

<u>No:</u>	BH2019/01180	<u>Ward:</u>	Central Hove Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Vallance Hall, 49 Hove Street, Hove, BN3 2DE		
<u>Proposal:</u>	Partial demolition of existing courtyard buildings and erection of four storey B1 office building with lower ground floor levels incorporating underground car park, alterations to existing building and associated works including new vehicular access.		
<u>Officer:</u>	Robin Hodgetts	<u>Valid Date:</u>	17.05.2019
<u>Con Area:</u>	Old Hove	<u>Expiry Date:</u>	19.03.2021
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Andy Parsons, Yelo Architects, Olivier House, 18 Marine Parade Brighton, BN2 1TL		
<u>Applicant:</u>	Engleharts Solicitors, Vallance Hall, Hove Street, Hove, BN3 2DE		

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 12 of this report:

Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below. *[Note: these will be included on the Late List]*
Reason: For the avoidance of doubt and in the interests of proper planning.
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. The premises shall be used as an office (Use Class E(g) (i) and (ii) 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: To ensure the identified demand for office development in the city is satisfactorily met and as the impacts of an office use only have been assessed , to comply with policies CP2, CP3 and CP9 of Brighton and Hove City Plan Part One and QD27 and TR7 of the Brighton and Hove Local Plan .

4. 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.

5. The development hereby permitted shall not be commenced (except for demolition) until details of the proposed new vehicular crossover and access to the public highway on Vallance Road has been submitted to and approved in writing by the Local Planning Authority. The approved access and crossover shall be implemented before the development is first occupied.

Reason: In the interests of highway safety and to comply with policies TR7 of the Brighton and Hove Local Plan and CP9 of the Brighton and Hove City Plan Part One.

6. No development shall take place (except for demolition) until details of a method for controlling vehicular access to and from the basement entrance ramp (such as traffic lights/barrier(s)/speed bump(s),together with the relevant electronic control system) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be carried out in strict accordance with the approved details prior to first occupation and retained thereafter.

Reason: In the interests of highway safety and to comply with policies TR7 of the Brighton and Hove Local Plan and CP9 of the Brighton and Hove City Plan Part One.

7. The development hereby permitted shall not be occupied until the redundant vehicle crossover on Vallance Road has been converted back to a footway by raising the existing kerb and footway.

Reason: In the interests of highway safety and to comply with policies TR7 of the Brighton and Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One

8. No development, including demolition or site clearance, shall take place until a Construction Environmental Management Plan (CEMP) and Demolition Environmental Management Plan (DEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP and DEMP shall at least include:

- A. The phases of the proposed construction/demolition including the forecasted completion date(s)
- B. 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)

- C. 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
- D. Details of hours of construction including all associated vehicular movements
- E. Details of the any construction compound
- F. A plan showing construction traffic routes
- G. Details of vehicle cleaning facilities to prevent mud and dirt being trafficked onto the highway from the site or being washed onto it.
- H. Details of tree protection measures in relation to street trees in Vallance Road

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

Reason: In the interests of amenity and road safety and to comply with policies TR7, SU3, SU5, SU9, SU10, QD27 and HE6 of the Brighton & Hove Local Plan and, CP2, CP3, CP9, CP11, CP13 and CP15 of the City Plan Part One .

9. Notwithstanding the cycle parking facilities shown on the submitted plans, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall be submitted to and approved in writing by the Local Planning Authority including the provision of visitor spaces outside the main entrance of the building. 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: The cycle parking as shown does not fully meet the standards required in SPD14 and further provision should be explored 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 and Hove Local Plan and SPD14: Parking Standards.

10. Prior to first occupation of the development hereby permitted, full details of the electric vehicle charging point(s) within the proposed car park hereby approved will have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

Reason: To encourage travel by more sustainable means and seek measures which reduce fuel use and greenhouse gas emissions and to comply with policies SA6, CP7, CP9, CP12, CP13 and CP15 of the City Plan Part One and SPD14 Parking Standards

11. The development hereby permitted shall not be occupied until the disabled parking area on the approved plans has been fully implemented and made available for use. The approved facilities 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.

12. Within 6 months of first occupation of the development hereby permitted details of crime prevention measures incorporated within the development shall be

submitted to and approved in writing by the Local Planning Authority. This could be demonstrated by a Secure By Design Developers Award Certificate or equivalent alternative.

