health Officers have reviewed the contamination report and raise no objections, subject to conditions securing demolition and construction environment management plans in addition to relevant contaminated land surveys.

11. CONCLUSION

11.1. The proposed development would provide 2,807sqm of Grade A office space, of which there is an identified shortfall, within a central sustainable location where

regeneration is encouraged. The proposed development would be significant; however, it is considered that a larger building can be accommodated on the site whilst respecting the North Laine Conservation area and adjacent listing buildings.

- 11.2. The proposed building and associated landscaping are considered to represent an appropriate redevelopment of the site which would introduce a contemporary building into the street scene whilst bringing forward a site which has been vacant for a number of years.
- 11.3. The proposed development is acceptable in transport, sustainability and ecological terms subject to conditions / s106 requirements recommended to secure the necessary measures.
- 11.4. The proposed new building would have an impact upon neighbouring amenity, however the existing situation with an empty site is uncharacteristic of a central location such as this, and the resultant scenario would be in keeping with the pattern of development. Overall the harm which would be caused does not warrant the refusal of planning permission when weighed against the benefits of the proposal.
- 11.5. Overall, it is considered that the scheme would deliver substantial benefits including; a significant delivery of high quality office space which would meet modern requirements, an active vibrant frontage which would regenerate the street, and a well-designed modern building which would complement the nearby heritage assets. Overall, approval of planning permission is recommended subject to the conditions and s106 requirements set out in sections 1 and 11.

12. COMMUNITY INFRASTRUCTURE LEVY

- 12.1. 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. As set out in the BHCC CIL Charging Schedule, Office floorspace is not CIL liable.

13. EQUALITIES

Disabled parking spaces will be provided, and the proposed development would be wheelchair accessible.

14. DEVELOPER CONTRIBUTIONS

- 14.1. The contributions required would be allocated and spent as follows:
 - Submission of an Employment & Training Strategy
 -

- A financial contribution of £36,250 towards the Local Employment Scheme
-
- Highways Works to include:
 - Widening of footway along the Church Street frontage
 - Relocating 1 x motorcycle parking bay (currently on Church St) to accommodate the above
 - Introducing 2 x on-street blue badge bays on Spring Gardens
 - Associated build-out on Church Street to include 8 no. visitor cycle parking
 - Relocating 1 x motorcycle parking bay (currently on Spring Gardens) to accommodate the above
 - Widening the footway along the Portland Street frontage
 - Removing a redundant vehicle crossover on Portland Street
 - Repaving/ surfacing of the footways immediately abutting the site
 - Removal of street furniture including existing lighting column at Church Street/ Portland Street junction
 - Dropped kerbs and tactile paving Church Street/ Portland Street junction
 - Highway structure checks (given proximity to the basement).

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

1. The proposed development fails to deliver a skills and employment strategy and in accordance with Policy CP2 of the Brighton and Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
2. The proposed development fails to deliver a contribution skills and employment contribution in accordance with Policy CP2 of the Brighton and Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
3. The proposed development fails to provide adequate travel plan measures to encourage use of sustainable transport modes and therefore fails to address

