

**Brighton & Hove
City Council**

POLICY & RESOURCES COMMITTEE ADDENDUM

10.00AM, TUESDAY, 16 DECEMBER 2014

COUNCIL CHAMBER, HOVE TOWN HALL

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Subject:	Brighton Waterfront		
Date of Meeting:	16 December 2014		
Report of:	Executive Director, Finance & Resources Executive Director, Environment Development & Housing		
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Ward(s) affected:	Regency/Queens Park/Rottingdean Coastal/East Brighton/All		

Note: The special circumstances for non-compliance with Council Procedure Rule 23, Access to Information Rule 5 and Section 100B (4) of the Local Government Act as amended (items not considered unless the agenda is open to inspection at least five days in advance of the meeting), are that officers have endeavoured to present as much up to date information as possible, but due to ongoing negotiations and discussions with Standard Life and Venue Ventures and the application of leading counsel's advice it was not possible to finalise the report before the print deadline.

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 This report seeks agreement for officers to continue negotiations and feasibility work in partnership with Standard Life Investments (SLI) and Venue Ventures to allow for a future integrated redevelopment of the council owned Brighton Central site (currently occupied by the Brighton Conference Centre) and the Kings West site (owned by Standard Life Investments). At the same time, the council owned Black Rock site (a vacant seafront site adjacent to Brighton Marina) will be progressed with SLI and Venue Ventures, Standard Life's Development Partner, in order to deliver a major new multipurpose venue at Black Rock. Both sites will be developed in tandem to deliver high quality development that will aim to secure a future for conferencing in the city long term, grow the entertainment offer, and also ensure that the current Churchill Square retail offer is able to deliver the Regional Shopping status which the city has always aspired to (and is contained within the City Plan). Both sites will make a major contribution to the housing shortage in the city by delivering new homes.
- 1.2 The proposition currently under discussion has the ability to generate 2,000 FTE jobs for the City and surrounding areas, an overall development value of approximately £540m, generate net additional spending in the city in the region of circa £150m and an estimated £4.6m per annum to the City Council (a proportion of which will be ring-fenced to support the project).

1.3 The proposed scheme also supports the delivery of the City's Economic Strategy, and the Coast to Capital LEP's Strategic Economic Plan and would enable further significant investment in the City's Seafront. Bids for Local Growth Fund to support investment in transport, seafront infrastructure, and public realm works are also proposed to support the delivery of the scheme.

2. RECOMMENDATIONS: That the Committee:

2.1 Agree the draft Heads of Terms as summarised in Appendix 1 as the way forward for ongoing negotiations with Standard Life on the basis that final Heads of Terms will be submitted to this Committee for approval in due course.

2.2 Note the key financial information as contained in paragraphs 7.1 to 7.11.

2.3 Agree that:

a) The current conference subvention budget is retained by the council to support conferences held within the city during any closure period and to attract conferences to the new venue once it is opened.

b) The income generated from the sale of the current Brighton Centre site, the rent from the venue operator, the net savings achieved on the current Brighton Centre budgets and up to 25% of the forecast future income stream identified in Table 1 in paragraph 7.3 of the financial implications are earmarked to fund potential council investment in the new venue.

c) The Brighton Centre Redevelopment Reserve can be used to fund project development costs incurred by the council on the central and Black Rock sites as set out in paragraph 7.11.

2.4 Note the overall procurement approach and various roles in relation to both sites as per paragraph 7.12.

2.5 Note the staffing situation and that all staff potentially affected will be kept fully informed on an ongoing basis and in particular after project timescales and any TUPE implications are confirmed.

2.6 Agree that a third party operator would run the new venue on terms to be agreed by a future meeting of this committee

2.7 Welcomes and notes the progress made on essential, preliminary work to develop an emerging Transport Strategy for the project proposals, and requests that the Executive Director of Environment, Development & Housing, continues to identify and review all potential transport and highway opportunities presented by the project, in conjunction with the project partners and the Project Board, and reports back to this Committee when required.

3. BACKGROUND

The existing Brighton Centre

- 3.1 The existing Brighton Centre, located on Brighton seafront, opened to the public in 1977 and since then has offered conferences and entertainment for over 30 years to audiences of up to 5,000 people. The bold decision to fund and build a conference centre over 35 years ago, established Brighton & Hove's reputation as a conferencing city and raised its profile in the UK and abroad. In its time, as one of the UK's most enduring conferencing facilities, the Brighton Centre has been successful in ensuring the city has benefited from the positive economic impact to be gained from conferencing. It has long been an aspiration of the City Council (as enshrined in many strategies including the City's Economic Strategy and City Plan) to ensure that a future is found for conferencing, whether this is on the current central site, or elsewhere in the city.
- 3.2 In more recent years the Brighton Centre has become increasingly unable to compete. Its design, specification and flexibility of use, when compared with newer and recently constructed venues, such as Liverpool, Edinburgh and Glasgow, is no longer as attractive to conference organisers as it was in the past. Conference staff have to work harder to attract the same level of conferencing and price more competitively to achieve this. The business case sitting behind the centre is no longer sustainable and with newer, larger, and more modern conference and entertainment facilities to compete with throughout the UK, the Brighton Centre can no longer attract the same market share of this business as it did in the past.
- 3.3 In addition to the changing market, the 37 year old building and much of its fabric, fittings and equipment are of an age where they are at the end of their useful life. They are costly to maintain, costly to replace, and do not compare to some of the newer facilities on offer in other venues. A Condition Survey undertaken in 2012 by Northcroft identified items required to provide a 1-5 year and 15-30 year life span for the building. It identified the need to replace and upgrade items such as roofing, glazing, cladding, and all mechanical and electrical services.
- 3.4 A previous report to Cabinet (09 December 2009) approved funds from the Brighton Centre Reserve Account to Maintain the Economic Impact of the Centre and to prevent further decline. This was approved by Members on the understanding that whilst expenditure would be needed to keep the current facility operational and competitive, officers would continue to explore the feasibility of a more long term economically sustainable position. This would in all likelihood require a full scale redevelopment of the Brighton Centre and the adjacent site.
- 3.5 Post 2009, and following the demise of the Brighton International Arena scheme at Black Rock in July 2012, council officers maintained an ongoing informal dialogue with Standard Life Investments and latterly also with their development partner, Venue Ventures. In 2013, the Developer Team

(SLI/VV) proposed a potential resolution to the problem of the Brighton Centre's future by proposing the option of a new venue which would combine conferencing and entertainment in the one building and relocate it to Black Rock, enabling an expansion of Churchill Square onto the Brighton Centre and Kings West sites.