Reason: In the interests of crime prevention and visual amenity, to comply with Policy CP12 of the Brighton and Hove City Plan Part One.

13. 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.

14. Prior to first occupation of the development hereby permitted details of a scheme to enhance biodiversity of the site will be submitted to the Local Planning Authority, to include soft landscaping, bird boxes (including for swifts), bat boxes and bee bricks including their type, location, timescale for installation and details of maintenance shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall then be carried out in strict accordance with the approved details prior to first occupation and retained thereafter.

Reason: To ensure appropriate integration of new nature conservation and enhancement features in accordance with policies of the Brighton & Hove Local Plan and CP10 of the Brighton and Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

15. Details of any external lighting proposed shall be first submitted and approved in writing by the Local Planning Authority before installation. The details shall include location, appearance and level of illumination. The approved details shall be implemented within the development before it is first occupied.

Reason: In the interests of visual and general amenity to comply with policies QD25 and QD27 of the Brighton and Hove Local Plan.

16. 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.

17. 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 CP12 of the Brighton and Hove City Plan Part One.

18. No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policy HE12 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.
19. The archaeological work shall be carried out in accordance with the approved written scheme of investigation and a written record of all archaeological works undertaken shall be submitted to the Local Planning Authority within 3 months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is agreed in writing with the Local Planning Authority.
Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policy HE12 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.
20. No development apart from demolition shall take place until:
 - A. A detailed design and associated management and maintenance plan of foul and surface water drainage for the site using sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. Details of rainwater attenuation at roof level shall be included. Detailed design of the proposed drainage system should take into account the possibility of surcharging within the public sewerage system in order to protect the development from potential flooding and should detail a proposed maintenance regime.
 - B. A detailed design, updated drainage calculations, and associated management plan as per the recommendations of the Drainage Strategy and SUDS Statement dated 26th April 2021 has been submitted to and approved in writing by the Local Planning AuthorityThe approved drainage system shall be implemented in accordance with the approved detailed design prior to the building commencing.
Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal in accordance with Policy CP11 of the City Plan Part One and Policy SU3 of the Brighton and Hove Local Plan.
21. No development shall take place except demolition until an Energy and Sustainability Statement has been submitted and approved in writing by the Local Planning Authority. This shall detail how the development addresses both operational carbon emissions and embodied carbon and how the development will meet BREEAM excellent standard.
Reason: To demonstrate how the building will meet the requirements of City Plan Part One Policy CP8 and be sustainable.
22. Within 6 months of first occupation of the development hereby approved, a Post

Completion Preliminary Assessment confirming that the development built has achieved a minimum BREEAM New Construction rating of 'Excellent', shall be submitted to, and approved in writing by, the Local Planning Authority.

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

23. No development above ground floor slab shall take place until full details of all new sliding sash window(s) to be replaced within the existing building and their reveals and cills 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 windows shall be painted timber double hung vertical sliding sashes with hidden trickle vents. The works shall be carried out and completed fully in accordance with the approved details before first occupation of the new extension hereby permitted and shall be retained as such thereafter.

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

24. The rooflight(s) hereby approved within the existing building shall have steel or cast metal frames, colour-finished black or dark grey, fitted flush with the adjoining roof surface and shall not project above the plane of the roof.

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

25. The development hereby permitted shall not be commenced until details and 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 of brick, render and tiling (including details of the colour of render/paintwork to be used)
- b) samples of all cladding and louvres to be used, including details of their treatment to protect against weathering
- c) samples of all hard surfacing materials
- d) details of windows, doors, rooflights and railings
- e) details of all other external materials to be used

Development shall be carried out in strict 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.

26. Notwithstanding the hard and soft landscaping proposed as shown on the submitted plans, no development above ground floor slab level shall take place until details of a revised hard and soft Landscaping Scheme for areas within and immediately adjacent to the site have been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details of hard surfaces, means of enclosure, additional planting areas within the site, and details of species, to include some food bearing plants, and shall include a

replacement semi-mature street tree within the public highway in Vallance Road. Details of the type and size of tree pit shall be submitted.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and in the interests of highway safety and biodiversity and to compensate for the loss of a street tree as part of the scheme, to comply with policies QD15, QD16, QD18 and TR7 of the Brighton and Hove Local Plan and, CP10, CP13 and CP12 of the Brighton & Hove City Plan Part One

