

<u>No:</u>	BH2018/00868	<u>Ward:</u>	Central Hove Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Kings House Grand Avenue Hove BN3 2LS		
<u>Proposal:</u>	Demolition of existing office building (B1) fronting Grand Avenue. Conversion of existing (B1) building fronting Queens Gardens to 69no dwellings (C3) with associated alterations and extensions. Erection of a 10 storey building over basement carpark comprising of 72 flats on Grand Avenue and erection of a 6 storey building comprising of 28 flats on second avenue. Associated underground parking, landscaping, cycle storage, bins and recycling points. (Amended Description)		
<u>Officer:</u>	Luke Austin and Jonathan Puplett	<u>Valid Date:</u>	20.03.2018
<u>Con Area:</u>	The Avenues	<u>Expiry Date:</u>	19.06.2018
<u>Listed Building Grade:</u>	Listed	<u>EOT:</u>	
	Building Grade II		
<u>Agent:</u>	Dowsettmayhew Planning Partnership 63A Ship Street Brighton BN1 1AE		
<u>Applicant:</u>	Mortar Nova Grand Avenue LLP C/O Dowsettmayhew Planning Partnership 63A Ship Street Brighton BN1 1AE		

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 the expiry of the re-consultation period expiring on the 2nd of November 2018 and no new planning considerations arising, and subject to a s106 Planning Obligation and the Conditions and Informatives as set out hereunder, SAVE THAT should the s106 Planning Obligation not be completed on or before the 27th of February 2019 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 9 of this report:

S106 Heads of Terms

- Affordable Housing: Provision of 28 units on site comprising 15 rent units and 13 shared ownership, and a contribution of £265,492 towards off-site provision. On-site affordable housing to be ready for occupation prior to 50% occupation of private residential accommodation.
- Review Mechanism of Viability
- A contribution of £152,765 towards education.
- A contribution of £463,743 towards open space and recreation provision.
- A contribution of £51,300 to the Council's Local Employment and Training Strategy and a Construction Training and Employment Strategy including a

commitment to using 20% local employment during the demolition and construction phases of the development.

- A residential Travel Plan covering a period of 5 years incorporating targets to be agreed with the Local Highway Authority. The Plan should be supported by a variety of incentive measures including but not limited to:
 - Subsidised passes/membership of public and communal transport services for one or more years, including Bus services within Brighton & Hove, The Brighton & Hove Bike Share Scheme, Enterprise Car Club;
 - A voucher for £150 to be redeemed against the purchase of a bicycle (one voucher per dwelling);
 - The creation of a Bicycle User Group, including initiatives for “buddying” of less confident cyclists for a few trips, publicity, and social rides;
 - Arranging “doctor bike” maintenance sessions with a teaching element;
 - Free cycle training;
 - Personalised travel planning for residents;
 - Provision of maintenance stands together with pumps and basic tools within the cycle store;
 - Residential travel packs;
 - The provision of information about sustainable transport options in sales/marketing material for the development;
 - An artistic component / element as part of the proposed scheme to the value of £60,000.

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location Plan	(08)001	P1	19.03.2018
Existing & Proposed Grand Avenue (West) Street Elevation	(08)010	P3	29.06.2018
Existing & Proposed South Elevation	(08)011	P3	29.06.2018
Existing & Proposed Second Avenue (East) Street Elevation	(08)012	P4	24.08.2018
Existing & Proposed North Site Elevations	(08)013	P3	29.06.2018
Proposed North/East Site Elevations. Alternative Outrigger Design	(08)015	P1	22.03.2018
Proposed Site Plan	(08)050	P1	22.03.2018
Proposed Site Sections AA - BB	(08)070	P1	22.03.2018
Proposed Site Sections CC- DD -EE	(08)071	P1	22.03.2018
Proposed Site Section FF	(08)072	P1	22.03.2018

Proposed Underground Car Park	(08)080	P3	05.10.2018
Proposed Kings House Basement Plan	(08)100	P3	05.10.2018
Proposed Kings House Ground Floor plan	(08)101	P3	05.10.2018
Proposed Kings House First Floor plan	(08)102	P2	05.10.2018
Proposed Kings House Second Floor plan	(08)103	P2	05.10.2018
Proposed Kings House Third Floor plan	(08)104	P2	05.10.2018
Proposed Kings House Fourth Floor plan	(08)105	P2	05.10.2018
Proposed Kings House Fifth & Sixth Floor plan	(08)106	P2	05.10.2018
Proposed Kings House Sixth Floor & Roof plan	(08)107	P2	05.10.2018
Proposed Kings House Detail Roof Sections	(08)160	P1	22.03.2018
Kings House Balcony Study	(08)262	P4	01.08.2018
Kings House Rear Window Study Detail	(08)264	P1	22.03.2018
Kings House Proposed Basement Windows to Lightwell	(08)267	P1	22.03.2018
Existing and Proposed South Elevation Showing Revised Entrance Proposals	(08)269	P1	24.08.2018
Kings House Refurbishment Room Interior Strategy	(08)500	P2	24.08.2018
Kings House Refurbishment Room Interior Strategy	(08)501	P1	19.03.2018
Kings House Refurbishment Room Interior Strategy	(08)502	P2	24.08.2018
Kings House Refurbishment Room Interior Strategy	(08)503	P2	24.08.2018
Proposed Grand Avenue Block Floor Plans & Roof Plan	(08)200	P1	22.03.2018
Proposed Grand Avenue Block Lower Ground Floor Plan	(08)210	P1	22.03.2018

Proposed Grand Avenue Block Ground & First Floor Plans	(08)211	P1	22.03.2018
Proposed Grand Avenue Block Second & Third, Fourth & Fifth Floor Plans	(08)212	P1	22.03.2018
Proposed Grand Avenue Block Sixth, Seventh & Eighth Floor Plans	(08)213	P1	22.03.2018
Proposed Grand Avenue Block Ninth Floor Plan & Roof Plan	(08)214	P1	22.03.2018
Proposed Grand Avenue Block West Elevation	(08)250	P1	22.03.2018
Proposed Grand Avenue Block North & South Elevation	(08)251	P1	22.03.2018
Proposed Grand Avenue Block East Elevation	(08)252	P1	22.03.2018
Proposed Second Avenue Block Plans & Roof Plans	(08)300	P1	22.03.2018
Proposed Second Avenue Block Plans & Roof Plans	(08)310	P1	22.03.2018
Proposed Second Avenue Block East & West Elevation	(08)350	P2	29.06.2018
Proposed Second Avenue Block North & South Elevation	(08)351	P1	22.03.2018
Land Contamination – Desk Study Report	GE17010 – DSRv2VB180302	2.0	19.03.2018
Hard and Soft Landscaping	RCo 227 / 01	03	19.03.2018
Landscaping Masterplan	R&Co / 227 / Fig 01	01	19.03.2018
Sustainable Energy Report	17107	P3	19.03.2018

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.

Amenity

3. Other than the balcony areas and terraces identified on the approved plans, access to the flat roofs of the development hereby approved shall be for maintenance or emergency purposes only, and the flat roofs shall not be used as a roof garden, terrace or patio or similar amenity area.
Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policy QD27 of the Brighton and Hove Local Plan.
4. Noise associated with plant and machinery throughout the development shall be controlled such that the Rating Level, calculated at 1-metre from the façade of the nearest proposed residential unit, shall not exceed a level 5dB(A) 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.
Reason: To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton and Hove Local Plan.
5. Prior to first occupation of the development hereby approved, full details of the proposed external lighting scheme, including lamps proposed for the main entrances on the Southern elevation, are required to be submitted for approval by the Local Planning Authority. No external lighting other than that which forms part of the approved scheme shall be installed.
Reason: To ensure the satisfactory preservation of this listed building, to protect neighbouring amenity, and to comply with policies QD25, QD27, HE1 and HE6 of the Brighton and Hove Local Plan and CP15 of the Brighton and Hove City Plan Part One.
6. No development 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, inter alia,:
- (i) The phases of the Proposed Development including the forecasted completion date(s) ;
 - (ii) A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to Commence Development until such consent has been obtained;
 - (iii) A scheme of how the contractors will liaise with local residents, businesses and elected members to ensure that they are all 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);
 - (iv) A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise, dust management, vibration, site traffic, parking by staff and contractors and deliveries to and from the site;
 - (v) Details of hours of construction including all associated vehicular movements;
 - (vi) Details of the construction compound, including the proposed location, design and construction of vehicular accesses to this from the highway, associated

measures to manage local traffic movements around this (including those by pedestrians and cyclists) and any associated on-street restrictions and other measures necessary to minimise congestion on the highway and permit safe access by site vehicles;

(vii) A plan showing construction traffic routes;

(viii) A scheme to minimise congestion, delays and disturbances to traffic and public transport services in the vicinity of the site owing to staff and contractor car parking and site traffic. This will include the identification of areas for staff and contractor parking. The scheme shall be informed by 16 hour parking stress surveys of the streets and public car parks in the vicinity of the site. These shall be carried out in accordance with the Lambeth methodology and shall be conducted on one neutral weekday and one Saturday, with the survey extent, dates and times to be agreed in advance with the Council;

(ix) An audit of all waste generated during construction works.

The 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 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.

Heritage / Design / landscaping

7. The works of demolition hereby permitted shall not be begun until documentary evidence has been submitted to and approved in writing by the Local Planning Authority to show that contracts have been entered into by the developer to ensure that two new build blocks on the site hereby approved are commenced within a period of 6 months following commencement of demolition.

Reason: As this matter is fundamental to the acceptable delivery of the permission to prevent premature demolition in the interests of the character and appearance of the Conservation Area and to comply with policy HE8 of the Brighton and Hove Local Plan and CP15 of the Brighton and Hove City Plan Part One.

8. The development hereby permitted shall not commence 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 and Hove City Plan Part One.

9. All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to first occupation of the development. All planting, seeding or turfing comprised 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 to comply with policies QD15 of the Brighton and Hove Local Plan and CP12 of the City Plan Part One.

10. 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.

11. Other than demolition, no development of any part of the development of Kings House hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including:

- a. Bricks and mortar
- b. Coping and pier caps
- c. Airbricks
- d. Cladding for mansards, dormers and flat roof
- e. Rooflights
- f. Materials for the northern boundary walls
- g. Aluminium balcony balustrade panels
- h. Glass and framing for outrigger roof balustrades

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

12. No development of the new buildings on Grand Avenue and Second Avenue, above ground floor slab level shall take place until samples of materials to be used in the construction of the external surfaces of the development of those new build elements have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):

- a) Samples of all brick and roofing materials;
- b) Samples of all cladding to be used, including details of their treatment to protect against weathering;
- c) Samples of bricks, coping and pier caps of the boundary walls;
- d) Details of all hard surfacing materials;
- e) Details of the proposed window, door and balcony treatments;
- f) 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 and Hove Local Plan and CP12 and CP15 of the Brighton and Hove City Plan Part One.

13. Other than demolition, the development hereby permitted shall not be commenced until a method statement for the works to remove the concrete infill from the former ground floor entrances and the reinstatement of steps, has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include provision for initial investigations of the infill sections, to gather evidence of any surviving original stair construction or materials, the findings of which to be provided to the Local Planning Authority along with detailed proposals for their reinstatement. Any original structure and materials found are to be re-used unless otherwise agreed by the Local Planning Authority. The repair/reconstruction of the steps shall not take place until details for the step structures, dividing wall and railings have been submitted to and agreed by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.
Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton and Hove Local Plan and CP15 of the Brighton and Hove City Plan Part One.
14. Other than demolition, the development hereby permitted shall not be commenced until large scale elevations, masonry and joinery details for the Second Avenue fire escape entrance have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.
Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton and Hove Local Plan and CP15 of the Brighton and Hove City Plan Part One.
15. Other than demolition, the development hereby permitted shall not be commenced until profiles and material samples of the proposed brickwork, coping and pier caps for the proposed boundary wall in Second Avenue have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.
Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 and HE6 of the Brighton and Hove Local Plan and CP15 of the Brighton and Hove City Plan Part One.
16. Other than demolition, the development hereby permitted shall not be commenced until details of the design and materials for the proposed airbricks have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.
Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton and Hove Local Plan and CP15 of the Brighton and Hove City Plan Part One.
17. Other than demolition, the development hereby permitted shall not be commenced until joinery details for all proposed new windows and external doors in the existing Kings House building (including cill and reveal profiles and depths, and large scale details of the proposed replica front doors in addition to comparative details of the existing doors to be matched, as appropriate), have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton and Hove Local Plan and CP15 of the Brighton and Hove City Plan Part One.

18. Prior to first occupation of the development hereby approved, details of the proposed location and appearance of the dry riser inlet box have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton and Hove Local Plan and CP15 of the Brighton and Hove City Plan Part One.

19. Other than demolition, the development hereby permitted shall not be commenced until full details of the proposed CHP plant installation and flue route through the building, including floorplans of each level the route crosses through and all relevant section drawings, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton and Hove Local Plan and CP15 of the Brighton and Hove City Plan Part One.