- 3.6 A Cross Party Project Board was established in May 2014 with a remit to work with officers to review proposals from the developer team. The project has now reached a point at which it is the view of the Project Board and the officer team that this Committee needs to review and make initial decisions on the overall proposition. This will enable the developer Standard Life Investments to gain some formal commitment from the city council before embarking on the next and more intensive (and resource intensive) stage of the project when significant funds will be expended.
- 3.7 The next stages will involve officers and the Project Board in key areas of work which will include:
- Further feasibility and design work to support a final concept scheme on the Central site including in relation to design aspects and height and location of tall buildings
 - Further feasibility work on the East (Black Rock) site, particularly in relation to transport matters
 - Once final schemes for both sites are agreed, a formal valuation process to be led by specialist valuers, to ensure that the Council receive best consideration for its freehold interest in the Brighton Centre and Black Rock sites.
 - Engagement with key stakeholders regarding both sites.

Current proposed schemes

- 3.8 The overall working proposition is to deliver a major new multi- use event and conferencing venue on the Black Rock site, alongside new homes. This would be funded in part through the sale of the Brighton Centre site to Standard Life Investments, which would then be used to extend the Churchill Square shopping centre onto the Brighton Centre site (and along to the Kings West site). New homes would also be provided. The new homes would both help fund the project and deliver much needed new units of housing for the city.
- 3.9 The new 10,000 capacity venue would attract a wide range of entertainment and conference events to the City and this would reinforce and build upon the already established reputation of the city as a major conference destination, but also expand the entertainment opportunities and attract more visitors overall.
- 3.10 The extended shopping centre would ensure the city is supported in becoming a regional shopping destination (as outlined in the approved City Plan) there by, strengthening Brighton and Hove's position in the South East and on the south coast and ensuring competing shopping centres do not erode the

market share. Churchill Square is a very well performing shopping centre and it is Standard Life's intention that expansion will further strengthen the Centre's appeal by delivering a new type of retail offer within a more leisure and food and beverage centred environment. The Centre will protect existing jobs and create new ones. It will also significantly enhance the attractiveness of the seafront in this important and very visible part of the city, further strengthening the attractiveness of the city to tourists, one of the city's most important economic sectors.

- 3.11 Current working assumptions for the main construction elements of the two sites assume the following is capable of being delivered within the funding envelope under discussion:

Waterfront Central (Brighton Centre and Kings West)

- Retail – 238,000 sqft (additional retail)
- Anchor unit – 90,000 sqft
- A3 units – 45,000 sqft (restaurants and cafes)
- Cinema - 30,000-40,000 sqft
- Net additional 150-250 retail car parking spaces (estimated)

Residential accommodation

- 319 apartments (estimated)
- Net additional 140 residential car parking spaces (estimated)

Waterfront East (Black Rock)

- A new multipurpose venue capable of housing conference, exhibition and entertainment events in the same physical space – 215,000 sqft

Residential accommodation

- 144 apartments (estimated)
- 136 residential car parking spaces (estimated)
- Ancillary A3/A4 (bars and restaurants)
- Public realm/Plaza providing connectivity to the Venue, Marina and Seafront

Coast to Capital Local Enterprise Partnership Strategic Economic Plan

- 3.12 Securing ongoing investment in internationally competitive conferencing facilities is identified as a priority of the City's Economic Strategy 2013-18. Enabling the regeneration of both the Brighton Centre and Black Rock sites is also identified as a priority in the Coast to Capital Local Enterprise Partnership's [LEP's] Strategic Economic Plan [SEP] and Growth Deal Investment Plan.

3.13 The SEP provides the LEP and local authorities with the opportunity to bid for and secure additional funding to invest in the city. A series of Local Growth Fund [LGF] bids are currently being developed in discussion with the Coast to Capital LEP to support the overall Waterfront proposal. The developer team have worked closely with the council to begin to formulate bids around a series of themes, which have yet to be confirmed but will include:

- Supporting seafront connectivity e.g. via seafront bus route connecting back to Brighton Station
- Infrastructure works and pre-construction de-risking activity at Black Rock
- Supporting improvements to Madeira Drive and Dukes Mound
- Enabling more efficient use of existing transport infrastructure and parking via use of smart and 'intelligent' technology, such as Variable Message Signing for drivers and traffic signals
- Reconstruction of the West Street Shelter Hall seafront structure and improvements to the A259 / West Street junction

All will be subject to further discussion and refinement before submission to the LEP's Local Growth Fund for the 2016/17 bidding round.

Economic & regeneration benefits – wider seafront area

3.14 The seafront remains of vital importance to the tourism industry in the city and plays a major role in attracting business visitors as well as the promotion of the wider city region. The Brighton Waterfront proposition makes best use of two council owned seafront development sites (Brighton Centre and Black Rock) and will ensure they deliver balanced, high quality development which meet the needs and aspirations of the city.

Black Rock

3.15 The Brighton Waterfront project at Black Rock will encourage year round activity and its presence is expected to help to unlock investment in the seafront from the Palace Pier along to the Black Rock site and into the Marina. Development will centre around the new venue and offer a moderate amount of A4/A3 uses (cafes/bars) with an estimated 144 apartments, including, a current estimated 25% of affordable housing. It will need to work as a destination that draws people along the seafront, and it is anticipated that its presence will improve footfall to the Marina. A redesigned pedestrian route through from the new Venue to the Marina will form part of the proposal. External areas will be designed to allow for winter protection immediately adjacent to the venue. It will be important that the arrival and exit routes for people using public transport are well protected from the elements. The wider re-development is expected to offer the prospect of regeneration to the Kemp Town area adjacent to the site and new business opportunities for bars/restaurants/retail both within the Marina and Kemp Town itself.