27. The development shall not be first occupied until the approved Landscaping Scheme has been implemented. All planting or seeding in the approved scheme of landscaping 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; and 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, unless the Local Planning Authority gives written consent to any variation.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and in the interests of highway safety and biodiversity and to compensate for the loss of a street tree as part of the scheme, to comply with policies QD15, QD16, QD18 and TR7 of the Brighton and Hove Local Plan and, CP10, CP13 and CP12 of the Brighton & Hove City Plan Part One

28. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of the construction of the green roof has 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, and a maintenance and irrigation programme. The roofs shall then be constructed in accordance with the approved details and shall be retained as such thereafter.

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

29. Prior to its installation details of the plant/machinery enclosure on the roof will be submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the first occupation of the development and shall thereafter be retained as such.

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

30. Prior to occupation of the approved building, details of a staff shower for the occupants of, and visitors to, the development shall be submitted to and approved in writing by the Local Planning Authority. The approved facility 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 compliance with Policies CP8 and CP9 of the City Plan Part One, TR14 of the Brighton and Hove Local Plan and SPD14: Parking Standards.

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. 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 <https://beta.southernwater.co.uk/infrastructure-charges>. Detailed design of the proposed drainage system should take into account the possibility of surcharging within the public sewerage system in order to protect the development from potential flooding. A formal application for connection to the water supply is required in order to service this development.
3. The applicant is encouraged to ensure the CEMP also includes the following information:
 - a) Details of any oversailing of the highway construction, falsework, formwork and scaffolding
 - b) Details of use of any cranes, lifts, escalators and lifting vehicles
 - c) Details of any Department for Transport Abnormal Load Notification and/or Order
 - d) A commitment that any temporary traffic management measures and/or marshalling of traffic on the highway, including that of both construction traffic and general traffic, shall be undertaken by Contractors holding National Highways Sector Scheme 12 (d) certification.
4. The applicant should be aware that whilst the requisite planning permission may be granted, should any complaints be received at any time with regards to noise, dust, odour or smoke, this does not preclude the Council's Environmental Health department from carrying out an investigation under the provisions of the Environmental Protection Act 1990.
5. The planning permission granted includes a vehicle crossover and removing of an existing crossover and addition of a new street tree which requires alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. A Section 278 Agreement may be required for these works with the Local Highway Authority. The crossover is required to be constructed under licence from the Head of Asset and Network Management. The applicant is advised to contact the Council's Streetworks Team (permit.admin@brighton-hove.gov.uk 01273 290729 or 01273 293366) for necessary highway approval from the Highway Authority prior to any

works commencing on the adopted highway to satisfy the requirements of the condition.

6. The details submitted to manage the use of the ramp and new vehicle access should include details of the material finish to the surface of the ramp, to verify the friction grade / slip resistance proposed for the ramp; and measures they propose to maintain it at the design level; especially in winter
7. It is recommended that the applicant seek advice from Sussex Police Counter Terrorist Security advisers with regards to the scheme as soon as it is practicable.
8. The drainage calculations submitted in relation to condition 20 should be amended to reflect the below comments.
The changes will likely result in a larger attenuation tank required.
 - Consideration of the 1 in 100 year event +40% allowance for Climate Change is required. While the output numbers in the body of the drainage strategy reflect this, the calculations show only 20% CC has been applied.
 - Planters are not to be considered storage features areas for the purposes of runoff calculations. Instead, they may be considered permeable areas contributing a reduced runoff rate. Storage would inappropriately imply that they are being drained into.
9. Additional information should be provided in relation to the drainage details required by condition 21:
 - details of the drainage features such as the attenuation tank and control device
 - details of the mitigation measures to reduce risk of surface water ingress into the underground parking (ground levels and slopes in addition to details of the Aco Drains shown in the plan drawing)
 - details of the mitigation measures to reduce risk of surface or ground water ingress into the basement (such as waterproofing measures)
 - the manhole schedule.
 - An appropriate maintenance plan. The maintenance plan provided in the drainage strategy is acknowledged but was found to lack the required identification of the parties responsible for implementing the maintenance actions.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application relates to a two-storey building on the corner of Hove Street and Vallance Road. The site is currently in use as an office block (Use Class E (g)), occupied by a solicitors' firm. At the rear of the site is an 'L' shaped single storey annexe building in use as additional office space and storage.
- 2.2. The site lies within the Old Hove Conservation Area. Regent House and Audley House are located to the south of the site, both of which are locally listed.
- 2.3. The proposal is to demolish the single storey annexe at the rear of the site and erect a four storey office block (Use Class E (g)) with two basement levels

providing on-site parking which would connect to the existing building on the corner of Hove Street and Vallance Gardens. No changes to the use of the site are proposed.