20. No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.

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

Transport

21. Notwithstanding the submitted details, other than demolition the development hereby permitted shall not be commenced until a Vehicular Parking Scheme that includes full details of:

- a) the number, location and layout of general car and motorcycle parking spaces, disabled parking spaces and parking spaces with active and passive electric vehicle charging points;
- b) how all types of parking will be allocated to residents;
- c) how electric vehicle charging points are to be made available, including bringing any with passive provision into active use; and
- d) doors and other access and management measures to the basement car park, including to the access ramp from Second Avenue, to provide safe and secure access has been submitted to and approved in writing by the Local Planning Authority. The parking and facilities shall be laid out and constructed in accordance with the approved details and made available for use prior to the first occupation of the development, and shall

thereafter be maintained and managed and be available for use at all times in accordance with the approved scheme.

Reason: As the parking including disabled parking spaces shown on the submitted drawings is not of an acceptable standard a revised proposal is required to ensure that satisfactory facilities for the parking of vehicles including disabled parking are provided, and to comply with retained Local Plan policies TR14, supplementary planning document SPD14, to encourage travel by more sustainable means and seek measures which reduce fuel use and greenhouse gas emissions, to comply with policies SA6, CP7, CP9, CP12, CP13 and CP15 of the City Plan Part One.

22. Notwithstanding the submitted details, other than demolition the development hereby permitted shall not be commenced until a Cycle Parking Scheme that includes full details of:

- a) how stores and other facilities will be accessed;
- b) the types of stands that will be provided;
- c) how the stands and facilities will be laid out;
- d) doors to stores and other security arrangements; and
- e) bike maintenance facilities has been submitted to and approved in writing by the Local Planning Authority. The parking and facilities shall be constructed in accordance with the approved details and made available for use prior to the first occupation of the development, and shall thereafter be maintained and managed and be available for use at all times in accordance with the approved scheme.

Reason: As the cycle parking shown on the submitted drawings is not of an acceptable standard a revised proposal is required to ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan and SPD14: Parking Standards.

23. Prior to any of the residential units hereby approved being sold or occupied, a scheme shall be submitted to the Local Planning Authority for approval to provide that-

(a) the residents of 154 flats within the approved development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit, and;

(b) The residents of the remaining 15 flats shall be eligible for a maximum of one resident's parking permit per flat.

The approved scheme shall be implemented prior to first occupation of the development and shall remain as such thereafter.

Reason: This condition is imposed in order to allow the Traffic Regulation Order to be amended in a timely manner prior to first occupation to ensure that the development does not result in overspill parking and to comply with policies TR7 and QD27 of the Brighton and Hove Local Plan and CP9 of the Brighton and Hove City Plan Part One and SPD14: Parking Standards.

24. The development hereby approved shall not take place until a highway scheme setting out full details of the following works:

- (a) extinguish the redundant vehicle crossover on Second Avenue to the existing surface car park and reinstate this as footway;
- (b) extinguish the redundant vehicle crossover on Grand Avenue leading to an existing garage and reinstate this as a footway with a dropped kerb for ease of loading and unloading containers and receptacles from service and delivery vehicles;
- (c) provide further new dropped kerbs on Second Avenue, Grand Avenue and Queen's Garden in the vicinity of pedestrian accesses into the development for ease of loading and unloading containers and receptacles from service and delivery vehicles
- (d) remove the existing access ramp and steps on Grand Avenue and reinstate the footway; and
- (e) amend existing or introduce new Traffic Regulation Orders and/or carry out all highway works necessary to facilitate the above;

have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation of the development.

Reason: To ensure that suitable footway provision is provided to and from the development and to comply with policies TR7 and TR8 of the Brighton & Hove Local Plan.

Sustainability / air quality

25. None of the new build residential units hereby approved shall be occupied until each residential unit built has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.

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

26. None of the residential units hereby approved shall be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).

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

27. Other than demolition, the development hereby permitted shall not be commenced until full details of the proposed solar photovoltaic panel arrays have been submitted to and approved in writing by the Local Planning Authority. The approved solar photovoltaic panel arrays shall be installed in their entirety and shall be operational prior to the first occupation of the new build blocks hereby approved. The approved solar photovoltaic panel arrays shall remain operational thereafter.

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

28. Other than demolition, the development hereby permitted shall not be commenced until full details of the proposed Combined Heat and Power (CHP) system have been submitted to and approved in writing by the Local Planning Authority. The approved system shall be installed in its entirety and shall be operational prior to the first occupation of the development hereby approved. The approved system shall remain operational thereafter.

Reason: To ensure that the development is sustainable and makes efficient use of energy, and to minimise any harmful emissions which may result, to comply with policy SU9 of the Brighton and Hove Local Plan and policy CP8 of the Brighton and Hove City Plan Part One.

Access

29. Other than demolition no development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority providing full details of eight units which form part of the approved scheme, which are in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings). These eight units shall be completed in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings) prior to first occupation and shall be retained as such thereafter. All other dwelling(s) hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton and Hove Local Plan.

Nature conservation / enhancement

30. The development hereby permitted shall not be first occupied until a scheme to enhance the nature conservation interest of the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall accord with the standards described in Annex 6 of SPD 11 and shall be implemented in full prior to the first occupation of the development hereby approved and thereafter retained, other than any planting which shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is the sooner. Any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy CP10 of the Brighton and Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

Environmental Health

31. No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority:
- (a) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study ref. GE17010 – DSRv2VB180302 V.2 submitted on the 19th of March 2018, in accordance with BS 10175:2011+A1:2013;

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

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

32. 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 29 (b) that any remediation scheme required and approved under the provisions of condition 29 (b) 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.

Refuse/ recycling

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

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

Drainage

34. Other than demolition, the development hereby permitted shall not be commenced 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 Sustainable Drainage Report and Flood Risk Assessment received on 19th March 2018 has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in 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 and Hove Local Plan.

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

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

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton and Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that they must enter into a Section 278 Agreement with the Highway Authority prior to any works commencing on the adopted highway.
3. The applicant is advised that, to ensure the overall proposals for parking within the basement are coordinated, approval of the information required under conditions 21 and 22 (Vehicular Parking Scheme and Cycle Parking Scheme) should be provided in a single application.
4. The applicant is advised that the scheme required to be submitted by Condition 23 should include the registered addresses of all the units within the completed development; confirmation of which 15 addresses will be eligible for a maximum of one resident's parking permit per flat; an invitation to the Council as Highway Authority to amend the Traffic Regulation Order; and details of arrangements to notify potential purchasers and occupiers of the availability of parking permits or otherwise.
5. Southern Water has advised that there is a decommissioned water main within the site. Should the water main be found during construction works the applicant should contact Southern Water Services before any further works commence on site. Furthermore, due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer

now deemed to be public could be crossing the property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

6. A formal application for connection to the water supply is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

2. SITE LOCATION AND APPLICATION DESCRIPTION

Kings House is a prominent Grade II listed building on Hove Sea Front, facing south across Hove Lawns. It is within The Avenues Conservation Area. The Queen Elizabeth statue within Grand Avenue to the west is listed as is number 24 Second Avenue to the east.

The building was built as a terrace of 7 houses between 1871 and 1874. The westernmost houses were soon after converted to Princes Hotel, along with the rest of the building in due course. Thereafter it was requisitioned by the Government during wartime; was used as the Headquarters of the South Eastern Electricity Board; and latterly, by Brighton and Hove City Council.

The modern northern extension to Kings House was built in the 1980s. It was last in use as an open-plan office over five storeys connected to the main building of Kings House through a glazed link.

While of significant townscape merit within The Avenues Conservation Area, in more recent years the building has been further eroded of original features, most notably windows, entrances, balconies and a 2 storey wing formerly fronting Grand Avenue, all of which affect the significance of the building.

The application site is 0.53 hectares and currently contains Kings House to the south part fronting onto Queens Gardens with Kingsway beyond and Kings Lawns beyond that; the modern 1980s extension to the west part fronting onto Grand Avenue with its open gardens; ground-level open car park to the east part fronting onto Second Avenue.

The design of the application scheme has evolved during pre-application discussions and during the course of the application, in light of the response from the Design Review Panel, Officer advice, pre-application advice from Members, and as a result of various consultee responses especially the Heritage Officer.

The application proposes the demolition of the modern northern extension and link building, the conversion of the main building of Kings House to residential dwellings, alterations to the listed building including upward extensions of the three historic

outriggers, and the erection of two new blocks of flats. This represents a site-wide change of use from B1 office use to C3 residential for the provision of 169 dwellings.

The proposed 10-storey building fronting Grand Avenue would contain 72 dwellings. The proposed 6-storey building fronting Second Avenue would contain 28 dwellings. Both buildings would be of similar in style making use of locally distinct yellow gault brick for the main elevations with more contemporary grey panel accents. Balconies would be formed of steel and glass balustrades.

To Kings House, two additional storeys (plus roof terraces) are proposed to each of the three rear outriggers. Only visible from Second Avenue, the first level of each additional storey would be of matching brickwork with the second additional storey formed of dark grey metal cladding in a mansard-roof form. Small dormers are proposed to the rear main roof slope with conservation rooflights to the front. All fenestration would be returned to historically appropriate timber sash format.

The existing below ground car park is proposed to be extended to provide a total of 80 car parking spaces including 11 disabled spaces accessed via the existing basement ramp. The basement will also provide access to cycle spaces for residents (the final number and location of which to be secured by condition), refuse and recycling storage. Cycle spaces are proposed to the front and rear of the development which would provide visitor cycle parking.

A new low level glazed link building will provide a public entrance to the development on Grand Avenue. Landscape areas to the rear of Kings House and between the proposed two new buildings will form a communal garden and courtyard area incorporating areas of coastal planting, seating and hard landscape circulation.

Amended drawings were received in August 2018 and a new public consultation has been undertaken which expires on the 2nd November 2018. New balcony details were proposed as well as other details to address initial objections by the Heritage Officer.

In regard to affordable housing, the original application submission stated that no affordable housing could be provided.

Following discussions with the applicant, and independent viability assessment, it has been determined that the development can provide affordable housing in the form of 15 rent units and 13 shared ownership, and a contribution of £265,492 towards off-site provision, without threatening the viability of the scheme. This is now proposed; the affordable units would be delivered in the proposed Second Avenue block.

3. RELEVANT HISTORY

BH2018/00869 - Demolition of existing office building (B1) fronting Grand Avenue. Conversion of existing (B1) building fronting Queens Gardens to 69no dwellings (C3) with associated alterations and extensions. Erection of a 10 storey building over basement carpark comprising of 72 flats on Grand Avenue and erection of a 6 storey building comprising of 28 flats on second avenue. Associated underground parking, landscaping, cycle storage, bins and recycling points. Under Consideration.

BH2005/06638 - Replacement of existing sash windows with timber sashes including opening up of bricked up window openings. Approved - 01/02/2006.

BH2005/06005 Listed Building Consent for internal alterations to form new meeting rooms out of basement stores, opening up of 9 bricked up openings and installation of new sash windows. Approved - 01/02/2006.

3/93/0471 (F) and **3/93/0472** (LB) - Change of use from headquarter offices personal to Seaboard PLC to Class B1 offices. Approved - 19/10/1993.

3/79/0416 and **3/79/LB0015** - Alterations to existing building, demolition of number 1 Second Avenue, existing garage and two-storey office wing, erection of a five-storey office extension (plus basement and plant room) including social club, canteen and parking for 144 cars. Approved - 30/08/1979.

Pre-application advice

The application submission follows the Applicant seeking and obtaining pre-application advice from Officers, Members and Design Panel. This advice has informed the formulation of the application submission.

4. REPRESENTATIONS

Seventy Five (75) letters have been received objecting to the proposed development **for the following reasons:**

- The parking assessment methodology is inaccurate
- Peak times for parking are within the summer months during the daytime / mid – late evening
- The existing parking is highly constrained
- There will be impacts on local residents during construction
- There is no clear commitment to affordable housing
- This will not address the housing crisis
- The proposal is of an inappropriate size
- The development will be detrimental to the setting of Kings House
- Increased traffic
- Increased disruption
- The existing building and extension should be renovated and converted
- Loss of light
- Loss of outlook
- Inadequate parking
- Where will tradesman park?
- The area is already high density
- The existing ground level carpark should be retained
- The flats are targeted for wealthy incomers – not locals
- Overdevelopment
- Overcrowding
- Increased crime
- Loss of daylight
- Overbearing
- The existing building should be converted to flats

- The new build it of little architectural merit
- Not environmentally sustainable
- The proposal will set a precedent for further infill development
- The new block will dominate Kings House
- Locals schools and GP's cannot cater for the additional residents
- Loss of light
- Loss of value to local flats
- No benefit to local residents
- Collection services will not be able to access the site
- The development should be restricted to four stories
- Loss of sea view
- This will impact the whole south side of One Grand Avenue
- The gap between Kings House and properties to the north is an established feature
- Contrary to HE3, HE6 and CP15
- Lack of wheelchair units
- Lack of affordable units
- Additional pollution from high level of cars
- The development should be car free
- There is not enough tree planting / landscaping on site
- The development should not rely on hove lawns for amenity space
- Overlooking from north facing balconies on upper levels
- Noise from service lift and air vent
- Smell / noise from refuse area
- Impact on highway safety
- Inaccurate car ownership statistics
- Inaccurate daylight / sunlight assessment
- No social housing
- The development will damage a tourist attraction
- The 40% affordable housing should have been a condition of the sale of the building
- The design is too modern
- The development does not BRE sunlight / daylight guidance
- The floor heights do not relate to adjacent buildings
- Unsympathetic material finish
- Loss of local sightlines
- The design is unbalanced
- The existing building is more appropriate
- The Grand Avenue building should be one storey lower
- Car parking is likely to be inadequate
- The development should provide one parking space per resident
- Likely to be disruption from construction
- The building is too high
- Insufficient parking
- Design is not in keeping
- Overlooking / loss of privacy from roof terraces
- The frosted balustrades to the outriggers are not in keeping
- The roof terraces will be crowded with furniture
- The roof terraces are too modern
- Lack of turning point within the road

- Should be car free
- Construction traffic will cause disruption
- The bedrooms do not meet space standards
- The design is lazy
- The Second Avenue block is of low quality
- The development is contrary to the NPPF and local policy
- The public Consultation was poor

Two (2) letters have been received supporting the proposed development for the following reasons:

- Welcome the prospect of additional housing
- The development makes use of a brownfield site
- Contributions should be sought for local schools and cycle lane improvements
- The design is positive
- The design is in keeping with the local area
- Affordable housing and parking must be managed

A **petition** has been received with **Two Hundred and Eight (208)** signatures with the following undersigned request;

The developer, Mortar Nova Grand Avenue Ltd substantially increases the number of parking spaces to be built at their King's House development. Brighton and Hove City Council Planning Committee therefore must require a substantial increase in parking provision as a condition of granting the application. Furthermore, we request that the development is designated 'car free' so that the new residents have no entitlement to local on-street resident parking permits.