3.16 The rejuvenation of this important area of the seafront and the presence of a new venue is expected to be a draw for the higher spending overnight visitors.

They will be attracted by the entertainment and conferencing offers and the option of trying a new Venue, as well as other offers in the city. With completion of the Brighton i360 to the west, and a new rejuvenated shopping offer with seafront access in the centre, this will offer a major opportunity for the city's present attractions and hotels to start to build a broader offer for tourists. Joint ticketing, joint promotions and similar marketing will become more feasible, and improved connectivity, via new improvements such as a seafront bus service, will all improve the tourism offer of the city and protect it longer term.

Churchill Square Shopping Centre and Brighton Centre site

- 3.17 The Kings West and West Street areas of the city Centre have long been regarded as areas in need of physical regeneration. The public realm remains tired and outdated and the pedestrian experience is not a positive one around either the lower end of West Street, Russell Road or Cannon Place areas.
- 3.18 The Churchill Square shopping centre, which currently begins at the Western Road main access point, runs down towards the sea and stops abruptly at the anchor store. The aspiration would be to continue the mall down to the seafront, thereby allowing for a glass façade at the end, and some sea views, with a new or replacement anchor store taking two floors of this space. Food and Beverage would be a feature. There remains the option to extend the retail outlets along the seafront providing sea views.
- 3.19 In summary, the economic and regeneration benefits of the Brighton Waterfront project would:
- A new high-quality conference and entertainment venue for an estimated 560,000 people visiting each year (more than double the current Brighton Centre attendances) making it one of the most attractive and visited venues on the south coast.
 - Draw additional investment into the immediate vicinity of both sites, acting as a catalyst for regeneration of the surrounding areas at both Black Rock (Madeira Drive, Marina & Kempton) and Brighton Central (West Street/Seafront A259 corridor and Cannon Place/Russell Road).
 - Improve the retail offer by delivering an expanded shopping centre with a new anchor store and public realm.
 - Increase revenue to the city council of an estimated £4.6m.
 - Deliver further high value overnight stays worth eight times more to the local economy than day visitors and also grow high value business tourism visitors (conference delegates spend on average 2.5 times as much as leisure visitors).
 - Raise Brighton & Hove's profile particularly with overseas visitors, as a vibrant, modern city on the south coast with a varied tourist offer.

Community benefit package

- 3.20 The community benefits will include:

- 2,000 new full time equivalent jobs
- 1,200 construction jobs, with associated training, work experience and apprenticeship opportunities, linked to the City Council's Local Employment Scheme
- Improvements to the public realm in the areas surrounding Churchill Square, West Street and Black Rock

Business Continuity

- 3.21 Funding for the new venue would come partly from the sale of the Brighton Centre site so it is unlikely both could be delivered at the same time. To minimise the period of no provision, the Brighton Centre would work with existing and future clients and local stakeholders to ensure that the City offers exciting alternatives during this period and where feasible relocates its existing business once a timescale is confirmed. The current subvention budget would support this.
- 3.22 The importance of the existing Brighton Centre's visitors to local business is regarded as paramount. A programme of investment in events and other venues during any closure period would therefore be developed. Once the new venue has opened, there would be considerably more visitors staying longer and spending more, and longer term this will benefit the tourism, leisure and retail businesses in the city.

MANAGING RISK TO THE COUNCIL

- 3.23 Risk to the council will be mitigated in the following ways:
- Valuation and Cost advice will be provided by CBRE, advisers to many public sector clients including the council, who are accustomed to specialist valuing and appraising of retail, venue and housing projects. They will also be ensuring that the financial modelling is of industry standard and all assumptions are correctly catered for and will work in conjunction with council's Property team.
 - Due Diligence will be undertaken by DWF solicitors, the in-house Council Legal Team, in-house financial resourcing and CBRE.
 - A separate and independent due diligence on the part of the Coast to Capital Local Enterprise Partnership will also be undertaken (in common with all projects which attract LEP funding).
- 3.24 With regard to the council's position, and also the wider economic implications and investment opportunities for the city's seafront, the headline risks are mitigated in the following ways:

Risk	Mitigation
Financial Risks	<p>In order to minimise financial risks and ensure best value is achieved the Council needs to:</p> <ul style="list-style-type: none"> • Carry out due diligence on the appraisals for the development sites and the business case for the operation of the venue with the advice of external advisers as required. • Establish what the net saving will be from the closure of the existing Brighton Centre and therefore what can be used to fund borrowing costs associated with investment into the Black Rock site by reviewing existing budgets for the Centre, determining staff transfer costs and any required new future budgets for Council costs including provision for the maintenance of any new public realm. • Agree a funding envelope for the overall project which is affordable to the Council and forms part of the Development Agreement whereby the project will not proceed if the costs to be met by the council fall outside the envelope. • Ensure that SLI and Venue Ventures remain committed to the development of the new conference centre and arena until the costs of developing the site are virtually fixed i.e. there is a fixed price contract in place for the development of the Black Rock site and agreement has been reached with a housing developer to establish the value of the enabling development. • Develop a borrowing and cash flow strategy to minimise exposure to interest rate risk, deliver the estimated investment through council borrowing and address any temporary shortfalls in cash. • Ensure best consideration is achieved for the disposal of all sites and the granting of relevant leases also ensuring that appropriate overage clauses are included. • Ensure that any compensation to SLI if the project does not proceed only reflects any increase in value of either site created by development work undertaken and paid for by SLI.
Construction risk.	<p>Construction risk on the Central site will sit with Standard Life and their development team.</p> <p>Construction risk on the Black Rock (East) site will be addressed via the Building Construction Contract. A fixed price contract will be entered into via an OJEU process, with an established building contractor. The experienced Venue Ventures development management team will be incentivised to ensure that all of the risks are managed.</p>

