

<u>No:</u>	BH2016/02850	<u>Ward:</u>	Goldsmid Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	2 Montefiore Road Hove		
<u>Proposal:</u>	Erection of four storey side extension with roof top plant to existing hospital with re-arrangement of existing vehicular access and car parking. (Amended Plans)		
<u>Officer:</u>	Luke Austin, tel: 294495	<u>Valid Date:</u>	25.08.2016
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	24.11.2016
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Lewis and Co Planning SE Ltd Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Spire Healthcare c/o Lewis & Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		

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 27 October 2021 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 12 of this report:

S106 Heads of Terms

- 1.2. Employment:
- Submission of an Employment & Training Strategy
 - A financial contribution of £18,290 towards the Local Employment Scheme
- 1.3. Replacement Trees:
- A scheme to secure four replacement street trees for every tree lost within five years of commencement of development.

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 and block plan	AR-WS-00-PL-100-001 7 S2		14 May 2021
Proposed Drawing	AR-XX-XX-EL-251-002 5 S2		14 May 2021
Proposed Drawing	AR-XX-XX-EL-251-005 4 S2		14 May 2021

Proposed Drawing	AR-XX-XX-SE-251-012 5 S2		14 May 2021
Proposed Drawing	AR-WS-RF-PL-200-012 5 S2		14 May 2021
Proposed Drawing	AR-WS-RF-PL-200-011 5 S2		14 May 2021
Proposed Drawing	AR-XX-XX-EL-251-003 5 S2		14 May 2021
Proposed Drawing	AR-WS-02-PL-200-007 5 S2		14 May 2021
Proposed Drawing	AR-WS-BA-PL-200-001 5 S2		14 May 2021
Proposed Drawing	AR-XX-XX-EL-251-001 5 SC		14 May 2021
Proposed Drawing	AR-WS-00-PL-200-004 6 S2		14 May 2021
Proposed Drawing	AR-WS-00-PL-200-003 5 S2		14 May 2021
Proposed Drawing	AR-WS-03-PL-200-009 5 S2		14 May 2021
Proposed Drawing	AR-WS-01-PL-200-005 5 S2		14 May 2021
Report/Statement	J52.56	AIS	29 July 2016
Report/Statement	GE15346GAR		2 August 2016
Report/Statement	H18836/2.3F		13 January 2017

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. 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.
4. 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.
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. 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 the 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.

7. 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.

8. 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.
9. 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.
10. No development shall take place until a scheme setting out highway works to implement the creation and amendment of the vehicular access points, removal of redundant dropped kerb, and amendment of road lining with related costs of TRO and signage, on Montefiore Road has been submitted to and approved in writing by the local planning authority. No part of the building hereby approved shall be occupied until the approved highway works have been carried out in accordance with the approved scheme.
Reason: To ensure the safety of all road users and suitable footway provision is provided to and from the development and to comply with Brighton & Hove policies TR7, TR18 of the Local Plan and CP9 of the City Plan
11. The development hereby approved shall not be occupied until details of the delivery bay including directional and warning signage and bollards between the lined bay and the public adopted footway have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to occupation of the development.
Reason: To ensure that the movements associated with the delivery bay do not cause additional highway safety concerns and to comply with Policy TR7 of the Brighton & Hove Local Plan.
12. Notwithstanding the plans hereby approved, prior to first occupation of the development hereby permitted, a revised parking plan for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented and made available for use 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 parking needs of all staff and visitors, including disabled user and cycle parking, to the site and to comply

with Brighton & Hove policies TR14, TR18 of the Local Plan, CP9 of the City Plan and SPD14 guidance.

13. Within three months of the date of first occupation, an updated Travel Plan for hospital including mitigation measures for the new extension and details of a real time information sign shall have been submitted to and approved in writing by the Local Planning Authority. The updated Travel Plan shall thereafter be fully implemented in accordance with the approved details.

Reason: To ensure the promotion of safe, active and sustainable forms of travel and comply with policies TR4 of the Brighton & Hove Local Plan and CP9 of the City Plan Part One.