- 2.4. The building would be of contemporary design. Red brick and terracotta cladding is proposed to complement the existing building on the site, with grey aluminium window frames.
- 2.5. Additionally, existing uPVC windows on the current building would be replaced with timber to improve its appearance and consistency. No other alterations would be made to the existing building.
- 2.6. A new vehicular access is proposed onto Vallance Road. One street tree would be lost as a result of the proposal.
- 2.7. Amendments were made during the lifetime of the application at the request of the Urban Design Officer to further reduce massing, bring the building frontage in line with the existing building and step back the top floor further. Materiality was also improved with a commitment to use materials appropriate for the conservation area.

3. RELEVANT HISTORY

- 3.1. Pre-application advice was sought (PRE2018/00145) in April 2018. Following discussions, and as a result of this, pre-application advice, the following changes were requested by the Heritage Officer:
 - Front building line of extension to be moved back in line with existing building.
 - Facade of extension to reference proportions of existing building.
 - Gap between existing building and extension to be increased.
 - 'Steps' to be taken out of massing of extension.
 - Residential flat be removed if possible.
 - Double pitch to be introduced to north facade of existing building.
- 3.2. All of the above requested changes have been made to the proposal scheme.
- 3.3. **BH2016/00239** - Extensions and alterations to existing office building including demolition of rear office annexe and erection of 5no dwellings (C3), two storey side extension, first floor rear extension, roof alterations including extensions and installation of dormers to front elevation and associated works. Refused 27.06.16
- 3.4. **3/92/0514 (F)** Change of use from Post Office Sorting Office with ancillary stores and offices to Auction rooms with ancillary stores and offices. Approved 6/11/92.
- 3.5. **3/88/0267** Demolition of uniform store and construction of extension to sorting office. Approved 23/04/88.
- 3.6. **M/2732/53** Extension of existing post office premises. Approved.

4. REPRESENTATIONS

- 4.1. Nine **(9)** letters have been received objecting to the original proposed development for the following reasons:
- Adversely affects Conservation Area
 - Adverse affect on listed building
 - Because of the Additional Traffic
 - Detrimental affect on property value
 - Inappropriate Height of Development
 - Overdevelopment
 - Overshadowing
 - Poor design
 - Restriction of view
 - Noise
 - Too close to the boundary
- 4.2. Following substantial amendments to the design and scale of the scheme the following were received:
- 4.3. Eleven **(11)** letters objecting to the amended proposed development for the following reasons:
- Adverse affect on listed building
 - Adversely affects Conservation Area
 - Because of the Additional Traffic
 - Detrimental affect on property value
 - Inappropriate Height of Development
 - Noise
 - Overdevelopment
 - Overshadowing
 - Poor design
 - Too close to the boundary
 - Traffic or Highways

5. CONSULTATIONS

Internal consultees

- 5.1. **City Regeneration:** no objection subject to Section 106 contributions
City Regeneration has no adverse comments regarding this application.
- 5.2. City Regeneration welcomes the new office employment space that this scheme will create subject to contributions secured by Section 106.
- 5.3. **Environmental Health:** no objection subject to conditions
There are concerns about how local residents will be affected during the construction of the proposed development. Construction by its very nature does have noisy phases and will inevitably be noticeable at various stages to various

individuals throughout the build. This is why it is important to put the onus onto the developers to come up with a plan to minimise complaints, design their timetable with best practicable means in place, meet with residents, have complaint handling systems in place and generally be a good neighbour.