Risk	Mitigation
Development risk	The main development risk for the project up to the point of a secure planning permission rests with Standard Life Investments. SLI will be funding the work being undertaken by all parties, including the lead role from Venue Ventures who are working to deliver the Council's venue on the Council's behalf. Experience of delivering venues elsewhere (Leeds, Liverpool and Copenhagen) places Venue Ventures in a good position to progress this work and they have been chosen as Development Partners by Standard Life. The circumstances in which any "claw back" provisions will apply allowing refunding of abortive costs to SLI are currently being negotiated as part of the overall Heads of Terms for the project.
Future of Conferencing	The council will be ensuring by entering into an operator service agreement that the venue diary retains a mix of conferencing and entertainment for the term of any lease.
Ensuring business continuity during redevelopment	A comprehensive strategy to maintain economic impact during redevelopment has been scoped and initial discussions undertaken with the Project Board. It is most likely that some of this work will be undertaken by existing Brighton Centre staff. Work will be timed to begin once project timescales are firmed up (in future months). This work is regarded as a high priority once timescales are agreed and the project is live. As it develops there will be further consultation with the Project Board and also with key stakeholders in the city.
Design and Architecture	<p>An excellent standard of design quality is considered key to the success of all three seafront sites. See Para 3.38-3.42.</p> <p>Right Solution work directly for the city council in relation to conferencing advice and have worked alongside the Brighton Centre officer team to mitigate any risk relating to the design aspects of the new venue. This is to ensure the new venue meets the needs of conference delegates and entertainment visitors alike. A set of Facilities Requirements has been drafted and costed to demonstrate that the building can work for both types of event. A fully collaborative approach to this has involved Venue Ventures (working with Standard Life), the Council, and Right Solution as well as input of a third party operator to ensure that the new venue, as a building, would be a commercial proposition for which a rent would be payable. The venue design would attract a commercial level of rent which will then be fed into the business model to support the wider development.</p>

Risk	Mitigation
Planning	Meetings with Planning Officers early in the development of the scheme will allow key planning issues to be scoped out and addressed. Close working with the City Council's Transport Team to address and mitigate parking and travel impact from the schemes and to improve accessibility and public realm is also seen as critical. Opportunities to set up a design panel to explore the potential and opportunities for securing excellent standards of design on both sites is also regarded as good practice and will ensure the two developments achieve wider support and achieve the level of design quality the city will expect. The developer will be advised to devise a coherent and robust consultation strategy, prior to submission of the planning application.
Legal	DWF, external lawyers, will work with the in-house team to ensure that once agreed the Heads of Terms will be used as a basis for completion of the suite of documents.
State Aid	To ensure state aid compliance the council has sought initial counsel advice from James Goudie QC. Provided that the best consideration rules in s123 Local Government Act 1972 are complied with in respect of the land transactions, leading counsel has confirmed that it is unlikely that any state aid issues will arise.
Section 123 Best Consideration	The council is working with CBRE and legal advisers DWF to ensure it maximises the commercial nature of the deal and receives best consideration. Final terms will be negotiated which balance this risk with the overall requirements of the project.

Risk and Opportunity Register

- 3.25 The key risks are outlined in the main body of the report and in paragraph 3.24 above.
- 3.26 Council officers will continue to develop the Risk and Opportunity register for the project going forward which will apply the council's approved Risk Management Strategy methodology and be used for reporting purposes.
- 3.27 It should also be noted that maintaining the seafront as an asset to the city is identified as a priority in the council's Strategic Risk Register, and this includes seafront, highway structures such as the West Street Shelter Hall site, to the south of the Waterfront Central site.

Seafront regeneration and two strategic sites

- 3.28 The Kings West and Brighton Centre sites reside in the heart of the seafront. Sections of the seafront are supported by highway structures supporting the road and promenade above and a number of these are now about 125 years old. Their condition is regularly monitored to identify those which are in a fragile condition. For example, the structure below Kings West/West Street, known as the West Street Shelter Hall, is currently empty and urgently requires rebuilding. The opportunity offered by the current Waterfront proposal provides the chance to address these broader issues concurrently and to co-ordinate these with allocations from, or bids to, other funding sources such as Local Transport Plan [LTP] funds and Coast to Capital Local Growth Fund.
- 3.29 The Seafront Infrastructure Scrutiny Panel has recently also highlighted the need to ensure redevelopment of significant seafront sites in order to act as catalysts for renewal of the seafront more generally. Madeira Drive (leading to the Black Rock site) and the A259 corridor along the front of the Brighton Centre/Kings West sites are both areas identified as in need of investment. The uplift created by this proposal, if it were to be realised, would be very considerable, and encourage business confidence and a new willingness to invest in the wider area. It will also support the work being led by the council's Transport Division to reconfigure and improve the southern section of the wider Valley Gardens project, which includes the existing Aquarium Roundabout junction.

Transport

- 3.30 The city has demonstrated that it can successfully enable significant increases in activity and movement associated with planned development growth to be achieved safely and sustainably, including large retail and recreational/leisure attractions. For example, the Travel Management Plan for the 30,000 capacity AmEx Community Stadium has been developed and delivered jointly by many local, regional and national partners and stakeholders. It has also been adapted and updated to reflect and address changes in circumstances over time, whether planned or evolved. Although the local environments, circumstances and constraints of these two more central sites are recognised, the lessons learnt from the AmEx Stadium can be applied to the Waterfront project to ensure it can be delivered successfully and achieve the wider objectives that it will be expected to meet for the city.
- 3.31 The redevelopment of both sites as part of the Waterfront project, which has the potential to transform this section of the seafront and city centre, presents opportunities and challenges for transport and travel which need to be seized and overcome respectively.
- 3.32 The opportunities include:-
- improvements to the public realm around each site; creating permeability through each site; providing enhanced and new sustainable transport routes and services; improving links with Brighton Station; overcoming the perceived

distance between the Marina and the city centre; connecting the Black Rock site more directly with the Marina; strengthening funding bids for transport infrastructure, especially from the Local Growth Fund.

3.33 The challenges include:-

managing the increased demands to and from each site on the city's transport network safely and sustainably; minimising any adverse effects on the designated city centre Air Quality Management Area; ensuring compatibility with existing and emerging planning policies; addressing the potential loss of the previously protected direct public transport connection between Madeira Drive and the Inner Harbour site and centre of the Marina; assessing the potential loss of coach parking spaces on Madeira Drive.