14. All hard surfaces hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

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

15. The development hereby permitted shall not be commenced and no other operations shall commence on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until the following Method Statements have been submitted to and approved in writing by the Local Planning Authority:

- i) An Arboricultural Method Statement, to include a detailed Tree Protection Plan and Tree works Specification and means for their implementation, supervision and monitoring during works. This will include details to protect all adjacent roadside trees in the vicinity of the development site.
- ii) A Construction Method Statement to include details on how, amongst others, excavations, materials storage, drainage, servicing and hard surfaces will be managed and implemented to provide for the long-term retention of the trees; No development or other operations shall take place except in complete accordance with the approved Arboricultural and Construction Method Statements.

Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies QD16 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.

- 16.
- (1) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority:
 - (a) A desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS

10175:2011+A1:2013 - Investigation of Potentially Contaminated Sites - Code of Practice;

And if notified in writing by the local planning authority that the desk top study identifies potentially contaminant linkages that require further investigation then,

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

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

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

- (2) The development hereby permitted shall not be occupied or brought into use until there has been submitted to, and approved in writing by, the local planning authority a written verification report by a competent person approved under the provisions of condition (1)c that any remediation scheme required and approved under the provisions of condition (1)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority the verification report shall comprise:
 - a) built drawings of the implemented scheme;
 - b) photographs of the remediation works in progress;
 - c) certificates demonstrating that imported and/or material left in situ is free from contamination.

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

- 17. The development hereby permitted shall not be occupied until details showing the type, number, location and timescale for implementation of the compensatory bird boxes, bat boxes and bee bricks 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 and thereafter retained.

Reason: To safeguard these protected species from the impact of the development and ensure appropriate integration of new nature conservation and enhancement features in accordance with policies QD18 of the Brighton & Hove Local Plan and CP10 of the Brighton & Hove City Plan Part One and SPD11: Nature Conservation and Development.

- 18. 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.

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. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application site relates to a four storey building to the west of the junction of Davigdor Road and Montefiore Road. The building does not fall within a conservation area, however it is a locally listed heritage asset, and is finished in a mixture of red brick and render with a corner domed turret. The building was originally constructed as a furniture depository and was later converted to office use before being converted into its current use, the Montefiore Hospital.
- 2.2. The existing hospital on site is private and operates alongside a number of private hospitals across the UK under Spire Healthcare. The building covers the majority of the southern section of the site, other than a rear courtyard and the northern section of the site is currently used as a carpark serving the hospital. The surrounding area is mixed in character with mid-rise commercial buildings and several taller recent residential blocks to the west, and low rise residential streets to the east and south. Davigdor Road is a main transit route travelling east and west whilst Montefiore Road is more domestic in scale and character.
- 2.3. The application seeks permission for the erection of a four storey extension with roof plant to the hospital to the northern side, over the existing carpark. The proposal would provide an additional GIA of 1,829sqm.

3. RELEVANT HISTORY

- 3.1. **BH2012/02344** - Installation of external lighting to the South and East elevations and within the car park area. Approved 26.09.2012.
- 3.2. **BH2012/01546** - Display of 3no internally and halo illuminated fascia signs and 1no internally illuminated sign. Approved 23.07.2012.
- 3.3. **BH2011/01999** - Installation of emergency generator within existing bin compound in North part of car park and replacement of existing surrounding fence. Approved 07.09.2011.

- 3.4. **BH2011/01997** - External alterations including new entrance doors, alteration to layout of plant equipment to roof, replacement of first floor windows, infilling of two open bays at first floor, creation of rear terrace with escape stairs, removal of flue and insertion of doors to North elevation and erection of separate medical gasses storage building and covered cycle store. Approved 05.09.2011.
- 3.5. **BH2010/03127** - External alterations incorporating new entrance doors, replacement of plant with extension to plant room on roof, infilling of two open bays at first floor, creation of new stair and open terrace to west elevation, removal of flue and insertion of doors to north elevation and erection of separate medical gasses storage building and covered cycle store. 18.11.2010.
- 3.6. **BH2010/02400** - Change of use of office building (B1) to Clinical Diagnostic and Treatment Centre with overnight patient accommodation (C2). Approved 15.10.2010.
- 3.7. **BH2010/00206** - Change of Use of Basement, Ground and Second Floors only from (B1) offices to specialist orthopaedic and sports injury clinic (D1). Approved 21.05.2010.
- 3.8. **BH2004/03536/FP** - Replace existing standby generator bulk fuel tank with new tank. Approved 11.04.2005.
- 3.9. **BH1997/01372/FP** - Installation of 2 no. fire escape stairs within glazed curtain walling to rear/ side elevations of premises. Approved 24.10.1997.