Councillor Wealls has provided two comments on the proposed development. Copies of the comments are attached.

Councillor Moonan objects to the proposed development. A copy of the objection is attached.

Peter Kyle MP has provided the following comments on the proposed development:

- In favour of more housing in Hove
- There is concern that the Second Avenue design is not in keeping with the street
- 74 car parking spaces is not enough for 169 flats
- There does not seem to be the required number of wheelchair accessible units
- No affordable housing element
- Overlooking / loss of privacy to 2 Second Avenue
- Concerns regarding the service lift and potential noise impact
- Request that a noise impact study is carried out

The Hove Civic Society has commented on the proposed development:

- We believe that the scheme would bring some clear planning benefits, including a significant contribution to overall housing supply and a much-needed refurbishment of the listed King's House exterior. Naturally we welcome these.
- The scheme should also make a good overall improvement to the streetscape on three (East, South & West) sides - particularly the King's House block and the sensitive approach used for the proposed new block on Second Avenue.
- The proposed new block on Grand Avenue would also be a streetscape improvement compared with the 1980s block it would replace. We think the design approach of the facades generally works satisfactorily, but there are features which could be improved - for example, the somewhat random placing of balcony detail is a distraction from the overall form.
- We have more substantial concerns about the internal layout of the blocks, in particular a worry that rooms in the most inward areas of the Grand Avenue, and in the 'outrigger' areas of King's House, will feel enclosed and oppressive.
- And obviously we are disappointed with the situation where no affordable housing is being put forward as part of the scheme. We note the viability summary submitted with the application, with a general commitment to "working with the Council" - but the local community will obviously want to see the Council acting to secure a genuinely good outcome from this process.

The Brighton Society supports the proposed development. Comment summarised as follows:

The Brighton Society considers that this proposal will result in an overall enhancement of the Hove seafront, to the Listed King's House itself, and to The Avenues Conservation Area within which the site is located.

The new buildings proposed in Grand Avenue and Second Avenue are acceptable in terms of scale, proportion, architectural modelling, detailing and materials.

As the scheme has developed in the period since the initial consultations, we now feel much happier that these proposals will result in an overall enhancement to the area – which is of course one of the key criteria in evaluating whether new buildings in Conservation Areas are acceptable or not.

5. CONSULTATIONS

External Consultees

Historic England: No objection

The proposed new building on Grand Avenue is taller than that which it replaces, but of a similar scale to One Grand Avenue to its north. There would certainly be a change in the setting of King's House, and to the wider Conservation Area, but we acknowledge

that buildings within the CA are varied in both design and scale, and the wide open streets assist in accommodating changes of this order without causing great harm.

On Second Avenue, a new building would be lower, and infill a gap on the street frontage. Although opposite grade II listed buildings, there would not be a great crowding effect resulting from the new building. Raising the height of the 'outriggers' would alter the historic form of the listed building, but it is not uncommon for service wings to be adapted in this way, and similar extensions have occurred elsewhere in the locality. There would also be some benefit arising from enlivening the street scenes of Grand Avenue and Second Avenue which would offset some of the harm associated with a more dense form of development here.

We do not object to the proposals affecting the interior of King's House, but think that certain matters of detail remain to be agreed, such as the treatment of new joinery in communal areas, and installation of safety bars to historic stairs.

CAG Conservation Advisory Group: Object:

The Group recommends refusal. The Group recognises that this proposed development is the most significant and sensitive for the historic Hove sea front since Kingsway Court was built in the 1970s therefore what is eventually proposed on this site has to be worthy to fit into this existing impressive building landscape. Whilst welcoming the proposed conservation and restoration to the listed King's House, the Group believes the negative issues the proposed new builds facing Grand Avenue and in Second Avenue have produced, outweigh the positives gained from the restorations of King's House.

The conservation report is most thorough, which demonstrates good detailed restoration proposals for King's House. The Group supports the re-instatement of staircases, and other internal features; front entrance doors where proposed; the repair of simulated stone copings; original fenestration design and the reconstruction of the balconies to their origin state. Also it would have no objection to the extensions upwards to the outriggers other than to the east end outrigger, which would have an effect on the street scene looking south down Second Avenue. Materials have to be very carefully chosen to achieve the match and colour of the existing building.

The Group agrees with the demolition of the Grand Avenue extension but feels the proposed replacement is too high and bulky and that it misses an opportunity to present a star quality replacement.

Although the building is proposed to be separated from King's House, its size and closeness do not allow it to be subservient to King's House and to the vertical visual thrust of its two Italianate towers. The new building will breach the roof line considerably as seen both from the Junction of Grand Avenue and Church Road to the north and also from Hove Lawns to the south. The indecisive nature of the vertical design also does not fit well with its neighbours.

The proposed new building facing Second Avenue, whilst of acceptable scale and massing is not of sufficient quality of contemporary design and does not sit well with

other buildings in Second Avenue which are all from the 1870s. A building of similar style should be considered.

County Ecologist: Comment

The proposed development is unlikely to have a negative impact 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 NERC Act and NPPF. Bird boxes should target species of local conservation concern such as starlings, swifts and house sparrows (to be secured by condition).

Southern Water: Comment

No development should take place within the minimum clearances around identified pipework routes. There may be decommissioned pipework within the site which if identified during construction works requires further consultation with Southern Water. Details of surface and foul water drainage should be secured by planning condition.

Sussex Police: Comment

Standard security measures are recommended and this advice has been provided to the applicant.

Internal Consultees

Planning Policy Team (comments on the scheme as originally submitted):
Comment

The submission does not contain all the supporting information that was provided at the pre-application stage specifically the Cushman and Wakefield Planning Review and Marketing Material that is cited in the Supporting Statement. This should be submitted for assessment as part of the application.

Further clarification should be sought from the applicant given the submission of additional more recent commercial advice – The Fludes report (October 2017) - included in the Affordable Housing Viability Assessment which suggests a different opinion on the quality and attractiveness of the building for continued office use then set out in the Supporting Statement.

Subject to the comments of the Housing Strategy Team the proposed dwelling mix for this scheme could be improved upon by a better balance of two and three bedroom properties in the overall mix to more fully accord with Policy CP19.

The applicant should indicate if the proposed housing units meet the requirements of Brighton and Hove Local Plan Policy HO13 Lifetime and Accessible Housing.

The applicant should clarify whether affordable housing will be provided as part of the scheme. The Affordable Housing Viability Assessment, assumptions and conclusions should be subject to independent scrutiny by the District Valuer.

Further comments 19/11/2018 following submission of additional information and finalised affordable housing proposal:

The general level of affordable housing proposed is now supported as it has been verified as the maximum viable by the DVS. In regard to the options which were set out the viability assessors reports:

1. The entire Second Avenue Block- 13x 1-bed flats, 15x 2-bed flats as affordable with a 55%/44% split – 15 rent units and 13 shared ownership units, plus a contribution of £265,492 for off-site provision.
2. The entire Second Avenue Block- 13x 1-bed flats, 15x 2-bed flats as affordable with a 71%/29% split – 20 rent units and 8 shared ownership units, with no contribution.
3. The entire Second Avenue Block- 13x 1-bed flats, 15x 2-bed flats as affordable with a 55%/44% split – 15 rent units and 13 shared ownership units, plus 2 shared ownership units in the Grand Avenue block.

The second option would be preferable as it represents a 100% on site deliver of affordable housing and would provide a higher proportion of rental units.

Housing Strategy Team (comments on the scheme as originally submitted):
Object

Object as no affordable housing is proposed.

Details of wheelchair housing provision should be provided and to fully accessible at first letting/sale. Tenure of affordable wheelchair housing should be agreed (Preference for Affordable rent over Shared Ownership).

Further comments following submission of finalised affordable housing proposal:

The 17% provision is well below the 40%, but significantly above the original 0% originally offered by the developer and has been confirmed by DVS. The preference of the Housing Team would be DVS option 2 - the entire Second Avenue Block including 13x 1-bed flats, 15x 2-bed flats as affordable with a 71%/29% split – 20 rent units and 8 shared ownership units.

Heritage Officer: Comment

The Heritage Officer has provided detailed comments on an ongoing basis throughout the design development of this scheme. The latest position is to agree to most details subject to various criteria and conditions as attached to this report.

The comments of the Heritage Officer are summarised as follows:

- The pre-planning development of the scheme has resulted in positive changes in scale and design approach to the new-build, and amendments to proposed alterations to Kings House.
- The conversion of Kings House will enhance the evidential and aesthetic value of the asset and will enliven the street frontage. The reinstatement of chimney pots, basement steps and window openings, replacement of existing aluminium windows with timber (some conjecture accepted) and the removal of clutter from the main rear elevation are all acknowledged improvements, and along with the proposed re-use of the building for the purpose it was originally intended are considered to be in accordance with the requirements to 'sustain or enhance the significance of the heritage asset' as set out in the National Planning Policy Framework.
- The orientation of the internal layout to better reflect the buildings origins as a row of 7 houses is achieved by reinstating the spine walls between the units and using the original locations of the reflected staircases as the positions for the circulation cores (lift in place of stairs on one side). This layout is not followed on the ground floor, however no further erosion of historic planform is proposed either.
- General support for returning windows to original format although evidence of the exact detailing of the original windows is unclear.
- Reservations over disguising the lift overrun structures with false chimneys but accepted on balance as the original chimneys have been removed from the rear.
- Removal of modern extension will visually separate Kings House from the rest of the site and improve its setting.
- The Grand Avenue new build is still considered to be taller than desirable, however the re-design of this block through the pre-planning process has resulted in a slightly lower building. Its design acknowledges traditional vertical proportions with the double height brick openings, whilst confidently avoiding pastiche. The texture created by the variations in balcony projection and brick detailing add subtle but essential qualities that must not be lost in the implementation of the scheme.
- The set-back of the upper floors has been increased and the proposed materials for these levels improved since the original proposal, and the resulting excess height above Kings House is considered less harmful in views from Grand Avenue however the aim for Kings House to retain its prominence in the street scene is not considered to have been achieved from some vantage points where the upper floors do not appear recessive and the impact of the new building does not benefit from the reduced footprint (compared to the existing extension).
- The decorative metal panels proposed for the top of the first and second floor balustrades and around the top of the third floor bays are considered acceptable.
- Entrance lamps acceptable.

Further comments following submission amended details proposal:

Revised door and balcony details have been submitted which are considered acceptable.

The addition of lamps to the main south elevation entrances are considered acceptable subject to further detail.

Additional fire escape details to be reserved by condition.

The alignment of the existing balustrade wall at the back of the pavement would prevent the full reinstatement of the sets of entrance steps that will not lead to new entrances under the proposed scheme; the Heritage Team seeks confirmation that this has been considered and how it will be resolved where the intention is to retain this boundary wall.

The proposal to include the decorative stone lintels above the new fire escape entrance in Second Avenue should be included on drawing 012 P3. Large scale details for this entranceway can be conditioned.

Full justification for the proposed water repellent coating for the historic brickwork is required, along with information confirming the degree to which the breathability of the fabric will be retained, and the effect such coating will have on the colour or finish of the bricks following application of the product.

Revised internal details that remove reference to lowered ceiling perimeters and downlighters and mezzanine area are required.

The following matters can be secured by condition:

- A method statement for the works to remove the concrete infill from the former ground floor entrances and the reinstatement of steps.
- A large scale elevation and masonry and joinery details for the Second Avenue fire escape entrance.
- Full details of the lamps proposed for the main entrances on the Southern elevation.
- Profiles and material samples of the proposed brickwork, coping and pier caps.
- Details for all proposed new windows and external doors
- Details of design and materials for the proposed airbricks.
- Large scale design and joinery details for new internal flat entrance doors.
- Details of the proposed location and appearance of the dry riser inlet box.