3.34 An analysis of both sites has resulted in an emerging Transport Strategy that has been developed to manage the different needs and demands created by the type and size of development proposed on each site. These include event-based Park + Ride, additional bus services, cycling and walking infrastructure, public realm improvements and on-site car parking and servicing.

3.35 Locations and routes that will require specific consideration include connections between the sites and the city centre; the Marina; Brighton Station; hotels; the event-based Park + Ride sites; car parks; Madeira Drive; Cannon Place; West Street; and the A259 and the highway structures that support it. For example, the West Street Shelter Hall structure is directly adjacent to the Waterfront Central site, and the A259/West Street junction, which is a key part of the pedestrian and cyclist route to/from and along the seafront (especially from Brighton Station) and provides direct access to a number of city centre parking spaces, including Churchill Square. It was built in the 1880s and supports the upper promenade at the junction of the A259 (King's Road) and West Street. It was assessed in 2013 and was found to be potentially dangerous and is now empty and supported by a complex, internal scaffold structure (at an approximate cost to the council of £100,000 per year).

3.36 The West Street Shelter Hall structure is currently the next priority for reconstruction within the council's LTP capital programme. A successful bid to the LEP's LGF could enable it to be constructed earlier and quicker than planned, and would reduce pressures on the LTP programme, and therefore work on its design needs to start as soon as possible. The pressing need to rebuild this particular structure presents an opportunity to fully assess this section of the seafront and the associated highway structures, and the operation of the junction. This could be undertaken separately, but with due regard to the current status of the Waterfront project proposals and its subsequent progress, would enable design options to be developed that would be consistent with, and enhance, the wider project. This is an example of one such project that recommendation 2.7 of this report seeks to enable officers to progress alongside the Waterfront project.

Planning Considerations

- 3.37 The redevelopment schemes will be assessed against policies in the City Plan Part One, in particular policies DA1 (Brighton Centre and Churchill Square) and DA2 (Brighton Marina, Gas Works and Black Rock Area) that include strategic land-use allocations for the sites. Policies within the National Planning Policy Framework, particularly in relation to the location of new retail and assembly and leisure uses, will be relevant to this assessment. It will also be important that both development sites are linked and that concurrent planning applications and decisions are made.
- 3.38 The key planning issues for the schemes include consideration of the uses proposed on the two sites; design and massing of the schemes; and scope for wider benefits for the area. There are significant opportunities and sensitivities in terms of architecture and design as both sites are located close to townscape of historic importance.

Design and Architecture

- 3.39 The development of these two major sites (Brighton Centre & Kings West and Black Rock) represent, with the exception of the King Alfred and Shoreham Harbour sites, a final opportunity to enhance and improve the seafront which is the city's most valuable asset in terms of visitor numbers and attractions and the effects this has on the city's economy.
- 3.40 The central site (Brighton Centre & Kings West) is a key City centre site that must be of an exceptional design bringing together the seafront and the heart of the City. The scale, proportions, materials and design impact of this site are vital to the whole experience of the city and will transform the area and improve the experience of citizens living and visiting the seafront.
- 3.41 The current proposals remain at an early concept stage. It will take considerable work on the part of the developer team, in partnership with the council, to take the project from a workable concept to a deliverable scheme.
- 3.42 Challenges include:
- To deliver excellent, high quality, sustainable standards of design on both sites
 - To provide buildings of a height and mass, which deliver affordability but respect the limitations of the 2 sites and the adjacent conservation areas
 - To integrate schemes on both the Central and Black Rock sites which will ensure that each works on its own merits
- 3.43 Opportunities include:
- Public realm improvements between the central and eastern sites which would include the immediate areas such as West Street and Madeira Drive

- Redevelopment of a vacant semi derelict seafront site
- Rejuvenation of a currently unused and undeveloped area of seafront and possibly its adjacent neighbour, the Marina.

3.44 It is therefore vital that the design of these sites is championed by a reputable design champion in conjunction with the council's project partnership and design team.

Development Agreement sign off

3.45 An indicative timetable would suggest that the Development Agreement is finalised in Spring 2015, which would entail intense negotiations between all of the partners involved in the project. If this were achieved, the aim would be to submit a planning application by the very earliest in Winter 2015. In the event of the Committee agreeing these recommendations, a further report will be brought to a further P&R committee with final agreed terms. This will allow for a projected site commencement in 2017. *It must be stressed that as the project remains in its infancy, all projected dates are indicative at this stage.*

Monitoring and reporting

3.46 Policy and Resources Committee will be provided with general progress reports as the project progresses particularly at key milestones. Project updates will also be given to the Economic Development and Culture Committee as part of the regular Major Projects Update.

Audit

3.47 Given the extent of borrowing required for this project, the Audit and Standards Committee will expect to have oversight of the complete proposal. This would set out the approach being taken to risk management and due diligence and also the assurance role for Internal Audit over the project as a whole.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

4.1 Officers, together with expert financial advisers, have considered a range of options that might enable funding a suitable and comprehensive redevelopment to be achieved at the current Brighton Centre, but the scale of the problem presented by such re-provision (estimated as costing £105m in 2006) is not able to be addressed without significant private sector leverage or a revised and expanded business case which supports growth. The opportunity to re-provide a new centre on the existing site is not considered to be a financially achievable option for the city council at a time of significantly reduced budgets and grants. The option being presented, on the contrary (as set out in the Financial paragraphs) is one which creates very significant additional revenue for the city from a range of sources and at the same time, reduces the reliance on the public purse long term and hence the pressure on resources which the present situation supports.

4.2 If the Committee decides *not* to proceed with negotiations, the following outcomes are anticipated:

- The Brighton Centre will continue to require annual investment but without any additional income to fund this. Delay will not resolve the ongoing problem of how to provide a sustainable economic future for the Brighton Centre building.
- Construction inflation will add to project costs.
- New investment to protect the seafront and grow business and investment income for future years will be significantly held back.
- Future business rates income in the region of £3.5m per annum and a total net income of approximately £4.6m for the council will not be realised.
- Public realm improvements to the seafront/A259, Russell Road, Cannon Place will not be achieved in the medium term.
- Black Rock as a derelict site will continue to deter investment in the area and impact upon plans at the Marina and for Madeira Drive and the Seafront.
- Existing scarce resources will have to be re-prioritised from current and future revenue and capital service budgets to continue to resource the Brighton Centre maintenance and operational budgets.