4. REPRESENTATIONS

- 4.1. This application has been revised twice since the original submission, each of which has been subject to a separate public consultation.

Initial Consultation:

- 4.2. The initial consultation took place in September 2016 and received **four (4)** letters objecting to the proposed development for the following reasons:
- Poor design
 - Would not relate to the original building
 - Not in keeping
 - Noise pollution to local residents
- 4.3. **One (1)** further letter was received from the September 2016 consultation, providing the following comments on the proposed development:
- Hope that the planning department will seek to ensure that the no adverse noise pollution will impact on Russell House.

Second Consultation:

- 4.4. The second consultation took place in May 2018 and received **eight (8)** letters objecting to the proposed development for the following reasons:
- Too tall
 - Noise impact

- Poor design
- Too close to boundary
- Increase in traffic and air pollution
- Increase in parking pressure
- Lack of consideration for neighbours
- Loss of trees
- Disturbance during construction

Third Consultation:

4.5. The final re-consultation took place in June 2021 and received **seven (7)** letters objecting to the proposed development for the following reasons:

- Noise impact from roof plant
- Lorries parking on road
- Loss of light to neighbours
- Increase in parking pressure
- Too tall
- Too close to neighbouring block
- Increase in litter
- Lack of smoking area for staff
- Overshadowing/overlooking
- Highway safety
- Traffic generation
- Loss of trees

4.6. **Conservation Advisory Group:** Recommend Refusal of the proposed development for the following reasons:

The proposed extension is unsympathetic in its fenestration and bears no reflection on the attractive host building. The contemporary design of the extension will cause significant harm to the integrity of the locally listed building and is detrimental to the existing street scene. The loss of the plane tree(s) is not satisfactorily offset by 3 birch trees.

5. CONSULTATIONS

Internal:

5.1. **Arboriculture:** Objection

The proposals for the extension at the side and changes to the roof top will not have minimal impact from an arboricultural perspective. The changes to the access way and car parking involve the loss of one Council owned street tree and potential root damage to another.

5.2. **City Regeneration:** No objection

City Regeneration has no adverse comments to make regarding this application.

5.3. The additional 19 FTE jobs are welcome with recognition of the city's aims and objectives in respect of employment and business growth.

- 5.4. An employment and training strategy in addition to a contribution of £18,290 should be secured via s106.
- 5.5. **Environmental Health: Comment**
The proposed application looks to erect a four storey side extension to the existing hospital, with roof top plant. The extension will be closer to noise sensitive receptors than the existing premises, and with a large amount of unspecified plant on the roof, Environmental Health is concerned over the potential noise impact.
- 5.6. Due to these concerns Environmental Health requested further information on the mitigation that would be put in with regards to the noise from the plant. As such an acoustic report has now been submitted in relation to the application by The EQUUS Partnership Ltd (ref: EPL/6562/ENA/MP/01), dated April 2016.
- 5.7. This report has been carried out in line with BS 4142:2014 requirements, and it is considered robust. The assessment shows that with appropriate mitigation that the achievable sound level is lower than that which is required by the council's standard conditions.
- 5.8. In order to ensure that this mitigation is put in place, the council's standards conditions should be attached.
- 5.9. **Heritage: No objection**
Following amendments, the applicant has responded positively to previous concerns and approval is recommended.
- 5.10. **Planning Policy: No Comment**
- 5.11. **Sustainability: Comment**
The application is recommended for approval, with conditions to ensure that the BREEAM 'Excellent' rating is targeted and a reduction of at least 19% in carbon emissions is targeted.
- 5.12. **Sustainable Drainage: No objection**
No objection subject to conditions securing a management and maintenance plan of surface water drainage.
- 5.13. **Sustainable Transport: No objection**
No objection subject to s278/condition to secure a new delivery bay, a revised car park plan, and updated travel plan and a CEMP.
- External:
- 5.14. **County Archaeology: No objection**
No further recommendations.
- 5.15. **County Ecology: No objection**
Provided the recommended mitigation measures are implemented, the proposed development is unlikely to have any significant impacts on biodiversity and can be supported from an ecological perspective. The site offers