Further comments following the submission of further details:

No objection subject to suggested conditions.

Environmental Health Officer: Comment

The submitted desktop study identifies that further site investigation is required. Land contamination conditions are therefore recommended.

The ventilation system air intake will be on the courtyard side of the closest residential windows to the car park ventilation outlet. The car park ventilation system will be low volume when in everyday usage (as compared to emergency operation in the event of a fire) and should not pose a noise nuisance or air quality hazard to passers-by or residents in the vicinity of the outlet. A condition controlling noise from the ventilation system should therefore be applied.

Air Quality Officer: Comment

The proposed development is not predicted to increase traffic congestion, emissions or have an adverse impact on local air quality. The site and sea front have clean air quality with prevailing ventilation and favourable dispersion conditions. The site is suitable for healthy residential use.

No objection subject to the following measured secured by condition:

- 50% of the parking on site with ducting ready for electromotive charging points.
- CEMP condition: HGV routings shall minimise journey distance through the AQMA. Especially avoid the A259 in Portslade, Preston Circus and Valley Gardens.
- Combined Heat and Power plant shall have Selective Catalytic Reduction to minimise NOx emissions and a flue termination above tallest building in accordance with the clean air act.

Transport (comments on the scheme as originally submitted): Comment

Before determination of the application, various elements of cycle parking and accessible car parking must be addressed.

Subject to satisfactory resolution of these issues, and the application of a number of obligations and conditions to mitigate the impact of the development and to support the use of sustainable modes of transport by new residents, the Transport Team raises no objection.

Conditions to Include a cycle parking scheme, a car park management plan, a construction traffic management plan in addition to a travel plan and a scheme to control parking permits to be secured via a legal agreement.

Further comments following the submission of additional information / amended proposals:

This application has been subject to a thorough assessment of transport impact, with particular attention given to risks of associated with potential overspill parking on surrounding streets. This has led the applicant to revise their proposals on several occasions. Whilst there are still several areas that remain deficient, particularly internal

car and cycle parking arrangements, the Highway Authority is satisfied that these could now be remedied by condition. Consequently, it would not wish to oppose Approval subject to various conditions and obligations being attached, including:

- A condition to secure further details of internal cycle parking facilities, notwithstanding the plans permitted. This is necessary to address access, security and inclusivity deficiencies within the proposed scheme. This may have knock on implications for the design of car parking within the basement.
- A condition to secure further details of the proposed internal car parking arrangements, including blue-badge holder and electric vehicle charging point spaces. This is necessary to address deficiencies in the proposed scheme relating to the layout of disabled parking spaces. Both this and the possible need to reallocate space to cycle parking are likely to result in a small further reduction in proposed 80 on-site car parking spaces.
- An agreement (with a Section 106 agreement) removing the entitlement of the overwhelming majority of units within the development to on-street parking permits, except for blue-badge holders. In order to prevent on-street parking occupancy exceeding acceptable thresholds, that entitlement will be retained for 15 identified units only. They will be limited to a maximum of 1 permit each.
- A condition to secure a Car Parking Management Plan explaining how on-site parking, including accessible spaces and those with electric vehicle charging points, will be allocated to residents and how arrangements will be communicated to residents.
- An agreement (with a Section 106 agreement) to provide a Travel Plan to encourage sustainable travel by residents. This should be supported by various incentive measures including subsidised tickets/membership of public and communal transport services.
- A condition to carry out various minor highway works to modify existing and proposed accesses to the development.

Education: Comment

In this instance the Education Authority we will not be seeking a contribution in respect of primary education as we have sufficient primary places in this area of the city for the foreseeable future. We will however be seeking a contribution in respect of secondary and sixth form education of £152,764. 60 if this development was to proceed. The development is in the catchment area for Blatchington Mill and Hove Park Schools. Both of these schools are currently full and therefore it is entirely appropriate to seek a contribution in this respect.

Sustainable Drainage: Comment

Support subject to a detailed maintenance plan of the sustainable drainage on the site to be submitted before construction can commence.

Economic Development: Comment

The proposed loss of a significant amount of office floorspace is regrettable; the application submission however sets out a number of mitigating circumstances which should be taken into account.

A contribution towards the Local Employment Scheme and a Local Employment Strategy including a commitment to 20% local labour should be secured through legal agreement.

Sustainability: Comment

The heating solution for the Grand Avenue and Kings House developments is by way of a gas-fired CHP and boiler district heating system. This is welcomed, as are the references to CIBSE and the ADE Code of Practice.

It is regrettable that the Second Avenue building is not connected to the district heating scheme, as policy CP8 (and emerging policy DM46 of City Plan Part 2) require developers to look outside the immediate site boundary to ensure that all buildings benefit from access to low-carbon heat. The development still meets the 19% CO2 reduction due to the installation of solar PV.

6. MATERIAL CONSIDERATIONS

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

The development plan is:

- o Brighton and Hove City Plan Part One (adopted March 2016);
- o Brighton and Hove Local Plan 2005 (retained policies March 2016);
- o East Sussex, South Downs and Brighton and Hove Waste and Minerals Plan (adopted February 2013);
- o East Sussex, South Downs and Brighton and Hove Waste and Minerals Sites Plan (adopted February 2017);

Due weight has been given to the relevant retained policies in the Brighton and Hove Local Plan 2005 according to their degree of consistency with the NPPF.

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton and Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

SA1 The seafront

- CP1 Housing delivery
- CP2 Sustainable economic development
- CP3 Employment land
- CP5 Culture and tourism
- CP7 Infrastructure and developer contributions
- CP8 Sustainable buildings
- CP9 Sustainable transport
- CP10 Biodiversity
- CP11 Flood risk
- CP12 Urban design
- CP13 Public streets and spaces
- CP14 Housing density
- CP15 Heritage
- CP16 Open space
- CP18 Healthy city
- CP19 Housing mix
- CP20 Affordable housing

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
- QD15 Landscape design
- QD27 Protection of amenity
- HO5 Provision of private amenity space in residential development
- HO13 Accessible housing and lifetime homes
- HE1 Listed buildings
- HE3 Development affecting the setting of a listed building
- HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

- SPD03 Construction and Demolition Waste
- SPD09 Architectural Features
- SPD11 Nature Conservation and Development
- SPD14 Parking Standards

8. CONSIDERATIONS and ASSESSMENT

The main considerations in the determination of this application relate to the principle of development including the total loss of the B1 office use, the proposed provision of market and affordable housing units, the impact of the conversion of the listed Kings House on its significance, the impact of the design on the character and appearance of the conservation area and setting of surrounding listed buildings, impact on street scene and wider views, neighbouring amenity, sustainable transport impacts including parking demand, landscaping, ecology/biodiversity and contribution to other objectives of the development plan.

Background

The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually.

The Council's most recent land supply position was published in the 2017 SHLAA Update (February 2018) which showed a marginal surplus (5.0 years supply). However, the inspector for the recent planning appeal on Land south of Ovingdean Road (APP/Q1445/W/17/3177606) considered that the Council's delivery timescales for two sites were over-optimistic and concluded that there would be a five year supply shortfall of at least 200 dwellings. The Council's five year housing land supply figures are currently being updated as part of the annual monitoring process and an updated five year housing position will be published later this year. In the interim, when considering the planning balance in the determination of planning applications, increased weight should be given to housing delivery in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

Principle of Development

The principle of development in this case primarily relates to the loss of office use on an unallocated employment site, a use protected by City Plan Part One Policy CP3. The proposed development would see the employment use lost in its entirety, to be replaced by residential development.

Loss of existing use

The current lawful use of the site is as offices (Use Class B1(a)). There is also a surface and underground car park as an ancillary facility to the office use. The site contains 11,870 sqm (127,700 sqft) (gross internal area) of office premises comprising the converted Grade II Listed Building and the 1980s extension to the north.

The Brighton and Hove Employment Land Study 2012, a background evidence study supporting the City Plan Part One, identifies a shortfall of high quality office accommodation over the plan period and strongest demand for accommodation up to the 460 sq m in size, although there is also demand for move on accommodation for local businesses.

A lack of office space will constrain the city's ability to retain its businesses as they grow and expand. Protecting existing office space is therefore important to help meet future business needs and supplement the delivery of new office space.

In addition, a healthy office space market for the city requires a vacancy rate which facilitates businesses moving to new premises when required e.g. in relation to expansion, with minimum delay.

A lack of available office space, which businesses can identify and move to within a reasonable timescale, can act as a deterrent to new businesses arriving / starting up in the city, and existing businesses remaining in the city. A lack of supply can also lead to rising rental charges which can also act as a deterrent and make the city less competitive with other nearby locations.

The Employment Land Study 2012 identified forecast growth requirements of 112,240 sq m to 2030. This is required as additional provision to the existing stock in the city. It is therefore critical that the existing stock in the city is protected where appropriate.

A further threat to meeting this objective is the permitted development rights which were introduced in May 2013, which grant permission for changes of use from office to residential use, subject to a prior approval process. The prior approval process only allows the Council to consider a restricted list of considerations; this list does not include an ability to consider the loss of the office use and its impact upon the provision of employment space in the city. The Council introduced an Article 4 Direction in March 2016 which restricts these rights being enacted in the central core of Brighton; such rights still apply outside of this area and have been enacted in a number of locations across the city since their introduction in 2013.

The result of these rights is that notwithstanding the protections the Article 4 Direction and local Planning Policies afford office uses, and those developments which have come forward in the city which do include new office floorspace, year on year the city is seeing a net loss of office floorspace, rather than the net increase required to contribute to the forecast growth requirements of 112,240 sq m to 2030, as set out within the Authority Monitoring Report for Non-Residential Development for 2016-2017.

The most recent available data suggests vacancy rates are currently very low at 3.5% of total stock, whilst this demonstrates a healthy demand for office space in the city; such a low vacancy rate can in fact restrict movement in the market as set out above. Rental charges are at a record high and are projected to continue to steadily rise, in part due to the restricted availability of suitable office space on the market. Again this is a demonstration of the healthy demand for office space in the city vs the available supply, but such high and rising rental charges can impact upon the city's ability to compete with other nearby locations.

Overall, the need to protect the existing stock in the city, where possible and appropriate, remains acute, as does the need to bring new office space forward in new development. The Council's efforts to achieve these objectives will continue to be compromised to some extent by the permitted development rights which apply outside of the Article 4 area.

In the case of the King's House site a change of use through permitted development is not possible, as these rights do not apply to sites which contain listed buildings. Any proposed change of use must therefore be considered with regard to the overall situation in the city, and relevant local and national planning policies and guidance.

City Plan Part One Policy CP3 sets out that the loss of existing office space will not be permitted for the reasons set out above; to protect the city's existing stock of office as a baseline to which new office floorspace should be added across the plan period. Exceptions to this policy position will only be permitted where certain circumstances apply.

It is a requirement that as part of any proposal involving the loss of office space that the premises be demonstrated, through evidence submitted by the applicant, to be

redundant as office space, and incapable of meeting the need of alternative employment uses. In the context that office demand across the city remains high, and availability is restricted.

Paragraph 4.39 of CP3 sets out a rationale for assessing whether a site is redundant as office space, and unsuitable for modern employment uses. The application submission includes a case as to why they consider the loss of office floorspace to be justified. This case is considered having regard to the criteria set out in Policy CP3 below.

a) Location of the site

The application submission sets out that that-

Kings House is a prominent seafront site set within close proximity to Hove Town Centre which comprises a mixed commercial area characterised mainly by upper floor office accommodation and small scale employment in mews off Church Road. Kings House is unusual in this context as it forms a substantial standalone office block in an area comprising predominantly residential uses. Whilst the site is in a relatively central location with good transportation links, it is not part of the Brighton centre where most larger office premises are located, and is not in itself part of an established office location.

This description is considered accurate. The location is central, but ideally so. The site is well served by some transport links but is set away from railway stations. It does appear that an office use / uses could potentially function successfully, as has been the case in the past. The limitations of the location are however accepted.

b) Quality of the existing building

The application submission includes an assessment of the quality and internal layout of the existing office premises. The assessment indicates that the Grade II Listed building may not be attractive to modern office users given the small cellular nature of the layout which is governed by the historic fabric of the building. The majority of existing offices to the south of the main corridor are restricted in layout and do not benefit from level access due to the offset mezzanine levels to the rear. The accommodation within the original section of the building is indicated to be low specification and dated.

The submission indicates that the modern extension to the rear is of better quality than the traditional part of the building, providing open floorplates of 700 sq m, however it is dated and also in need of upgrade and improvements to bring it up to modern day office standard. It is stated that the works required would include new heating/cooling systems.

This description of the quality of the existing buildings is considered accurate. Both the historic building and the modern block to the north would require significant works to bring them up to the standards expected in the current market. Were such works to be carried out the accommodation in the historic building would still be limited by its layout.

c) Site/ floor layout

The Grade II Listed Building comprises a single main core, with accommodation spread over five main floors with upper levels within the towers. It is accepted that the arrangement of the original Victorian structure does not lend itself to modern office requirements which would impact on market interest of the site as an office use. Current demand is angled towards more flexible open plan working spaces and there are also difficulties with adaption of the Grade II Listed Building to be DDA compliant for future office users.