5.0 COMMUNITY ENGAGEMENT & CONSULTATION

5.1 A process of consultation with the business and wider community is planned to take place as the proposal develops to ensure key stakeholders remain fully engaged going forward.

6. CONCLUSION

6.1 Alternative funding options have been fully explored by all parties, but at the present time no alternative fundable option is available to enable a solution to the Brighton Centre. Two key strategic seafront sites have also remained undeveloped for many years and are likely to remain so without an injection of private sector funding that can support the development of a project, or a combined project, to the point of planning submission. The joint aspirations of Standard Life Investments as a key landowner at the central site and the council as joint landowner at the central and Black Rock sites, provides a unique opportunity to deliver, by the regeneration of the two sites, a series of important outcomes which work for both interested parties, namely, a new council owned venue which can be funded using new income to the city (generated by the complete proposal) in conjunction with a revised shopping offer and new shopping centre extension along with the regeneration of the Kings West site. These are outcomes the city has sought for many years and therefore must be viewed as a serious proposition for the city council to consider at the present time.

6.2 Despite the excellence of service offered by the Brighton Centre, the constraints of the building and the inability to compete with newer venues in

future years mean that the building cannot increase its turn over sufficiently to justify further long term investment. The Council's financial position cannot support continual calls for investment year on year at a time when budget constraints are increasing and calls upon council funds from other core services are also increasing.

- 6.3 To maintain the Brighton Centre in its current location is not financially viable. Even if it were, it would not generate the additional funding, jobs and other improvements that the present proposal offers the city. Previous proposals have explored this option and were found to be financially unfeasible at the time. The estimated £105m (in 2006) that is required for the build cost of a new centre on the current site is also not affordable for the city (as explained under Financial Implications) and no new income streams would be generated to support borrowing for this purpose if the council decided to pursue redevelopment on the current site.
- 6.4 A 'do-nothing' option has considerable negative reputational, physical and financial impacts on the city long term and the regeneration, business uplift and job impacts will not occur. The current proposal meets important objectives for the city that are included within the Economic, Tourism and draft Seafront Strategies.
- 6.5 Associated investment in Seafront Infrastructure, such as the highway structures supporting the A259, which also offer opportunities to continue and enhance the unique commercial offer of the seafront, would also help to address issues raised within the council's Strategic Risk Register. This project proposal, in tandem with other recent developments such as Brighton i360, could assist considerably in meeting wider objectives that will benefit the city in the long-term.

7. FINANCIAL & OTHER IMPLICATIONS

Financial Implications

- 7.1 The council is seeking to develop proposals that could be achieved within existing budgets and that do not require additional resources other than the value of the land already owned by the council. The proposals have the potential to generate substantial future income streams for the council from increased business rates, New Homes Bonus and council tax income and the council will need to decide how much of this new income stream should be set aside to meet the borrowing costs if the projected funding gap is to be closed. Current costings, income forecasts and funding options are set out below using a base case offer. However, there are a range of different options that will continue to be explored in order to achieve the preferred outcomes for the council within a best value funding strategy.
- 7.2 Officers have explored options to refurbish the existing Brighton Centre and have had the building surveyed by Northcroft and essential works identified and costed in 2012. The building is now over 37 years old and is in need of major works to its structure including the roof, windows, doors and

replacement of mechanical and electrical plant including the lifts and the air conditioning system. The investment estimated in 2012 varied from £25m to refurbish and extend the life of the conference centre to £50m for a full refurbishment with remodelling improvements to functionality and flexibility. The refurbishment works would have limited impact on reducing running costs and generating additional income whilst the remodelling would generate insufficient new income to pay for the investment, so the council would have to identify additional resources from an already over-committed capital programme. The Brighton Centre would also have to close for 18 to 36 months to enable the works to be carried out.

Forecast Financial Benefits to the council

- 7.3 The forecast economic benefits and new jobs created by the proposals are set out in the body of the report, but in addition the council will receive direct financial benefits as forecast in the table below. Whilst these new income streams are likely to be retained by the council they are not guaranteed as a new government could make changes to the current local government finance system after the election next year. It is also unclear what would happen when the business rates retention system is reset in 2020. The council also needs to be mindful of the additional services it needs to provide to the residents of the new housing. Allowance has been made within the costings of the proposals to cover S.106 contributions towards the provision of new school places.

Table 1: Forecast direct financial benefits for the council

	Forecast £ million
Central site:	
Net Additional Business rates – 49% council share	3.0
Additional council tax	0.3
New Homes Bonus (payable for 6 years)	0.4
Eastern site:	
Net Additional Business rates – 49% council share	0.5
Additional council tax	0.2
New Homes Bonus (payable for 6 years)	0.2
Total forecast of additional annual revenue	4.6

- 7.4 The forecasts shown above are just estimates at this stage based on the preliminary development proposals on each site at a point in time. The council tax and New Homes Bonus figures are based on just over 400 new housing units being constructed across the 2 sites. All the numbers will be refined as the proposed number of housing units and the level of the commercial & retail development are also refined.

Provisional Development Costs and Proposed Funding

- 7.5 The current proposals result in a total development value of approximately £540m of which £165m relates to the eastern site and £375m to the central

site. Appendix 2 in Part Two of this report sets out the indicative funding arrangements for the eastern site. The council must ensure that the amount received for the Brighton Centre site achieves “best consideration” and has employed CBRE to review and advise on the central site appraisals. An initial headline review of the latest appraisals supplied to the council has identified the following issues:

- The nature of the scheme and its impact on the rest of Brighton will be critically dependent upon the identity of the anchor tenant.
- The treatment of affordable housing in both schemes is key to the final valuation.
- The agreement for lease with the third party operator will need to be independently verified to ensure a commercial rent.
- How best consideration is certified in the context of a five year pre-commencement development period and how development management costs are expended as the project progresses (as these form part of the final council value) will also need to be more fully worked through.