- 5.4. It is therefore recommended that a Construction Environmental Management Plan be required, which may necessitate the final developer signing up to a section 61 prior agreement. The CEMP may be secured through the Section 106 process, if applicable.
- 5.5. **Heritage:** no objection subject to conditions
Substantial amendments to the design approach, materials, form and detailing of the proposed building have been made, and the scheme as now submitted is considered to be a significant positive move in the proposed re-development of this plot.
- 5.6. Subject to confirmation that the enhancements to the north and east elevation with replacement of the existing inappropriate windows remains part of the scheme, the Heritage Team is now able to support this proposal subject to conditions.
- 5.7. **Policy:** no objection subject to conditions
The application seeks to upgrade and extend an existing office building, substantially increasing the floorspace and providing high quality flexible office space in a centrally located and sustainable location. This would comply with and support City Plan Policies CP2 and CP3, helping to meet an identified need for higher quality office space in the city.
- 5.8. The site is surrounded by a range of existing uses and buildings, mainly residential, and lies within the Old Hove Conservation Area (CA) and an Archaeological Notification Area (ANA) with locally listed buildings to the south of the site. As such, the proposed layout and design will need to be carefully considered in terms of its visual, amenity and heritage impacts.
- 5.9. **Sustainability:** Unable to fully comment
Unable to provide sustainability comments on planning application BH2019/01180 Vallance Hall, as no information has been provided by the applicant.
- 5.10. Recommend a condition to provide an Energy and Sustainability Statement to demonstrate how the building will meet the requirements of City Plan Part One Policy. In particular the developers should note that a BREEAM assessment is required for non-residential buildings.
- 5.11. **Sustainable Drainage:** no objection subject to conditions requiring submission of further information
Design in principle appears acceptable but requires amendments to drainage details. These can be secured via a condition requiring submission of more details prior to commencement of the development.

- 5.12. **Sustainable Transport:** no objection subject to conditions
We can confirm that we no longer have an objection to the proposals subject to the inclusion of recommended Conditions/Obligations.
- 5.13. There are further aspects of the proposals that remain unsatisfactory or less than ideal. However, these can potentially be resolved if the applicant and LPA agree on a suitably worded obligation or condition with us before determination.
- A delivery and servicing management plan to be secured by Condition
 - A DEMP/ CEMP secured by Condition.
 - A travel plan can be secured by Obligation.
- 5.14. **Urban Design:** no objection subject to conditions
Current proposals present a significant improvement to scale, built form, layout and especially to appearance which has been very well considered and successfully marries contextual sensitivity with contemporary character. Generally, proposals present a scale and massing which is considered to be contextually appropriate and sympathetic to the existing building and adjacent properties. The proposals present an elevational composition which clearly references that of the existing Valance Hall, yet retains a modest, subservient and contemporary character
- 5.15. Materially, the choice of a red brick, light mortar and cream accents is a clear reference to the existing building. This heritage inspired palette is combined with contrasting concrete/stone fenestration panels, large format glazing and terracotta louvres, and is detailed contemporarily, generating a visually attractive and high interest appearance which successfully marries heritage and contemporary styles. The recommendation is to support proposals. However, some further information should be sought by condition regarding:
- Landscape design and planting specification;
 - Roof-level rainwater attenuation and planting specification;
 - Carbon performance.
- External consultees**
- 5.16. **Brighton and Hove Archaeology Group:** no objection
This planning application lies within an area of archaeological sensitivity. Finds from around this location have included Neolithic arrow heads, Bronze Age palstaves and the local church may have Saxon origins
- 5.17. The Brighton and Hove Archaeological Society would suggest that you contact the County Archaeologist for his recommendations.
- 5.18. **County Archaeologist:** no objection subject to conditions
The information provided is satisfactory and identifies that there is a risk that archaeological remains will be damaged. Nonetheless it is acceptable that the risk of damage to archaeology is mitigated by the application of planning conditions which are outlined in this response.
- 5.19. **Conservation Advisory Group:** objection

- The scale and design with its flat roof and boxy features are harmful to the host (corner) building which although built as commercial premises, is in the style of a (Georgian) residential terrace with a pitched roof.
- Whilst the design of the proposed added floor to the host building is welcomed the proposed extension dominates the host building rather than being subservient to it as is the case with the existing extensions.
- The scale and design are very harmful to this part of the conservation area which is characterised by two storey Edwardian residential properties in Vallance Road especially.
- The proposed driveway to an underground car park would be an unattractive feature facing Vallance Road.
- The Group requests an archaeological assessment to be made before any major development, given the proximity to old Hove village.

Note: This comment was made regarding the original design. No comments have been received following the amendments.

5.20. **Power Networks:** no objection.