The modern block to the north of the site offers more flexibility with an open plan floor plate, which could facilitate occupation by one company or by a number of companies through internal subdivision. The potential for such occupation is however limited to some extent by the works required to bring this building up to modern standards.

d) / e) / f) Accessibility / Other uses in the neighbourhood/ Proximity to public transport

As identified within the application submission, Kings House is a standalone office block located away from the main Church Road within a predominantly residential area. The site is also located away from the city's core office location and is not particularly well connected by rail with the nearest station (Hove) approximately 0.8 miles away.

As detailed above it is accepted that the site is ideally located for an office use as it is set away from the established core office area within Brighton, and away from both Brighton and Hove Station. The site location does however have a number of strengths; the relative proximity of Hove and Brighton centre, and an attractive seafront location and outlook, would set the site apart from many other office sites which could, for example be in out of town locations, set away from established centres and their amenities, without such attractive elements as proximity to a seafront and an open outlook towards it. The site is also well located in terms of bus and cycling routes with numerous bus stops nearby and the adjacent A259 / cycle path / promenade beyond.

In terms of access to main vehicular routes in an out of the city, the site has immediate access to the A259 for east/west routes into and out of the site, routes north are not as convenient as some travel through the city is required to get to the A23 and A27, this is however characteristic of many city centre office spaces in the city.

g) Costs of refurbishment set against future value an office use

The Cushman and Wakefield marketing report 2015 provided as evidence by the applicant indicates that the refurbishment required would include replacement of the outdated and inefficient heating and ventilation systems, replacement of deficient windows and a general upgrading of staff facilities such as toilets and kitchens. This has been quantified at a cost of circa £5million which is not considered viable by the applicant when set against the future value for employment use.

As identified above, it is accepted that significant works and expenditure would be required to update both the historic and modern building to a standard required by modern office occupiers. Whether such works would be considered viable by a freeholder or future occupant would to some extent be dictated by the length of ownership / occupation intended, and the terms upon which rental was offered / the required works were to be funded.

It is accepted that costs in the region of £5million would take a considerable period to see a return delivered. It is however clear that demand for office space is at present very high, and given the current limited availability of office in the city, which is projected to continue, and the record high rental charges, which are projected to continue to steadily rise, it does appear likely that a return on the costs of such works would be delivered in due course.

It remains unclear whether these circumstances make the purchase and operation of the site for office use untenable. The site has been purchased with the intention of a residential redevelopment and is therefore not currently available to the open market as an office use.

h) The length of time the site has been vacant

Kings House was last occupied by the council and was vacated in October 2016. As detailed above, the site has been purchased with the intention of a residential redevelopment and is therefore not currently available to the open market as an office use.

i) Marketing history of the site

The supporting information provided by the applicant provides evidence which demonstrates that Kings House was on the market from September 2014 - July 2017 and actively marketed between September 2014 – April 2015 and April 2017 – July 2017 by Cushman and Wakefield on behalf of the council.

In September 2014 a comprehensive marketing brochure was advertised in the Estates Gazette, Cushman and Wakefield's website and other commercial property websites. The brochure was also sent to all 986 members of the Office Agents Society. The property was offered freehold as a whole and no guide price was set. The site was marketed for continued office use, although the document indicated the potential for alternative uses (e.g. residential) subject to the relevant planning permissions, indicating that evidence of the redundancy of the existing use would be required. 145 enquiries were received but none related to office use. The feedback provided was that the location and nature of the building was not attractive for offices. All of the interest generated was for a change of use and redevelopment with the vast majority seeking a residential use.

In February 2015 a revised marketing brochure was issued which considered alternative uses as well as continued office use which resulted in an additional 53 enquiries. A formal bidding process commenced in April 2015. None of the bids were for continued office use. This was followed by extensive negotiations with the preferred bidder, however, the council decided in March 2017 to remarket the property with a refreshed marketing brochure which broadened the range of prospects and highlighted the potential of the site for redevelopment in addition to continued office use. This further marketing also failed to generate any interest from office occupiers or investors prepared to upgrade the building for modern office use.

At this time Cushman and Wakefield concluded that the location of the building and nature of the accommodation are no longer appealing as modern offices.

It is noted that the Fludes Commercial Report submitted in support of the application (October 2017) included in the Affordable Housing Viability Assessment offers a different opinion on the quality and attractiveness of the building for continued office, including the following conclusions:

‘- Brighton city centre is the best office location. Central Hove, to include, Kings House is the next best location;

- If Kings House were retained and refurbished as office accommodation we would be optimistic of the letting prospects.’

Overall, it is clear that while marketing of the site included marketing its potential as an ongoing office use, the site’s potential for redevelopment as alternative uses including residential has formed part of the marketing strategy. It appears that as the interest which the marketing attracted related to alternative uses including residential, the marketing became more focussed on this potential as time went on.

It does appear that the site has the potential for continued office use; this is confirmed in part by the Applicants’ own submission in the form of the Flude report. Such use would however be reliant upon significant refurbishment works being carried out, a factor which will act as a deterrent to future owners and/or occupiers. The marketing which has been carried out suggests that at this time there was very limited interest in continued office use of the site. This real world experience is given weight, alongside the assessment of the theoretical potential for employment use. It is not however clear how any marketing efforts for continued office use were impacted upon by the concurrent marketing for alternative uses such as residential.

j) Vacancy rates for office uses in the City

As detailed above, overall vacancy rates remains low at approximately 3.5% of total stock. Demand is high and availability is low. Rental charges are at a record high and are projected to rise steadily for the foreseeable future. Changes of use to residential through permitted development rights outside of the Article 4 Area will continue to impact upon the office stock of the city.

k) Whether the change of use is the only practical way of preserving the Grade II Listed Building

A conversion of the historic building to a residential use is not the only practical way of preserving it.

However, a residential use does represent a viable use of the site which would see initially, a large scale refurbishment and restoration, and looking forward, would ensure the ongoing occupancy of the building where individual owners, and the freeholder(s) would have a vested interest in the upkeep and maintenance of the building. Any future alterations would be subject to the requirement for Listed Building Consent which would ensure that such works would be appropriate in nature. The Council also has strong Enforcement powers relating to listed buildings should any breaches of such restrictions occur.

The resultant scenario would therefore in some regards be of benefit to listed building and its ongoing preservation.

Were the Council to seek to retain the use of the building as office, by refusing applications for alternative uses such as that which is proposed, which could potentially be justified given the acute need to retain office space and deliver a net increase of office space in the city, this would create the potential for a period of vacancy. Given the lack of interest shown in reactivating the office use of the building during previous periods of marketing a period of vacancy does appear likely in this scenario. Furthermore the works which a future office occupier would seek to carry out are not known at this point and some impact upon the historic character and importance of building could result.

The proposed use therefore arguably provides a greater degree of certainty as to the future of the building and its ongoing maintenance. It has not however been demonstrated that this is the only practical way of preserving the Grade II Listed Building

In summary, a number of factors have been identified which are effectively limitations of the potential of the site for ongoing employment use. The location is central, but ideally so. A seafront location and an attractive and open aspect could help to attract new office occupants. The site is well served by some transport links but is set away from railway stations. The internal layout of the listed building is not suited to modern employment use and these problems would be difficult to resolve. The modern open plan extension is more suited to employment use but would require relatively significant upgrades to fully meet the requirements of modern office occupants.

Furthermore, the site has in the past been marketed, in part for ongoing office use, and no interest was shown for such a use. The effectiveness of this marketing may however have been limited by concurrent marketing for alternative uses such as residential.

Notwithstanding these limitations, and the fact that the site has not been available to the open market for office use since its purchase for residential redevelopment, the marketing does carry some weight as suggests that the proposition of the ongoing operation of office use on the site was not appealing to potential purchasers at this time. Ongoing efforts to retain the site in its current lawful use as offices could see a period of vacancy which would not be welcome in listed building terms as the historic building could fall into disrepair and would not undergo the sort of repair and restoration which is proposed under the application scheme.

As an overall assessment, the case put forward in regard to the loss of employment use does raise material issues and addresses the criteria of Policy CP3 to some extent, and the need to secure an ongoing viable use of the listed building is acknowledged, however the proposed development would result in a significant loss of office floorspace, at a point in time where the city faces significant challenges meeting its objectives in providing employment floorspace to meet current and projected demand.

The situation is therefore balanced. It is considered that the loss of employment use in this case could potentially be supported, and whether approval should be given rests

upon an overall planning assessment of the scheme including an assessment of the benefits which the proposed scheme would deliver.

The Proposed Residential Use

The proposed replacement use in this case is the provision of 169 residential units comprising 50 one-bedroom flats, 116 two-bedroom flats, and 3 three-bedroom flats. 28 affordable units are proposed comprising 13 one-bedroom flats and 15 two-bedroom flats. Of these affordable units, 15 would be rental units and 13 shared ownership. These units would be housed within the new build block fronting Second Avenue, which would in its entirety be affordable units, 28 in total. In addition a contribution of £265,492 towards off-site provision is proposed.

As with employment floorspace, there is an acute need for housing in the city. Whilst residential sites in the city face less threat from alternative uses, as changes away from residential are at the present time uncommon, the current and projected demand for housing in the city requires the ongoing identification and delivery of housing across the city during the plan period.

At present the city has a housing delivery target, approved by Government at the time of the adoption of City Plan Part One, which is significantly below its objectively assessed need. Site allocations at the time of the Plan adoption indicated that the city had a viable supply of sites to deliver housing which would meet this target across the plan period through a defined delivery trajectory. At a recent appeal however the Inspector found the Council's rationale for believing that this on target delivery would continue over the next five years to be lacking, therefore the Council has accepted at present that it cannot demonstrate a viable housing land supply position.

As a summary, at the time of the plan adoption, it was accepted that the need for housing, and affordable housing in particular, was acute, and that due to the restrictive circumstances of the city, it would not be possible to meet the needs of the city therefore a significantly lower target was set and accepted by Government. As present, it is projected that even that lower target may not be met due to limited delivery during this phase of the plan period.

In this context, the need for housing developments, and in particular those which include affordable housing provision, to come forward is arguably even more acute than at the time of the plan's adoption. The presumption in favour of sustainable development currently applies as set out in paragraph 11 of the revised NPPF published in July 2018. This applies a 'tilted balance' in favour of granted permission for sustainable development unless:

- i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

It is therefore clear having regard to the overall circumstances the city faces at this time that new developments for housing will in general be supported, unless significant

adverse impacts can be identified which outweigh the benefits of the specific housing provision which is proposed. In addition, given the limited delivery which has come forward / is coming forward during this phase of the plan period, it is of critical importance at this time that housing developments meet local policy requirements in regard to affordable housing.

Affordable Housing and Viability

For schemes of 15 units or more Policy CP20 sets out that 40% of the proposed units should be affordable, and should be of a tenure mix that is reflective of current needs. The Council's Affordable Housing Brief (AHB) defines this as a mix of 55% rental units and 45% shared ownership units. In the case of the application scheme of 169 units, this would equate to an affordable housing provision of 68 units; 37 for rent and 31 shared ownership.

Other than the lack of a housing supply position, the City Plan policies are in general considered to be up to date, being adopted in March 2016, and have been viability tested. Therefore the requirements within said policies should not threaten the viability and deliver of developments in the city.

That said, it is Government policy that the provision of affordable housing should threaten the overall viability and delivery of a development scheme.

In regard to planning obligations such as affordable housing the revised NPPF (paragraph 57) states that:

Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.

Following the publication of the revised NPPF, Government guidance re viability was updated. This guidance states that:

It is the responsibility of site promoters to engage in plan making, take into account any costs including their own profit expectations and risks, and ensure that proposals for development are policy compliant. It is important for developers and other parties buying (or interested in buying) land to have regard to the total cumulative cost of all relevant policies when agreeing a price for the land. Under no circumstances will the price paid for land be a relevant justification for failing to accord with relevant policies in the plan.

Where a viability assessment is submitted to accompany a planning application this should be based upon and refer back to the viability assessment that informed the plan; and the applicant should provide evidence of what has changed since then.

The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and viability evidence underpinning the plan is up to date, any change in site circumstances since the plan was brought into force, and the transparency of assumptions behind evidence submitted as part of the viability assessment.

Any viability assessment should reflect the government's recommended approach to defining key inputs as set out in National Planning Guidance.

Government's guidance on these key inputs includes an explanation of how land value should be defined for the purposes of viability assessment:

To define land value for any viability assessment, a benchmark land value should be established on the basis of the existing use value (EUV) of the land, plus a premium for the landowner. The premium for the landowner should reflect the minimum return at which it is considered a reasonable landowner would be willing to sell their land. The premium should provide a reasonable incentive, in comparison with other options available, for the landowner to sell land for development while allowing a sufficient contribution to comply with policy requirements. This approach is often called 'existing use value plus' (EUV+).

In order to establish benchmark land value, plan makers, landowners, developers, infrastructure and affordable housing providers should engage and provide evidence to inform this iterative and collaborative process.