opportunities for enhancement that will help the Council address its duties and responsibilities under the NPPF and NERC Act.

- 5.16. **Southern Water:** Comment
No objections subject to conditions securing detailed design drainage strategy.
- 5.17. **Sussex Police:** Comment
Sussex Police are satisfied that appropriate measures for security of the new extension are proposed.
- 5.18. **SGN:** Comment
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.
- 5.19. Safe digging practices should be implemented.
- 5.20. **UK Power Networks:** No objection
A number of recommendations have been made for the applicants attention relating to site safety and digging practices.

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
CP17 Sports provision
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
QD16 Trees and hedgerows
QD18 Species protection
QD27 Protection of amenity
HO20 Retention of community facilities
EM4 New business and industrial uses on unidentified sites
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

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste
SPD06 Trees & Development Sites
SPD09 Architectural Features
SPD11 Nature Conservation & Development
SPD14 Parking Standards

8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the principle of the proposed extension to the hospital, the impact on the character and appearance of the locality, the impact on neighbouring amenity, impact in terms of sustainable transport, sustainability and biodiversity.

Principle of Development:

- 8.2. The application site relates to the carpark of an existing hospital and would involve extending the hospital to provide an additional GIA of 1,829sqm.
- 8.3. Saved Local Plan Policies H019 and H020 seek to retain community facilities whilst promoting suitable community facilities where appropriate.
- 8.4. Policies H019 and H020 are due to be replaced within the Proposed Submission Plan Part 2 by policy DM9 (which can be given significant weight). Policy DM9 states that planning permission will be granted for new community facilities where all of the following criteria are met:
- a) the proposed use is compatible with adjoining and nearby uses;
 - b) the site is close to the community it serves and is readily accessible by walking, cycling and public transport; and
 - c) where feasible and appropriate, community facilities have been co-located to maximise their accessibility to residents and reduce the need for travel (for example at Community Hubs).
- 8.5. As set out above, the proposed extension would be on the site of an existing hospital and would be used in association with the existing operation of the hospital, whilst improving the services that are available to users of the site. The site is in an accessible location, close to main transport routes and hubs within the city centre and would create an additional 19 jobs within the building. As such, the principle of development is supported and would accord with relevant development plan policies.

Design and Appearance:

- 8.6. Policy CP12 of City Plan Part 1 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
- 8.7. 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.
- 8.8. Saved Policy HE10 of the Brighton and Hove Local Plan, as updated by emerging City Plan Part 2 Policy DM28 (which can be given significant weight) advises that alterations and extensions to a locally listed heritage asset, or new development within its curtilage, should be of a high standard of design that respects the special interest of the asset as set out in the Local List.
- 8.9. The existing building is of visual interest and is considered to contribute positively to the streetscene due to the traditional design, proportions and various features and detailing to the elevations. The existing façade is comprised by a number of bays including rendered sections to the ground and third storey levels with a cornice and gable detail, and brick to the first and second storeys, with an arch at first storey level. The south-east corner of the site includes a domed turret which effectively squares off the street and is one of the key defining features of the building. The rear of the building is finished in brick and includes minimal fenestration, detailing or features. Overall, the building is a good example of an early 20th century warehouse building, which is a relatively uncommon building type in the city. The building contributes greatly to the street scene and the domed corner turret and the high level of decoration makes this building a particularly distinctive local landmark.
- 8.10. A significant amount of roof plant has been added to the building during its many conversions which is visible from longer views and detracts from the overall design, however the majority of the plant is hidden behind the parapet when viewed from Montefiore Road.
- 8.11. The application seeks permission for the erection of a four-storey extension to the northern elevation of the site. The current proposal is the fourth iteration of the proposed design and has been submitted in response to feedback from officers and the Heritage Team. Initial feedback raised strong concerns to the floor-ceiling heights and the knock-on effects on the storey heights and overall height of the extension in relation to the host building. Floor heights have been reduced and the overall height now matches the main building.
- 8.12. The proposed extension would be a contemporary continuation of the eastern elevation and would extend up to the full height of the existing building, continuing the strong parapet and line. The materials would match that of the existing building with rendered sections to the upper and lower levels and brick to the central levels. The extension would effectively mimic the rhythm of the bays and features with fenestration matching the spacing and proportions of the original building. At ground floor level, the extension would include a new