The proposed development is in close proximity to substation – various detailed notes as landowner/operator

5.21. **Sussex Police:** No objection

No major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends and site specific needs should be considered, with reference to the Secured by Design (SBD) Commercial Development 2015 document.

5.22. Given the inclusion of lower ground floor underground parking within the development, I recommend that the applicant seek advice from Sussex Police Counter Terrorist Security advisers with regards to the scheme as soon as it is practicable.

5.23. **Southern Water:** no objection

Initial investigations indicate that Southern Water can provide foul and surface water sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer. It is the responsibility of the developer to make suitable provision for the disposal of surface water. When it is proposed to connect to a public sewer the prior approval of Southern Water is required.

5.24. Although no objection to the development, further information will be required to be submitted prior to commencement of the development. This can be secured by conditions.

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 Harbour JAAP (adopted 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. **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
CP16	Open space

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

TR4	Travel plans
TR7	Safe Development
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD5	Design - street frontages
QD15	Landscape design
QD25	External lighting
QD27	Protection of amenity
HE6	Development within or affective the setting of conservation areas

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 relevant CPP2 policies considered in determining this application is set out in the Considerations and Assessment section below where applicable.

DM11	New Business Floorspace
DM18	High quality design and places
DM19	Maximising Development Potential
DM20	Protection of Amenity
DM22	Landscape Design and Trees
DM26	Conservation Areas
DM33	Safe, Sustainable and Active Travel
DM36	Parking and Servicing
DM37	Green Infrastructure and Nature Conservation
DM40	Protection of the Environment and Health - Pollution and Nuisance
DM43	Sustainable Urban Drainage
DM44	Energy Efficiency and Renewables

Supplementary Planning Document:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD11	Nature Conservation & Development
SPD14	Parking Standards

8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to:
- Principle of developing the site for additional office use (Use Class E(g))
 - Impact on the character and appearance of the existing building and the wider locality, including the setting of nearby conservation areas and listed (and locally listed) buildings
 - Impact on the amenity of occupiers of nearby properties
 - Impact in terms of sustainable travel
 - Sustainability and biodiversity, including BREEAM
 - Local Employment Scheme and other Section 106 requirements

Principle of developing the site for a E1(g) (previously B1) office use

- 8.2. The application proposals seek to upgrade and extend an existing office building, adding 2876 m² (including basement levels) to the existing Class E(g) floorspace of 898 m². This involves partial demolition, and the scheme would be accommodated within the existing office site. The proposed office layout has been designed to meet the needs of the applicant (the current occupier), but has a flexible modular layout, which potentially could be used as space for several smaller businesses, including start-ups. As such, the development would comply with and support City Plan Part 1 (CPP1) Policies CP2 and CP3, helping to meet an identified need for higher quality B1 (now E1(g)) office space in the city.
- 8.3. The application site is in a sustainable location in central Hove, allowing easy access to employees by public transport, cycling and walking. It is located in a

mixed commercial and residential area, where an office use is appropriate. Considering there is no proposed change in the use of the site and the proposal would deliver a significant increase in floorspace (and jobs) and make more effective and efficient use of the site, the proposal is supported in principle.

- 8.4. To conclude, delivery of modern office floor space is particularly welcomed in this location and, in accordance with paragraph 80 of the NPPF, considerable weight is given to the significant economic benefits of the proposal. The proposal is welcomed by both the council's City Regeneration and Planning Policy Teams.