There are cases where an 'Alternative Use Value' can be considered. The consideration of such uses should be limited to those uses which have an existing implementable permission for that use. In this case, no other use has planning permission, and local planning policy seeks to protect the existing lawful use of the site as offices. Therefore consideration of an Alternative Use Value would not be appropriate in this case.

Whilst Government's current policy and guidance regarding viability has been published during the course of the consideration of this planning application, this does not alter the fact that significant weight must be attached to this policy and guidance which is now being applied nationally by all Local Planning Authorities. This guidance is welcome as it provides some certainty as to how Government expects viability to be considered at plan making and decision making stages of the planning process.

Key elements of this current policy and guidance in regard to the current application include:

- The need for developers and other parties buying (or interested in buying) land to have regard to the total cumulative cost of all relevant policies when agreeing a price for the land.
- The definitive policy that under no circumstances will the price paid for land be a relevant justification for failing to accord with relevant policies in the plan.
- The presumption that where policy is up to date and has been viability tested, that policy compliant schemes will be viable (i.e. that in the case of the application site a

scheme comprising 40% affordable units is assumed to be viable), and in that context the requirement for the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage.

- The requirement for all viability information to be publicly accessible, simple and transparent.
- The need for the applicant's viability case to be based upon and refer back to the viability assessment that informed the plan; and the requirement for the applicant to provide evidence of what has changed since then.
- The requirement that land value be established based upon the existing use of the site (i.e. office in this case) plus a premium.

In this case, notwithstanding the fact that Policy CP20 is considered up to date, and in fact housing need has become more acute than at the time of the policy's adoption due to limited delivery in this phase of the plan period, and the fact that the City Plan was viability tested at the point of examination, the applicant considers that a site specific viability assessment is required.

The developer's justification for this need, which should refer back to the viability assessment that informed the plan and explain, and provide evidence of, what has changed since then, is that some of the assumption figures which were utilised in the City Plan viability assessments have changed since this time, e.g. build costs.

The site is protected as an ongoing office use through City Plan Policy and is not therefore allocated for housing. Therefore the viability of the specific site for housing delivery was not assessed at the time of the Plan's adoption. The applicant considers that the following site specific requirements should be given weight in assessing the viability of the site for housing development:

- Upgrade of existing historic fabric;
- Retention of staircases in current position together with principal internal walls;
- Replacement of all windows with traditional sliding sash casement in keeping with the Listed Building. Traditional purpose made joinery required;
- Retention of and upgrades to balconies;
- Opening up of the entrance on Grand Avenue to provide level access;
- Improvement works to roof space - re-roofing of slate and traditional lead roofs;
- Reinstatement of chimneys/chimney pots;
- Requirement for centralised heating and power;
- The use of specific materials including gault brick;
- Reinstating of doors in the original locations/positions.

As detailed above, it is Government Policy that when a viability assessment is submitted at application stage, in the context that policy compliant schemes (i.e. in this case a provision of 40% affordable housing) are assumed to be viable, the weight to be given to said viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and viability evidence underpinning the plan is up to date, any change in site circumstances since the plan was brought into force, and the transparency of assumptions behind evidence submitted as part of the viability assessment.

In this case, some evidence has been submitted to demonstrate that relevant viability assumptions have evolved since the assessment of the City Plan carried out in 2014. The case put forward is however primarily site specific, in the context set out above that the site itself, being protected for employment use, was not viability testing for housing development on a site specific basis as part of the formulation of the City Plan.

In the case of the application site the Council considers that it is reasonable for site specific issues to be given due weight. The viability information submitted and the assumptions behind it are transparent, and have been subjected to independent assessment and scrutiny. In this context the viability assessment submitted is given weight and could potentially justify the acceptance of a provision of affordable housing below that which the policy provides, which is 40% or in this case 68 units; 37 for rent and 31 shared ownership.

The viability assessment originally submitted by the Applicant set out that the development could not provide any affordable units. This raised great concern as it represented such a significant departure from the general situation which was assessed as viable at the time of the plan's adoption, namely that a provision of 40% should be viable. Through independent assessment and scrutiny of this viability assessment, the Applicant's position is now that it would be viable for the scheme to include 28 units; 15 rent units and 13 shared ownership, and a contribution of £265,492 towards off-site provision.

Having taken full account of the viability assessment submitted, and the detailed scrutiny of this information by independent assessors, Officers consider that this position does represent the maximum affordable housing of the required tenure mix that can be delivered without threatening the viability and delivery of the proposed development.

The comments of the Housing Team and Planning Policy Officer are noted, in that a higher proportion of rental units would be preferred rather than the mix which is proposed plus a financial contribution. The applicant has however stated that a greater proportion of rental units over the policy requirements would result in a less appealing development for Registered Providers to engage with. The concerns of Registered Providers are given weight as it is of importance that a Provider engages with the scheme and willingly delivers the units proposed. Recent experience has shown that it can be challenging securing willing Providers to engage with the delivery of development schemes in the city. Therefore whilst the proposed affordable contribution does not result in all provision on site, which is preferred in policy CP21, it is acceptable in this case.

Overall, it is the view of Officers that the provision of affordable housing proposed can be supported due to the weight which can be given to the viability assessment submitted in the current policy framework set out by Government. The circumstances which are set out in the assessment are site specific and attaching weight to these matters does not set a precedent which would threaten the Council's ability to seek to secure the affordable housing requirements set out in Policy CP20 at other sites across the city.

Proposed Housing Density and Unit Size Mix

City Plan Part One policy CP14 sets out policy for considering the density of housing development in the context, particularly, of making the most efficient use of the limited brownfield land available. It seeks that new residential development be at a minimum of 50 dwellings per hectare (dph) providing it contributes to the creation of sustainable neighbourhoods and meets a list of other criteria. These in synopsis are: high standard of design/townscape; respects local character; tenure/mix/dwelling type meet local need; is accessible; served by local facilities and has appropriate outdoor recreation space.

The development is 318 dph, which is a greater density than One Grand Avenue immediately to the north at 244 dph, and less than Kingsway Court to the east at 367 dph. There are also a number of high rise residential blocks further north and to the west of Grand Avenue. There are however a number of low-rise flat conversions in the vicinity of the application site and overall it is considered that the proposed building would be in keeping with the prevailing character of the area with regard to density, scale and form. The density of development proposed will make good use of the site and deliver a significant number of housing units in an appropriate sustainable location.

Policy CP19 requires that proposals have had regard to housing mix considerations and have been informed by local assessments of housing demand and need. Policy

CP19 sets out an indication of projected demand:

A demographic analysis of the demand/ need for homes in the city over the plan period indicates that an estimated 65% of the overall need/demand (for both market and affordable homes) will be for two and three bedroom properties (34% and 31% respectively); 24% for 1 bedroom properties and 11% for four-plus bedroom properties. In terms of the demand for market housing, the greatest demand is likely to be for 2 and 3 bedroom properties (35% and 36% respectively); while for affordable housing the majority of the requirement is likely to be for one and two bedroom homes (46% and 33% respectively) although there is also likely to be a considerable requirement for three or more bedroom sized properties.

The development overall proposes:

- 50 x 1-bedroom flats (29.6%)
- 116 x 2-bedroom flats (68.6%)
- 3 x 3-bedroom flats (1.8%)

Therefore the mix of units is skewed towards one/two-bedroom units in comparison to the overall needs of the city. However, as a flatted development the scheme would be expected to deliver a greater proportion of smaller units (in the same way a scheme of houses would be expected to deliver a greater proportion of larger units). Furthermore the layout of the flats within the historic building are to some extent dictated by the existing layout.

The proposed affordable provision would include the following mix:

- 13x 1-bedroom flats (46.4%)
- 15x 2-bedroom flats (53.6%)

Whilst this is not in accordance with the Council's affordable housing brief which sets out 30% one-bedroom, 45% two bedroom and 25% three bedroom units, it is representative of the overall mix of the development which as detailed above is skewed towards smaller units with very few three bedroom units. Officers also give some weight to the fact that a three bedroom unit, all of which are located within the historic listed building, is likely to attract a considerable price and would not therefore be ideally suited to the demand typically associated with affordable housing such as key workers on limited incomes.

Overall the proposed density and unit's size mix are considered to be acceptable.

Visual Impact / Heritage

The application site relates to King's House; a Grade II Listed five storey building with projecting towers up to seven storeys to the south-west corner of the building. The existing building is set on a prominent corner plot which effectively squares off Grand Avenue and Kingsway to the south; acting as a landmark which contributes positively to the surrounding Avenues Conservation Area. Grand Avenue itself is unusual within the conservation area as it includes a number of modern high rise residential blocks of various, interspersed with traditional low rise buildings, whilst the prevailing character of the remaining conservation area comprises predominantly low rise traditional residential buildings. Kings House itself includes a modern 5 storey extension which constructed in the 1980s to facilitate the conversion and refurbishment of the building into office accommodation.

Grand Avenue, although heavily developed, retains an open environment due to the wide street in addition to the lawn area to the east of the main road and the building line set-back of the blocks to the west, creating a pleasant and welcome relief in contrast to the high density blocks to either side. The building is also set back from the Kingsway to the south as it separated from the road by a narrower street – Queens Gardens.

The stretch of Kingsway on which the south elevation of Kings House fronts onto includes a number of varied forms and heights of building from the 10 storey modern Kingsway Court to the east and the four and a half storey traditional detached buildings fronting onto Kings Gardens to the west of Grand Avenue.

Grand Avenue includes a number of listed buildings, including the application site itself and a nine storey residential block (4 Grand Avenue) in addition to a number of three storey residential buildings to the north-east corner and a group of four grade II listed buildings set on the south-west corner. As identified above, the street scene is varied and includes a number of high density and high rise developments within close proximity to the application site.

The application seeks permission for the conversion of the existing Kings House building into residential flats, involving external alterations and extensions, in addition to the demolition of the existing modern extension to the rear and the construction of a

10 storey replacement block of flats with a 6 storey block fronting onto Second Avenue. The specific alterations and proposals are assessed in detail below.

During the assessment of the application a number of amendments have been sought in order to address Heritage concerns including revised entrance steps and boundary wall treatment to King's House, revised balcony details, revised external doors in addition to other minor adjustments and internal alterations.

Kings House

The design of the scheme has evolved extensively from the early pre-application proposals. The applicant took account of the comments of the Design Review Panel in particular in relation to the design of the two new buildings having a stand-alone character. The overall design concept is therefore to focus on key design characteristics found within Kings House and the surrounding conservation area and draw them together in a coherent and contemporary proposal.

On Kings House itself, external alterations to the street frontages are relatively minor restorative works including the replacement of the later, unsympathetic metal windows for original style timber sash windows. This is a significant enhancement to the listed building. Works are proposed to restore elements of the historic balconies as well as open up the basement level of residential accommodation. Some limited lighting is proposed to the entrances and rooflights are proposed to the southern roofslope.

There are more substantial alterations to the side and rear elevations. Small dormers are proposed and more significantly, the three 'outriggers' are proposed to be raised by two storeys each. This would substantially alter the historic form of the listed building. As demonstrated by the submitted Heritage Statement, it was not uncommon for service wings to be adapted in this way, and similar extensions have occurred elsewhere in the locality. There was also some local precedent for similar dormers. There may be some benefit arising from enlivening the street scenes of Grand Avenue and Second Avenue which would offset some of the harm associated with a more dense form of development here.

The main impact of the alterations on the appearance of the listed building would be visible from the east on Second Avenue, where the extended easternmost outrigger will be clearly visible. This approach would be acceptable, providing suitably matching bricks are used to the first new level with sympathetic materials to the mansard top floor. The roof terrace is harder to justify but given the set-in will be difficult to see other than in glimpsed views from ground level. Inter-visibility between the roof terraces and rear windows of Kings House has been avoided through the use of privacy screens, and ensuring the relevant terraces are tied to the nearest flats in the main building.

New Build – Grand Avenue / Second Avenue Blocks

The proposed development on Grand Avenue comprises a 10 storey modern block with an incremental set-back to the two uppermost storeys. The new building on Second Avenue be six storeys in height and would infill a gap on the street frontage currently occupied by an open-air car park which is visually detrimental to the appearance of the conservation area. The block would be 6 storeys in height and, like the grand avenue block, would have a set-back to the upper storey.

The primary palette is the locally distinct yellow gault brick for the main elevations with more contemporary grey panel accents. Balconies are formed of steel and glass balustrades and the top two stories of the Grand Avenue block (and top single storey of the Second Avenue block) are a lighter-weight 'penthouse' style level. Some criticism was levelled at the pre-application design for not having a sufficient set-back in these upper floors resulting in a top-heavy appearance clearly visible from street level. Whilst the final design has resulted in top storeys which are certainly not hidden from views at street level, the design proposed reduces the visual impact of the bulk and apparent weight to some extent, through the use of some set-backs, and the positioning of balconies and materials which would appear lighter as viewed against the sky.

The southern upper levels of the Grand Avenue block nearest to the western elevation of Kings House has an unusual design feature, extending the lighter materials from the upper two floors down to cover the top four floors on the side. Whilst disrupting the symmetry of the building itself, the applicant has attempted to reduce the competition for visual dominance with Kings House at the nearest point on this elevation.