vehicular the entrance and exit to the carpark set into two of the bays. The extension would also include a set-back 3 storey section to the northern end with a stair core to the north-west corner which would be finished in render whilst the main body of the building would be finished in the brick. The western rear elevation would be finished in render with a lightwell/courtyard area adjacent to the north elevation of the original building.

- 8.13. The extension would also include a fairly significant roof plant structure, which does somewhat detract from the overall design, however the plant would be set well back from the frontage of the building and would be commensurate in scale to the existing plant. Furthermore, it is noted that the use of the building as a hospital would require a significant amount of plant to accommodate the various functions within the site. The proposed plant would not therefore warrant refusal of planning permission.
- 8.14. The Heritage team have confirmed that there is no objection to an extension of this scale and siting and the overall mass and footprint would be suitably subservient to the host building, with an appropriate set-back to the frontage and fourth floor level. Furthermore, following amendments, the detailing and elevational treatment and fenestration arrangement is considered to complement the existing building whilst paying respect to the traditional design. Overall, the extension is considered an appropriate addition to the building which would complement the existing design whilst utilising this underused section of the site. The proposed extension is considered acceptable and in accordance with relevant design policies. Full details of materials shall be secured via condition.

Impact on Amenity:

- 8.15. Policy QD27 of the Brighton and Hove Local Plan and emerging Policy DM20 of City Plan Part 2 (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, saved policy SU10 and emerging Policy DM40 of City Plan Part 2 (which can be given significant weight) seeks to ensure that proposed developments do not create undue levels of noise and disturbance.
- 8.16. The proposed extension is of a fairly significant scale and would be located in an area which is currently only developed at ground level with a carpark. The site is within a built-up area of mixed character in terms of scale use and form with a number of taller buildings set beside smaller residential dwellings. The extension does respect the general pattern of development in the vicinity, as such introducing an extension of this size and scale is considered to be in keeping with the area.
- 8.17. The closest residential units to the site are:
- 1-19 (odd) St Anns Mansions - a three storey terrace of buildings to the south-east with commercial at ground floor and residential flats above.