Impact on the amenity of occupiers of nearby properties

- 8.5. The main consideration in terms of impact on neighbouring properties is the potential for overshadowing and loss of light to neighbours to the east (residential) and the south (office). There is also a six storey residential block of flats to the north, however, this is across a road and is thus less affected.
- 8.6. To the east of the site at 18 Vallance Road, lies a single storey residential bungalow separated from the new building by a small access road. The proposed development would, to an extent, impact on the light levels and sense of enclosure to the rooms on the west side of this property. However the impact on these rooms has been lessened to an acceptable level by the amendments made to the scheme, especially the reduction in size of the fourth storey, which has pulled it back from the edges.
- 8.7. Based on information provided by the occupant of this bungalow and a previous planning application, it has been possible to ascertain that none of the windows in this elevation are the sole windows to primary accommodation rooms. While it is recognised that there will be some degree of loss of light to these rooms and an increased sense of enclosure, it is not considered to be significant enough to warrant refusal.
- 8.8. Regent House lies immediately to the south and is occupied by offices. The proposed building would be approximately the same height as Regent House and as such will impact on the light levels and overshadowing of the windows on the north elevation at second floor level. While this is regrettable, the impact will be minimised by the fact that the affected windows are north facing so the loss of sunlight would not be a significant factor. Further, this is a relatively central area of the city and contains examples of higher density development, and such relationships between commercial premises is not inappropriate. The amenity of offices and other commercial uses does not carry as much weight as that placed on residential elements and as such, while a degree of loss of light and sense of enclosure is recognised, this is not considered significant enough to warrant refusal of the planning application. The current offices on this part of the site are low-rise and the proposal would make more effective use of the site, which is welcomed.
- 8.9. A site visit was undertaken and the impact of the proposal on all the neighbouring properties has been fully assessed and is not considered to be significant, and in compliance with policy QD27 of the adopted Brighton & Hove Local Plan which

seeks to protect amenity and neighbouring occupiers, and emerging policy DM20 of City Plan Part 2 (which can be given significant weight).

- 8.10. As a major development in a central urban location it is considered necessary to ensure compliance with a Construction Environmental Management Plan (CEMP) secured by condition to ensure noise, disruption and general environmental impact during construction is controlled in a satisfactory manner. The Environmental Health Team raise no objection on this basis.

Design and its impact on the setting and heritage assets

- 8.11. This site is in the Old Hove Conservation Area, adjacent to the locally listed Regent House and Audley House (former fire station by Clayton & Black). This early 20th century property is on a prominent site at the corner of Vallance Road and Hove Street and has a sympathetic relationship with Regent House and Audley House being similar in scale materials and style, although detailing differs. It is currently used as an office.
- 8.12. 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 or enhancing the character or appearance of a conservation area must be given “considerable importance and weight”.
- 8.13. The proposed building would utilise most of the footprint of the site, which has its own individual character as it is a corner property with characteristics of both Hove Street and Vallance Road. The proposed building would be of a similar height and scale as the existing building on the site and the offices in Regent House to the south. The site is very sustainable, and the development makes very effective and efficient use of it, which is welcomed.
- 8.14. For the reasons set out in the comments from the Heritage team and Urban Designer, the proposal is considered to respect the surrounding scale, hierarchy and massing of existing built form in both the immediate and wider context. The proposed contemporary design is considered to be of good quality and sympathetic to its surroundings, and to preserve the special character and appearance of its heritage setting.
- 8.15. The applicant carried out detailed pre-application discussions with officers including the Heritage Team, and the scheme has evolved positively, the main changes being the building now occupies less of the footprint and has had its fourth storey reduced in scale, as well as improvements to the materiality of the building which better respect the character of the surrounding area and heritage assets.
- 8.16. Further details were requested which can be secured by conditions:
- Landscape design and planting specification;
 - Roof-level rainwater attenuation and planting specification;
 - Carbon performance.
 - Fenestration detailing

- 8.17. As a result the development is considered to be of a suitable scale, massing and design for the site which makes effective use of the land to provide much needed employment space for the city and is considered to represent a high quality design, in compliance with Policies HE6 of the Brighton and Hove Local Plan, Policies DM26 and DM29 of City Plan Part 2 (which can be given significant weight), and Policy CP15 of the City Plan Part One.

Impact in terms of sustainable travel

- 8.18. The development aims to meet travel demand through on-site car and motorcycle parking and via promotion of sustainable modes through provision of cycle parking, on site showers and electrical charging points. The site is well located to take advantage of existing bus routes and is within walking distance of Hove Station.
- 8.19. The promotion of sustainable modes is welcome and complies with the main thrust of national and local policies CP9 of the City Plan Part One, TR14 and TR18 of the Brighton and Hove Local Plan, DM33 of City Plan Part 2 (which can be given significant weight), as well as SPD14.
- 8.20. The trip distributions for the development indicate that it would result in an additional 28 two-way vehicle movements in the AM peak, and 26 two-way vehicle movements in the PM peak, including 2 LGV and 2 taxi movements in the AM and PM Peaks, and a single OGV (other goods vehicle) trip across the day.
- 8.21. A Travel Plan has also been requested by Transport Officers, but these this is also considered disproportionate to the scale and nature of the development. Policy DM35 of City Plan Part 2 (which can be given significant weight) notes that Travel Plans are required to support applications that are likely to generate 'significant amounts of movement/travel', which is not the case with this development.
- 8.22. As the proposed office is likely to generate minimal deliveries throughout the day with the majority of deliveries being LGVs and taxis which typically have shorter dwell times, we are satisfied that these can be undertaken kerbside and it is not expected to increase to a level where it would impact the local road network. A Delivery and Servicing Management Plan has been requested by Transport Officers, but it is not considered justified, given the nature of the use (office), and their acknowledgement that any increase would be minimal.
- 8.23. The overall proposed quantum of car and cycle parking on the site (11 car spaces and 28 cycle spaces) is agreed and meets the requirements of SPD14. Further details on the specific design of the cycle stands, and provision of disabled bays and electrical charging will be secured by condition.
- 8.24. There is no planned change to the number of resident parking bays on Vallance Road and no off-site parking will be required for the proposed development.