One key characteristic of the conservation area is the bay-rhythm of the Victoria properties, including Kings House, which features bay windows interspersed with flat elevations of often narrower proportions. The design of both buildings references this with the spacing of balconies and secondary windows. The balcony balustrades alternate from left to right as viewed vertically up the building from floor to floor which adds interest and reduces the perception of a homogenous block. Brick header details form horizontal line-breaks in the elevation too which further reduces the visible mass of the elevations.

The Grand Avenue block would adjoin the traditional Kings House building via a single storey glazed link at ground floor level providing an entrance lobby and concierge area for future residents and visitors. Furthermore there would be a single storey substation and refuse transfer area to the north of the building. The glazed link and substation would somewhat disrupt and dilute the opportunity for a clear separation between the new and old buildings and would reduce the primacy of the new Grand Avenue building as a building in its own right. The glazed link would however provide an effective functional entrance to the development and would be sufficiently set back from the building line and the substation is of modest scale and relatively minor; thereby retaining visual separation between the three different buildings and would be an improvement to the setting of Kings House in comparison to the existing situation.

The proposed new building on Grand Avenue is taller than the block it replaces, but would be of a similar scale to One Grand Avenue to the north. There would certainly be a change in the setting of King's House, and to the wider Conservation Area. As identified above, Grand Avenue is an unusual road within the conservation area in that most buildings are reasonably modern, and the street scene is characterised by multiple tall buildings. This existing situation lends itself to the insertion of contemporary tall buildings without causing significant harm to the character of the conservation area in the way as may be the case elsewhere.

The Second Avenue block would effectively infill the open plot whilst respecting the adjacent plots and their respective building lines, plot widths / depths. The proposed height would match that of the outrigger extensions to the Kings House building which would address the differing heights and forms of Kings House and 2 Second Avenue. The proposal would also include a proposed front boundary wall which would be set on the same line as that of 2 Second Avenue to north, whilst continuing through the new proposed eastern entrance gate to the boundary wall of Kings House. This would create a well-defined plot and would effectively tie the building into the street scene and curtilage of the listed building.

The proposed buildings do not incorporate the fine level of detail of the historic buildings in the conservation area but would provide a more characteristic and sympathetic addition to the street scene than the existing 1980s extension on the site.

Regard is given to the Supplementary Planning Guidance note 15 on Tall Buildings. SPG 15: Tall Buildings sets out guidance for development which is 18m or taller and/or significantly greater in height than surrounding development. As indicated above the site includes two blocks; a 10 storey building fronting onto Grand Avenue with a ridge height of 30m (31m including the lift overrun) and a six storey building fronting onto Second Avenue with a ridge height of 17.5m (19m including the lift overrun).

The design and heritage policies of the City Plan and the retained Local Plan provide the relevant local policy guidance. City Plan policy CP12 seeks to raise development densities where appropriate, and directs higher densities towards the areas identified for tall buildings.

The policy guidance on tall buildings emphasises the importance of the design and it is possible for tall buildings to integrate successfully with their surroundings, if they are designed sensitively with regard to the local context.

The Design and Access Statement and the Tall Buildings Statement submitted in support of the application set out in detail the context of the site and the design process and describe how the proposal would sit in the wider landscape. The submissions include a number of strategic views that indicate how the building would appear from key vantage points in the area. The strategic views were chosen in consultation with the Heritage Officer at pre-application stage.

Although the site does not lie within an area specifically identified as suitable for significantly taller buildings, there are a number of tall buildings within the vicinity of the site. The applicant submission includes a detailed assessment of the scale of buildings within the area. To west of the site there are five residential blocks, all of which are 11 storeys. Immediately to the north of the site is One Grand Avenue which comprises a further 11 storey residential block.

The proposed scheme with two separate blocks at multiple levels is considered to represent an appropriate form of development at this site, as the proposal would allow views through the site in the gaps between the blocks and would also respect the historic plot widths within the vicinity. The upper levels of the blocks have been designed with a set back and flat roof form to add visual relief to the elevations and to

act as a compromise the scale of the proposal in relation to the adjacent properties on Second Avenue and the Grade II Listed Building.

Overall it is considered that the development would sit well in the street scene and as a contemporary design would make a positive contribution to the character of the wider area whilst paying respect to the listed building and conservation area. The proposed landscaping and boundary treatment will add significant quality to the appearance of the scheme. The visual impact of the scheme would be acceptable and would comply with local and national planning policies which seek to secure a high standard of design.

Heritage Impact

The Council has a statutory duty under section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings and their setting and any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. (para.193, NPPF).

Paragraph 196 states, 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'

Planning authorities should look for opportunities for new development within conservation areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably (para. 200 NPPF).

The existing 1980s extension is detrimental to the character of the conservation area due to its substantial size combined with dated architecture and use of uncharacteristic materials in relation to the surroundings. The removal of this building alone would conserve both the conservation area and setting of Kings House and new buildings could enhance the heritage assets providing that they are of a higher quality than the existing situation.

Although the design of the proposed development is considered to be acceptable in this context, the modern appearance and scale will cause at least some harm to the setting of Kings House. Given the balance of removing the existing building this resulting harm is considered to be "less than substantial" and NPPF paragraph 196 is engaged, requiring an assessment of public benefit balanced against the heritage harm.

With regards to public benefit arising, the benefits are set out below:

- Increasing the supply of housing within the city including affordable housing
- Sustainable development of the site
- Removal of the 1980s extension
- Removal of harmful features and reinstatement of traditional features to the listed building
- Returning the principle elevation of Kings House onto Kingsway
- Improvement to the fabric and setting of the listed building
- Significant public realm improvements

It is acknowledged that harm is identified on site in terms of the scale of the building in relation to the listed building in addition to the visual presence within the conservation area. The identified harm is less than substantial however still holds significant weight. As identified above, in this case there are a number of public benefits of significant magnitude associated with the proposed development and overall it is considered that the identified harm would not warrant refusal in this case.

Impact on Neighbouring Amenity

The site is set within a predominantly residential area with a high number of residential dwellings within close proximity. The closest neighbouring dwellings to the site are:

- 1 Grand Avenue (11 storey residential block of 32 flats)
- 2 Grand Avenue (4 storey residential block of 13 flats)
- 4 Grand Avenue (9 storey residential block of 56 flats)
- 2 Second Avenue (3 storey building containing 8 residential flats)
- 3 Second Avenue (3 storey building containing 9 residential flats)
- Exton House 4 Second Avenue (a 3 storey building containing 11 residential flats)
- 23 Second Avenue (3 storey building containing 9 residential flats)
- 24 Second Avenue (3 storey building containing 9 residential flats)
- Kingsway Court (11 storey residential block of flats)
- Ashley Court (11 storey residential block of 67 flats)

The buildings in situ at present, in form of the historic main building and the modern addition behind have an existing relationship with neighbouring properties where the bulk of the application site building cause some overshadowing and enclosing impact. The proposed new build block on Grand Avenue is however taller than the extension it would replace, and the block proposed on Second Avenue would be sited on the existing car park area and therefore represents an introduction of additional bulk. Furthermore the introduction of a large number of residential windows, glazed doors and balcony areas results in a potential for increased overlooking of neighbouring properties.

The Proposed New Build Blocks

Scale bulk and overshadowing

As set out above the proposed Grand Avenue block is taller than the existing modern extension, but is in fact of a reduced depth. The scale and bulk of this building would impact upon the side windows of One Grand Avenue immediately to the north, and on the buildings and gardens of properties to the east on Second Avenue. It is however

considered that adequate spacing would be retained to ensure that the new building would not have an overbearing impact.

The proposed Second Avenue block is sited alongside no. 2 Second Avenue and would introduce a new bulk which would impact upon side and rear windows and garden areas. As with the Grand Avenue block, this new building does respect the general pattern of development in this area, with large buildings sited alongside one another fronting onto the north/south roads. As such introducing such buildings in this arrangement is keeping with the area. Neighbouring occupiers can expect to look out towards large buildings in this pattern.

It is acknowledged that as this area of the site is currently a car park; neighbouring occupiers benefit from additional light and view through this space, which is a scenario that would change as a result of the proposed development. The resultant situation is however considered to be appropriate given the character of the surrounding area.

In regard to sunlight and daylight, the application submission includes a detailed sunlight and daylight report which set out that most of the windows and gardens which would be affected would still gain sunlight and daylight levels which accord with BRE guideline. A small number of windows would suffer harm which would result in a scenario below BRE guidelines. These guidelines do not however set a level below which harm would be caused which would necessarily warrant the refusal of planning permission; windows falling below a guideline warrant further consideration. These windows and the impacts upon them are considered below.

The submitted report demonstrates that several of the windows serving 2/3 Second Avenue, 24 Second Avenue, Ashley Court and Kingsway Court would experience additional overshadowing in comparison to the existing situation.

Within the basement level of 2 Second Avenue, two windows to the southern side elevation would fail the vertical sky component (VSC) test. Both of these windows are side facing and serve a kitchen. At ground floor level, two further windows would also fail the VSC test; one of which serves a bedroom and the other serves a kitchen. At first floor level two further windows would also fail the VSC test and both of these serve bedrooms. All of the affected windows are located within the southern side elevation of no. 2 Second Avenue, which is located approximately 11m from the proposed new Second Avenue Block. The submitted report indicates that these six windows would have their VSC reduced from the existing values ranging from 20.06 - 31.75 to resultant values of 8.78 – 20.87.

Only one other of the assessed windows would fail the vertical sky component test, which relates to a ground floor bedroom window within Kingsway Court which is set approximately 30m from the Second Avenue Block. The report indicates that this window would have its VSC reduced from the existing values of 6.40 to a resultant value of 4.31. None of the windows serving the flats within One Grand Avenue failed the tests carried out.

These resultant figures represent a reduction in comparison to the existing situation of more than 20%, and are resultant figures below 27% for a total of 7 windows. These

reductions are beyond the current guidelines set out by BRE (Littlefair, P. (2011) *Site Layout Planning for Daylight and Sunlight A Guide to Good Practice* Second Edition).

The Annual Probable Sunlight Hours analysis sets out that both of the basement windows and one of the first floor windows of no. 2 Second Avenue mentioned above would receive lower level of sunlight as a result of the proposed development. All of the resultant figures would be a reduction of greater than 20% both annually and within winter months.

The analysis also sets out one ground floor and one first floor living room window within 24 Second Avenue would receive a reduction of greater than 20% of annual probable sunlight hours within winter months.

Furthermore, the analysis indicates that two ground floor bedroom windows within Ashley Court would reduction of greater than 20% both annually and within winter months and a further five bedroom windows at second, third and fourth levels would receive a greater than 20% reduction within winter months. A total of 12 windows would fail the Annual Probable Sunlight Hours tests Annual Probable Sunlight Hours set out by BRE guidelines.

Finally, the analysis indicates that the tested garden areas would experience a reduction of light levels; however the gardens would still receive 2 hours of sunlight on 21st March, in accordance with BRE guidelines

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.

Overlooking

In regard to overlooking, the proposed windows and balconies fronting on to Grand Avenue and Second Avenue, i.e. the front windows of the new blocks, will face out onto the roads, will not cause harmful overlooking. The windows and balconies to the northern elevations of the new blocks and to the rear of the Grand Avenue block, will cause some overlooking of the side windows of One Grand Avenue, and the side and rear windows and Garden of 2 Second Avenue. The result relationships will impact upon the sense of privacy some neighbouring residents will benefit from. However as detailed above the proposed development is in keeping with the pattern of development in the area, the site is in a central location where large buildings are characteristic and a level of overlooking is to be expected. Overall it is considered that the resultant relationships would be appropriate.

The proposed conversion of the historic Building

The proposed conversion to residential will in most respects not have a harmful impact upon neighbouring amenity, as the building is well spaced from existing neighbouring residential uses, and in general existing window openings will be utilised. The proposed new dormers and rooflights would not cause harmful overlooking. The proposed roof terrace areas to the rear are set away from existing neighbouring

residential uses; it is considered that harmful overlooking and noise disturbance would not result.

Interrelationship between buildings with the site

The proposed development will result in some overlooking between properties due to the arrangement of the site and spacing between the elements of the scheme. It is however considered that adequate spacing would be provided, and furthermore any future occupiers will be aware of the arrangement involved prior to making a decision to reside within the development.

Noise Impact

The proposal would include a service lift located adjacent to the northern boundary which has the potential to generate noise impact to the neighbouring residential properties. In order to address these concerns, maximum noise levels emitted from the service lift and all other machinery / plant shall be secured by condition.

Summary

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.

Overall it is considered that significant harm to neighbouring amenity would not be caused and that the scheme would comply with policy QD27.

Standard of Accommodation for Future Occupiers

As detailed above, the proposed mix of unit sizes is considered to be acceptable having regard to the type of development which is proposed. The proposed affordable housing element provides a compliant tenure mix and whilst the units proposed are all one-bedroom and two-bedroom, this is considered acceptable as set out above.

All of the bedrooms and living room/kitchens of the proposed flats would benefit from adequate natural light levels and quality of outlook. In regard to outdoor amenity space, 110 of the flats either benefit from roof terrace or a balcony space. A communal garden area to the centre of the site is also proposed. Cycle storage is at street level and at basement level; as detailed above revised details are required to ensure that an adequate standard of cycle parking is secured. Vehicular parking and Refuse and recycling storage are proposed at basement level.