- 21- 39 (odd) Montefiore Road - two terraces of 2/3 storey buildings, some with commercial at ground floor and residential above and some in wholly residential use
 - 1-10 Russell House - four storey block of residential flats to the north of the site.
 - 4 Montefiore Road - a three storey, three bedroom dwelling directly to the north of the site.
- 8.18. Although the proposed extension would be visible from the dwellings at St Anns Mansions and 21-39 (odd) Montefiore Road to the east, the relationship would be similar to that of a number of developments and adjacent dwellings within the vicinity, including the existing hospital building on site and Russell House. The building would result in some loss of outlook and some additional overshadowing at certain times of the day to properties to the east, however the resultant scenario will not result in significant harm and is therefore considered acceptable.
- 8.19. 1-10 Russell House and 4 Montefiore Road are located directly to the north of the site and within close proximity and therefore this relationship is more sensitive than those to the east. The applicant has submitted a Daylight and Sunlight Report which has assessed the impact of the proposed development on Russell House and 4 Montefiore Road. The daylight/sunlight report has carried out three tests including; the Vertical Sky Component (VSC) test which evaluates the amount of skylight which reaches window, the annual probable sunlight hours test which evaluates the level of sunlight which reaches a window and finally an overshadowing test of neighbouring gardens.
- 8.20. All windows tested at both Russell House and 4 Montefiore Road would meet the BRE requirements for the VSC test. In terms of the annual probable sunlight hours test, of the windows tested, five windows at 4 Montefiore Road would fail to meet the BRE requirement for both winter and summer, however several of the windows would only fall slightly below the requirements and several would only fail the test within winter months.
- 8.21. The final overshadowing test has only been carried out to the garden of 4 Montefiore Road and there are no other residential gardens within the vicinity. The test concludes that there would only be a slight impact within the afternoon and results would fall well within the BRE guidelines.
- 8.22. Overall in regard to overshadowing and daylight, it is acknowledged that an increased impact will occur to several local residential buildings, however taking into account all factors, including the benefits which the proposed development would deliver, it is considered that the resultant situation would be acceptable and the harm which would be caused is not of a magnitude which warrants the refusal of planning permission.
- 8.23. In terms of loss of privacy and overlooking, the proposed extension would include a number of new windows to the north elevation facing towards Russell House and 4 Montefiore Road, some of which would be at elevated positions. The resulting scenario would therefore result in a level of overlooking to the north

which would impinge on the sense of privacy to adjacent dwellings. The outlook towards the Russell House, would however be to the flank wall of the building which includes only three secondary windows to bedrooms. The main living room and kitchen windows would retain their existing levels of privacy.

- 8.24. The overlooking towards 4 Montefiore Road would be more apparent as the extension would be at a raised level. There is, however, a level of overlooking from the existing hospital which includes large windows and a fully glazed stair core, albeit from a further distance. Furthermore, there is also an existing level of overlooking towards 4 Montefiore Road from a number of windows to the rear elevation of Russell House. It is noted that the closest of these windows are obscure glazed, however several to the stair core are clear. The existing dwelling is therefore already overlooked from a number of windows at higher elevations. Although the proposed extension would add overlooking from another direction, it is not considered significant enough to warrant refusal, as the terrace, garden and east elevation windows are currently overlooked.
- 8.25. The proposed development would have an impact on amenity. Additional overshadowing and overlooking would be caused. The light and views currently available through the section of the site which is at present open car park 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 location of the site is central and a degree of enclosure and overlooking caused by larger buildings is expected.
- 8.26. Overall, it is considered that significant harm to neighbouring amenity would not be caused and that the scheme would comply with policy QD27

Sustainable Transport:

- 8.27. The existing vehicle/pedestrian access is from Montpelier Road to the east with a main entrance set centrally and the vehicle access to the north-east corner. The pedestrian entrance would be retained in its current location and the vehicular entrance would be widened a new entrance to a loading bay directly in front on the extension. The sustainable transport team have confirmed the works as acceptable, subject to conditions to secure additional bollards and signage on site.
- 8.28. The council's parking SPD14 document advises that a development of this size should have a minimum of 35 cycle parking spaces in addition to showers and changing facilities. Furthermore, retained Local Plan policy TR14 states that all parking must be secure and user friendly. The proposed development would involve increasing the amount of cycle parking spaces on site to 30 and relocating the parking from the front of the site to several other locations within the parking area. Overall, the quantum of cycle parking would be a significant improvement over the existing scenario and is therefore considered acceptable, despite the shortfall of spaces. There are concerns however relating to the layout and usability of the spaces due to restricted access routes and siting of the parking. It is considered that these concerns can be adequately addressed via condition as part of the revised carpark layout, as set out below.