- 8.25. Concerns were originally raised over the proposed carpark entrance ramp gradient which had between a 1:6 and 1:12 transition. An amended lower ground floor and ground floor plan have been submitted which shows a 1:20 gradient for the first 3.0m from the edge of the footway. The ramp would have a maximum gradient of 1:7 with transitions of 1:10. This is considered to be appropriate. A traffic light system has also been agreed to manage the entry and exit of vehicles into the basement and a barrier will be implemented to prevent conflict with pedestrians on the footway. A condition will be applied to agree the details of this.
- 8.26. Conditions and s106 requirements would ensure that highway safety is maintained including through the provision of a new vehicular access and management of this via a barrier/traffic light system secured by condition.

Sustainability and biodiversity

- 8.27. Limited details relating to specific sustainability measures for the development have been submitted with this application, which is disappointing, however these can be conditioned as detailed in the Sustainability Officers comments on the application. In their Design and Access Statement the applicant does commit in principle to a fabric first approach with high levels of insulation and the design aims to maximise use of natural light and ventilation, which is welcomed.
- 8.28. The applicant also commits to provision of a green living roof and use of sustainable drainage systems, which is welcomed. These measures within a standard of BREEAM 'excellent' can be secured by condition to ensure delivery in accordance with policy CP8 of City Plan Part 1. The council's Sustainability Officer was unable to comment on the application due to a lack of information but conditions were recommended.
- 8.29. The development does provide the opportunity to include measures to enhance biodiversity and this can be secured by condition to comply with relevant policy. Conditions can secure details of the green roof, details of bat and bird nesting boxes, and details of a landscaping scheme which includes soft landscaping.
- 8.30. A street tree would be required to be removed to provide the vehicular access on Vallance Road. This is very unfortunate but is necessary to provide access to the basement parking. It is only considered acceptable on the basis the impact is mitigated against by a new replacement street tree in Vallance Road. A landscaping condition will ensure this is provided and it will need to form part of the package of highway works associated with this scheme.
- 8.31. Although no details have been submitted relating to rainwater management and drainage on the site, Southern Water, the Environment Agency, the Drainage Officer and the Sustainability Officer have raised no objection to the proposal provided appropriate conditions are imposed requiring further detail prior to commencement of development.
- 8.32. No information has been provided relating to waste and recycling storage and no comments has been received from City Clean so a condition requiring details of these to be agreed has been recommended.

Other Considerations

- 8.33. An Employment and Training Strategy which commits to using at least 20% local employment during the construction phase would be secured by Section 106 legal Agreement, as well as a financial contribution of £24,840 towards the council's Local Employment Scheme. This is welcomed by the council's City Development and Regeneration Team and complies with policy and the Developer Contributions Technical Guidance and policy CP7.
- 8.34. Impacts with regard to archaeology and crime prevention can be appropriately dealt with via condition.

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.
- 9.2. As the development is for additional office space only (Use Class E(g)) it is not liable for CIL.

10. EQUALITIES

- 10.1. The scheme will meet Part M of Building Regulations. All common areas will be fully accessible. A wheelchair accessible W.C./shower is provided at ground floor level. Disabled parking spaces are proposed. There is lift access and it would be accessible for wheelchair users.

11. SECTION 106 HEADS OF TERMS:

- Financial contribution of £24,840 towards the Local Employment Scheme
 - Employment and Training Strategy
- 11.1. 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 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.