It is acknowledged that the outlook from the basement level units would be confined to light wells set below ground however this is scenario which is common across the city and the depth of the light wells is considered sufficient to allow acceptable levels of light and outlook. The light wells would also provide external amenity space for the future occupiers.

In regard to access standards, two lifts are proposed within the Grand Avenue block, one lift within the Second Avenue block and three lifts within Kings House; allowing access to all residential units proposed. Eight wheelchair units are proposed, at least three of which would be affordable units, and all other units in the new build blocks would be required to comply with Optional Building Regulations standards for access.

In regard to floorspace, all of the proposed affordable units comply with Government's minimum space standards (Technical housing standards – nationally described space standard - March 2015).

4 of the one-bedroom market units are below Government's minimum size for a one-bedroom flat with double bedroom (50m²) by 3-6m².

1 of the two-bedroom market units is below Government's minimum size for a two-bedroom flat with double bedrooms (70m²) by 7m².

It is disappointing that all of the units do not meet Government's minimum size, the Council does not however, at this time, have an adopted policy requiring strict compliance with these minimum sizes and as such there is some flexibility. The sub-standard units are also housed in the listed building where unit layouts are constrained by the layout and historic nature of the existing building.

In this case the application proposes 169 residential units including 28 affordable units, furthermore all of the affordable units comply with Government's minimum size standards. These matters weigh in favour of the proposal and considered overall, having regard to the benefits of the proposed scheme, a number of market units falling below minimum size does not in this case warrant the refusal of planning permission.

Overall therefore it is considered that the proposed development would provide an acceptable standard of accommodation / amenity, in accordance with policy QD27 of the Brighton and Hove Local Plan.

Transport

The potential impact proposed use as 169 residential units has been considered with regard to the impact a re-activation of the existing office use of the site and its buildings could have. Overall it is considered that the proposed development would not result in a net increase in trip generation in comparison to the existing use. The profile of trips will however change significantly.

An office use would in general attract trips to the site in the morning, and out of the site in the evening. Visitor trips would also occur throughout the day. Typically this activity would occur Monday to Friday although weekend operation of an office use can also occur. In terms of vehicular parking demand, this would in part be met within the basement car park. There would also be a demand for pay and display parking on street in the vicinity of the site, and car parks nearby such as the multi-storey car park on Norton Road would be likely to see increased demand.

The residential use proposed would be likely to see parking demand peak at evenings and weekends, when many residents who use their vehicles to commute to work would

be at home. Again visitor demand for on-street pay and display spaces would result. The proposed residential use therefore has greater potential to create demand for on-street parking at times when demand is greatest from other residents within the vicinity of the site.

The proposed development includes an enlarged basement car park with parking for 80 vehicles. Cycle parking is proposed at street level, in the basement car park, and in a number of basement level rooms below the listed building.

Given the level of vehicular parking proposed (80), and the number of residential units proposed (169), the proposed development has the potential to create significant additional demand for on-street parking in the vicinity of the site. Having regard to the parking surveys submitted by the applicant, and the overall levels of parking permit uptake across Controlled Parking Zone N, it has been assessed that if a maximum of 15 residents parking permits were issued in association with the proposed development, a harmful situation would not result.

This is an unusual situation as normally where overspill demand would be harmful; all the addresses within a development would be restricted from access to residents parking permits. In this case a maximum 15 could have access to one permit per address and a condition is recommended which requires the submission of a scheme to ensure that no further permits would be issued.

Whilst a number of discussions have taken place with the applicant and amended car park layouts and cycle parking layouts have been submitted, the proposed provision remains deficient. The proposed disabled parking bays do not have the required clearance to either side to meet current guidance. The proposed cycle parking at basement level is convoluted and reliant on stacked racks which are not ideal in terms of accessibility for all. The spacing around the proposed stands is insufficient to allow easy access. Overall the car park and cycle parking layouts require further work, and in the interests of moving the application forward it has been decided that it would be most appropriate to secure acceptable details by way of planning condition as discussions to date with the applicant have not resulted in suitable proposals being put forward.

It is acknowledged that resolving these problems may result in a reduction in the number vehicular parking spaces within the basement car park. A reduction would not be objected to as the needs for appropriate disabled spaces and cycle parking provision which is genuinely usable, convenient and secure, are considered to take priority over the objective to maximise vehicular parking spaces within the basement.

In addition it is recommended that the following be secured by condition-

- Details of electric vehicle charging points
- Details of security measures / any gates or shutter access proposed
- Removal of redundant vehicular crossover, ramped and stepped accesses.
- Instatement of required dropped kerbs

A full scheme of travel plan measures is recommended to be secured through s106 legal agreement, for approval by the Council prior to first occupation. The plan should cover a 5 year period, incorporating targets to be agreed with the Local Highway

Authority. Monitoring reports considering progress against targets and necessary actions, evidenced and supported by TRICS SAM surveys, should be provided at 1, 3 and 5 years. The Plan should be supported by a variety of incentive measures including but not limited to:

- Subsidised passes/membership of public and communal transport services for one or more years, including Bus services within Brighton & Hove, The Brighton & Hove Bike Share Scheme, Enterprise Car Club;
- A voucher for £150 to be redeemed against the purchase of a bicycle (one voucher per dwelling);
- The creation of a Bicycle User Group, including initiatives for “buddying” of less confident cyclists for a few trips, publicity, and social rides;
- Arranging “doctor bike” maintenance sessions with a teaching element;
- Free cycle training;
- Personalised travel planning for residents;
- Provision of maintenance stands together with pumps and basic tools within the cycle store;
- Residential travel packs;
- The provision of information about sustainable transport options in sales/marketing material for the development;

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

Sustainability

The proposed development incorporates measures to make efficient use of energy in the form of solar photovoltaic arrays atop the two new build blocks which are proposed, and a Combined Heat and Power (CHP) generation installation. Full details of these measures, their installation and retention and ongoing function are recommended to be secured by condition.

It is regrettable that the Second Avenue building is not connected to the district heating scheme, as policy CP8 (and emerging policy DM46 of City Plan Part 2) require developers to look outside the immediate site boundary to ensure that all buildings benefit from access to low-carbon heat. Whilst a communal system would be more appropriate, the development would meet the 19% CO2 reduction due to the installation of solar PV and the residential units proposed would all need to meet optional building regulations standards for energy and water; these standards are recommended to be secured by planning condition.

The lack of communal heating system within the Second Avenue block does not warrant refusal of the application.

Ecology

Given the location, nature and scale of the proposed development, there are unlikely to be any impacts on any sites designated for their nature conservation interest or on any protected species.

The site offers opportunities for enhancement that will help the Council address its duties and responsibilities under the NERC Act and NPPF. Opportunities include green biodiverse roofs, the incorporation of species of known wildlife value in the landscaping scheme and the provision of bird boxes. Advice on appropriate species is available in Annex 7 of SPD11. Bird boxes should target species of local conservation concern such as starlings, swifts and house sparrows. A condition is recommended to this effect.

Environmental Health / Land contamination

A desktop study has been submitted which indicates the need to for further on site investigation. This investigation and any works which are subsequently identified as necessary are recommended to be secured by condition. A condition is recommended restricting the noise output of the plant associated with the development; the ventilation system proposed in association with the basement car park and the proposed Combined Heat and Power (CHP) generation installation.

Air Quality

Whilst the site is within an Air Quality Management Zone (AQMA) air quality in this immediate location whilst part of the AQMA is not in fact of great concern given the open nature of the site; open to the seafront to the south and to a particularly wide road to the west. No net increase in trip generation is predicted as a result of the development, given the existing office use of the site. Some soft landscaping is to be secured as part of the development which will have some positive impact upon air quality. As detailed above a number of measures are to be secured to encourage use of sustainable transport modes, and those residents without access to an on-site parking space nor a residents parking permit will be discouraged from private car ownership.

A Combined Heat and Power (CHP) generation installation is proposed with a flue which will expel at chimney height through a false stack atop the historic building. The Air Quality Officer has assessed the scheme as a whole and is in general supportive of the proposed development. CHP is not an encouraged solution within AQMA's, however the installation proposed is deemed to be acceptable subject to the installation including Selective Catalytic Reduction to minimise NOx emissions. It is recommended that full details of the proposed installation including such measures be secured by condition.

9. CONCLUSION

9.1 The proposed development would provide 169 residential units including a provision of 28 affordable units with a policy compliant tenure mix. The standard of accommodation the proposed units would provide is good in most cases and acceptable in all cases. The majority of the units would benefit from external amenity space, a communal garden area, basement car parking and cycle parking.

9.2 The proposed building and associated landscaping are considered to represent an appropriate redevelopment of the site which would introduce a contemporary

building into the street scene and would have a positive visual impact whilst paying respect to the Grade II Listed Building.

- 9.3 The proposed development is acceptable in transport, sustainability and ecological terms, and conditions / s106 requirements are recommended to secure
- Disabled parking and cycle parking provision, and travel plan measures;
 - Details / method statements of the refurbishment of the listed building;
 - Compliance with energy and water consumption standards and access standards;
 - Solar photovoltaic panel array and solar thermal heating system;
 - Ecological improvements;
 - Contributions towards educational provision, open space / sports provision, and the Council's Local Employment Scheme.
- 9.4 The scheme would result in the loss of the office use of the site which is regrettable. The potential of the site for ongoing employment use is however limited by the costs involved in refurbishment of the buildings up to an appropriate standard, the implications of the historic layout of the listed building for modern office use in addition to a lack of interest from potential occupiers as an employment use.
- 9.5 The proposed new buildings would cause some harm to the setting of the historic listed building, although substantial heritage benefits would also be delivered. The proposed new buildings 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.
- 9.6 Overall, whilst the proposed scheme would result in some harm, and the loss of office space is of particular concern in the current climate, it is considered that the scheme would deliver substantial benefits including; a significant delivery of housing including on site affordable housing, in addition to significant public realm improvements and restoration of the Grade II Listed Building. Overall, approval of planning permission is recommended subject to the conditions and s106 requirements set out in sections 1 and 11.

10. EQUALITIES

- 10.1 The new build element of the scheme would be required to comply with optional access standards by condition, and 8 wheelchair accessible units would be provided at least 4 of which would be affordable units.

11. DEVELOPER CONTRIBUTIONS

11.1 S.106 Agreement

The contributions required would be allocated and spent as follows:

- A contribution of £152,765 towards education (Blatchington Mill and Hove Park Schools).
- A contribution of £463,743 towards open space and recreation provision. To be allocated as follows:
 - Children and Young People play space £11,831.82 towards Hove Kingsway and/or St Anns well Gardens and/or Hove Park and/or Aldrington Recreation Ground and/or Hove Lagoon
 - Amenity Green Space £13,134.31 towards Hove Kingsway and/or Palmeira Square and/or St Anns well Gardens and/or Hove Park and/or Aldrington Recreation Ground and/or Hove Lagoon
 - Outdoor sports facilities £13,134.31 towards Hove Kingsway Sports facilities and/or Aldrington Recreation Ground.
 - Parks and Gardens £163,817.13 towards Hove Kingsway and/or St Anns well Gardens and/or Hove Park and/or Aldrington Recreation Ground and/or Hove Lagoon
 - Natural and Semi-Natural open space £73,387.72 towards St Anns well Gardens and/or Hove Park and/or Aldrington Recreation Ground and/or Hove Lagoon
 - Allotments £16,063.89 towards water/infrastructure improvements and development of unlettable plots at The Weald and/or North Nevill and/or Rowan Avenue allotments
 - Indoor Sport £73,598.00 towards facilities at King Alfred and/or Portslade Sports Centre
- A contribution of £51,300 to the Council's Local Employment and Training Strategy.
- An artistic component / element as part of the proposed scheme to the value of £60,000.

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

1. The proposed development fails provide a provision of affordable housing which addresses the requirement of Policies CP1, CP19 and CP20 of the Brighton and Hove City Plan Part 1.
2. The proposed development fails to provide a financial contribution towards the improvement and expansion of capacity of local schools required contrary to policy CP7 of the Brighton and Hove City Plan Part 1 and the City Council's Developer Contributions Technical Guidance.
3. The proposed development fails to provide a financial contribution towards the improvement and expansion of open space and recreation in the vicinity of the site required contrary to policies DA5, CP7 and CP16 of the Brighton and Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.

4. The proposed development fails to provide adequate travel plan measures to encourage use of sustainable transport modes and therefore fails to address the requirements of Policies CP7 and CP9 of the Brighton and Hove City Plan Part One.
5. The proposed development fails provide a financial contribution towards the City Council's Local Employment Scheme to support local people to employment within the construction industry contrary to policy CP7 of the Brighton and Hove City Plan Part 1 and the City Council's Developer Contributions Technical Guidance.
6. The proposed development fails to provide an Employment and Training Strategy specifying how the developer or their main contractors will provide opportunities for local people to gain employment or training on the construction phase of the proposed development contrary to policy CP7 of the Brighton and Hove City Plan Part 1 and the City Council's Developer Contributions Technical Guidance.
7. The proposed development does not include an appropriate artistic element commensurate to the scale of the scheme and therefore fails to address the requirements of CP5, CP7 and CP13 of the Brighton and Hove City Plan Part One.