7.6 CBRE have confirmed that they will be able to make swift progress in the new year with respect to their viability assessment once all information is available in relation to the linked schemes. This will include a detailed review once the proposals have been refined and further developed in the new year.

7.7 Appendix 2 in Part Two shows that there is currently a funding gap of between £5m and £26m on the development of the eastern site. These figures are derived at a point in time and will change as the proposals are developed and refined. This gap can be funded if the council is willing to set aside some of the additional income stream to fund additional borrowing costs.

Operation of the new Conference Centre and Arena

7.8 An indicative rent is based upon an outline business case developed by a third party operator for the operation of the venue and indicative Heads of Terms have been negotiated. It is intended that the rental agreement will include an overage clause if the venue delivers higher profits than allowed for in the business case. The business case does allow for a capital payment towards the fit out costs and for business rates of £0.5m per annum but does not currently make provision for any costs arising from TUPE. It also assumes that the council will retain its current conference subvention budget at existing levels of just over £1m per annum and the council needs to commit to the retention of this budget. The business case will need to be reviewed in detail with specialist external advisors once it has been received by the council.

7.9 There will be significant operational and maintenance savings to the council compared to the existing Brighton Centre budget which will be used to fund borrowing costs as set out in Appendix 2. Further work needs to be done to identify precisely what these savings will be and any additional costs arising from the maintenance and upkeep of the new public realm areas around the conference centre and arena.

Proposed Financial Envelope

- 7.10 Taking the upper range of the provisional funding gap of £26m additional borrowing by the council would be needed in order to deliver the project. This equates to the potential earmarking of just over 25% of the forecast additional income stream to fund the additional borrowing costs. Under this scenario council borrowing would be funded by the rent from the Operator, the net savings achieved on the current Brighton Centre budgets and a proportion of the additional income streams identified in paragraph 7.3. The proposals will be developed and negotiated with a view to minimising risk to the council and maximising benefits. Members are recommended to agree that up to 25% of the forecast additional income stream could be used to fund additional borrowing.
- 7.11 The development of the project will need dedicated internal resources and appropriate specialist external advisers for example to evaluate and test proposed transport solutions. This expenditure can be met from allocations from the Strategic Investment Fund (SIF). The Brighton Centre Redevelopment Reserve, currently estimated to be £3.7m at the 31 March 2015, is being used to fund SIF allocations for the redevelopment of the Brighton Centre and it is recommended that with the linked projects this is extended to cover the Black Rock site as well. In addition to the subvention budget the Redevelopment Reserve could also be available to help fund conferences and events during any closure period before the new venue is completed.

Finance Officer Consulted: Mark Ireland / James Hengeveld Date: 8/12/14

Legal Implications:

- 7.12 The overall project is a complex transaction and entails a number of interlinked contracts being entered into. A summary of the current draft Heads of Terms is in Appendix 1. In essence, the council will enter into land transactions with (a) SLI in respect of the Centre, (b) a housing developer re part of the Black Rock site and (c) a commercial operator in relation to the new Venue. The building contractor for the Black Rock site will be procured in accordance with the EU Procurement Rules. VV's services contract with SLI will be such that it may be assigned to the Council at the appropriate time.
- 7.13 It is proposed that officers continue to work with the Project Board and that the final Heads of Terms for all of the required documentation are agreed by Policy & Resources Committee, so that the appropriate documentation can be entered into.
- 7.14 Whether or not there is a TUPE transfer involved in this transaction is a matter of law. Further consideration to this key aspect will need to be given once the respective Heads of Terms are agreed.

Equalities Implications

- 7.16 A full equality impact assessment will be undertaken as part of the next stage of the project. Delivery of the combined projects to a high standard will include the capacity for all residents and visitors alike the ability to access new high quality exterior and interior public realm, regardless of income or social class, including also access to previously unobtainable sea views. A future report will address specific equalities issues arising from the proposal that the venue be operated by a commercial operator.

Sustainability Implications

- 7.17 Building standards will need to comply with the minimum standards set out in the City Plan in terms of BREEAM. The opportunity to ensure both developments are District Heat Network ready will also be explored. Commitments to the promotion and provision of sustainable transport options that minimise carbon emissions and mitigate any effects on air quality levels and congestion will also be critical to ensuring that the project is successful.

Any Other Significant Implications

- 7.18 All significant implications are dealt with in the main body of the report.

SUPPORTING DOCUMENTATION

Appendices

Part I

Appendix 1 Draft Heads of Terms summary

Part II

Appendix 2 Waterfront East – Conference Centre & Arena estimated development cost and funding options

Documents in Members' Rooms

None

Background Documents

None

Brighton Waterfront Part 1 Summary of the draft Heads of Terms as at 01.12.14

1. The Parties and Transaction Structure

- 1.1 Standard Life Investments (“SLI”), who are the freeholder owners of Churchill Square, will contract to purchase the freehold of the Brighton Centre from the Council, with a view to extending Churchill Square. Via Venue Ventures (“VV”), an experienced events venue delivery company, the agreement to purchase the land will also provide that SLI will work collaboratively with the Council to help deliver the replacement venue at part of the Black Rock site and enabling development on the remainder of that site. At the same time as entering into the agreement with SLI, the Council will also enter into an Agreement for Lease with the commercial operator of the new venue.
- 1.2 Once the scheme for Black Rock has been designed, there will be a further land deal with a housing partner (“HP”), in relation to the enabling development to be constructed on the Black Rock site. This will also be procured as a land transaction outside of the EU procurement rules, The council will also need to procure with VV’s assistance a building contractor for the BR site to build to shell and core the housing to be fitted out by HP and the Venue to be fitted out by the Council and the commercial operator of the Venue. The building contract will be procured in accordance with the EU procurement rules.
- 1.3 The disposal of the Centre site to SLI will only take place once there is certainty that the venue can be delivered within the Council’s affordability envelope. Also at this point, VV’s contract with SLI in respect of Black Rock may be assigned to the Council.
- 1.4 After the Black Rock site has been fully developed the leases will be granted to HP and the venue operator.
- 1.5 Leading Counsel has confirmed that the above structure is appropriate given the project’s constraints and requirements.