- 8.29. SPD14 advises that a development of this size should provide 3 disabled parking spaces. Only two spaces are provided in the rearranged carpark, however there is a disabled bay within close proximity to the site and therefore the level of disabled parking is considered acceptable. The Transport team have advised that the layout of the disabled bays do not meet local guidance due to the spacing on either side of each space. On this basis a revised carpark layout shall be secured by condition to address this concern, in addition to other concerns with the layout as set out below.
- 8.30. In general the proposed car park layout is considered acceptable in principle, however there are several areas of concern, including; lack of visibility to space 14, lack of adequate spacing between disabled bays and the layout of the cycle parking.
- 8.31. The level of car parking space is being reduced from the existing amount. The applicant has stated however that, as is existing, the car park is only used by a limited number of senior staff that do not park all day, travelling to and from different sites. The level of reduction in this instance would not therefore warrant refusal of planning permission.
- 8.32. The proposal also seeks permission for a number of on-site and off-site highway works, including the removal of a redundant dropped kerb, the relocation of a disabled bay, the rearrangement of on-street car and motorcycle parking bays and the relocation of a loading bay. The works are considered acceptable and shall be secured via condition.
- Sustainability:**
- 8.33. City Plan Policy CP8 requires non-residential major development to achieve a BREEAM rating of 'Excellent'. A BREEAM Pre-assessment has been undertaken and submitted with the application. This states that a Good rating can be achieved on the scheme with the potential for a 'Very Good' rating to be achieved subject to additional design changes and commissioning additional specialist reports.
- 8.34. The ranges for BREEAM standards are: Good 45-54%; Very Good 55-69%; Excellent 70% and above. The BREEAM Pre-assessment report indicates that if all potential credits are achieved 68.73% could be achieved. This is very marginally below an 'Excellent' score.
- 8.35. Whilst cost is referred to as a barrier to achieving a higher score, little information has been submitted to demonstrate this, and the potential score is very marginally below the expected score of 'Excellent'. It is therefore recommended that the scheme include a condition to secure an 'Excellent' standard.
- 8.36. The scheme could be improved by including: incorporation of renewable energy; greening of development; enhancement of biodiversity; composting provision. Unless measures are incorporated at the early stages, opportunities to secure the most cost effective measures may be lost, and therefore the condition shall be secured pre-commencement.

Arboriculture:

- 8.37. The proposed building would result in minimal impact to neighbouring trees due to the lack of trees within close proximity. It is noted however that the proposed alterations to the crossover will require the removal of one London Plan Tree and will result in some root damage to a second.
- 8.38. Arboricultural officers have raised objections to the proposed works as it would have the potential to result in the loss of two street trees with only one compensatory replacement tree proposed. In response to this, the applicant has proposed four replacement trees of type and location to be agreed with the Arboricultural team. Although the loss of one tree and the potential for loss of another is regrettable, the proposal of four replacement trees is considered to mitigate this harm and shall be secured via legal agreement.

Conclusion:

- 8.39. The proposed development would provide 1,829sqm of additional hospital floorspace within a sustainable location and would improve the efficiency of the site. The proposed building and associated landscaping are considered to represent an appropriate redevelopment of the site which would introduce a contemporary building extension into the street scene and would have a positive visual impact whilst paying respect to the locally listed building.
- 8.40. The proposed development is acceptable in transport, sustainability and ecological terms, and conditions / s106 requirements are recommended to secure
- Ecological improvements
 - Highways works/alterations
 - Replacement trees
 - Improved cycle parking provision
 - Compliance with energy standards
 - Contributions towards the Council's Local Employment Scheme.
- 8.41. The scheme would result in the loss of one street tree and would have some negative impact upon neighbouring amenity, however the resultant scenario would be in keeping with the pattern of development in the immediate area and overall the harm which would be caused does not warrant the refusal of planning permission.
- 8.42. Overall, whilst the proposed scheme would result in some harm, it is considered that the scheme would deliver a number of benefits including a significant amount of additional floorspace to the existing hospital, 19 additional jobs and improvements to the overall aesthetic of the street. Overall, approval of planning permission is recommended subject to the conditions and s106 requirements set out in sections 1 and 11.

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. As set out in the BHCC CIL Charging Schedule, Hospital uses are not CIL liable.

10. EQUALITIES

- 10.1. Accessible car parking spaces would be provided and the building would be fully accessible for disabled users.

11. DEVELOPER CONTRIBUTIONS

- 11.1. 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
- 11.2. 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 mitigation for the protection of trees adjacent to the site contrary to policies QD15 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One.