2. Achieving the Development

- 2.1 The development at Black Rock will be progressed and fees funded by SLI to the point of obtaining a suitable planning permission and necessary consents, concluding all appointments and warranties, site investigation surveys and sufficient design to secure a building contract procured in accordance with OJEU regulations to enable the Council to deliver and fund the scheme .
- 2.2 VV will provide the development management services for both SLI and then the Council to ensure effective handover of the venue and delivery of the HP development.
- 2.3 At the point a building contract can be entered in to, it is intended that the Council will assume the role of developer, funder and owner in respect of the

venue and the initial developer in respect of the enabling housing development. At this stage it is anticipated that major risks will have been mitigated with funding in place, HP and venue operator in place, design and build contractors in place, plus full client side experience resource being provided by VV. Primary ground conditions and contractor risks will have been managed through a proposed risk mitigation strategy.

- 2.4 The current assumed procurement and State Aid strategy reflects the roles of the three principal parties to the development, ie SLI, the Council and VV in creating the two site solution and venue design. The solution assumes that the investment by SLI in developing the proposals (estimated at c£10m) would be offset against the future land value of the central site. SLI will be responsible for the fees of the commercial and professional teams to manage this process to the unconditional date at which the two schemes can be developed independently following the further contribution by SLI of the Land Value for the existing Brighton Centre.
- 2.5 The council will be required to assist the delivery of Waterfront Central which will include using their CPO and Appropriation powers (if required) and selling the Brighton Centre land to SLI. The Council will be required to work with VV and SLI in advancing the proposition for the Black Rock site to develop the scheme to an agreed specification and design for planning submission and procurement of a build contractor and to enter in to Agreements to Lease with the preferred operator of the Venue and HP.

3. Funding

The Council will become responsible for all of the funding for the Black Rock development once SLI has executed its obligations under the Agreement. The proposed sources of funding include:

1. Capital receipt from SLI for the Brighton Centre;
2. Prudential borrowing supported by the Venue Operator rent;
3. Capital receipt from HP;
4. Potential grant funding applications and
5. Direct Council investment/ grant.

4. Conditions

- 4.1 There are some Preliminary Conditions to be satisfied prior to entering into the Agreement with SLI. Apart from the respective authorities for SLI and the Council to enter the Agreement being given by the parties' respective governance arrangements, these are: **Feasibility** (feasibility studies delivered to SLI's reasonable satisfaction), **Viability** (SLI being reasonably satisfied that an appropriate level of return can be achieved and the Council being reasonably satisfied that the Black Rock development represents value for money) and **Procurement & State Aid** (SLI and the Council being comfortable that State Aid and procurement requirements are met). Re the last Condition a conference with leading counsel took place Friday 28th

November 2014 and his written advice is awaited. It is expected that this advice will lead to this Preliminary Condition being satisfied.

- 4.2 Once the Agreement is entered into there are a number of Development Conditions to be satisfied. For the central site these relate to **Viability** (SLI achieving profit on development costs in accordance with an agreed form of appraisal), **Planning** (satisfactory grant of planning permission free from challenge), **Land Assembly** (land available as required), **Required Consents** (all consents obtained e.g. re stopping up of highways), **Pre Lets** (agreed % of pre lets in the shopping centre), **Funding** (available funding either through SLI itself or a third party) and **Utilities** (diversion of services permitted). For the Black Rock site these are **Planning** (satisfactory grant of planning permission free from challenge), **Land Assembly** (land available as required), **Venue Operator** (the entering into of the agreement with the operator), **Enabling Development** (the entering into of the agreement with HP), **Funding** (ability to cover the costs), **Building Contract** (procurement of the contractor,), **Required Consents** (all consents obtained e.g. re stopping up of highways), **Utilities** (diversion of services permitted) and Environmental (satisfactory ground conditions).
- 4.3 The agreement between SLI and VV will need to be assigned to the Council at an appropriate time and 14 working days after all of the Conditions are satisfied the Council will transfer the Centre to SLI for the agreed land price. The sum of money payable by SLI will be reduced by the defined Qualifying Expenditure (to include costs fees and expenses associated with the Black Rock site).

Subject:	Proposed Hotel Development on Site Adjacent to the Community Stadium		
Date of Meeting:	16 December 2014		
Report of:	Executive Director Environment Development & Housing and Executive Director Finance & Resources		
Contact Officer:	Name:	Richard Davies	Tel: 29-6825
	Email:	Richard.davies@brighton-hove.gov.uk	
Ward(s) affected:	All		

Note: The special circumstances for non-compliance with Council Procedure Rule 23, Access to Information Rule 5 and Section 100B (4) of the Local Government Act as amended (items not considered unless the agenda is open to inspection at least five days in advance of the meeting), are that on-going negotiations with stakeholders have been required to confirm the respective agreed positions of each party and ensure that all information is up to date and correct

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 This report covers two areas of business outstanding between The Community Stadium Limited (TCSL) and the council; payment for Highways works undertaken at the time of the construction of the stadium and a proposal submitted to the council from TCSL to build a hotel on land adjacent to the Community Stadium as shown on the annexed plan.
- 1.2 The Highways works payment is dealt with in Part 2 of this report as is further detail on the Heads of Terms for the proposed hotel development, which is commercially sensitive.
- 1.3 In terms of decisions, this report asks Members to agree the proposed Heads of Terms for the hotel development

2. RECOMMENDATIONS:

- 2.1 That Policy & Resources Committee authorise the Executive Director Environment Development & Housing, Executive Director Finance & Resources and Head of Legal Services to complete a leasehold agreement with TCSL for a hotel development on land adjacent to the Community Stadium and agree delegated powers be given to the Executive Director Environment Development & Housing, Executive Director Finance & Resources and Head of Legal Services to enter into this leasehold agreement with TCSL subject to Policy & Resources Committee agreeing the Heads of Terms summarised in section 7 below and fully set out in part 2 of this report.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 In October 2013, Policy & Resources Committee authorised the Executive Director Environment Development & Housing, Executive Director Finance & Resources and Head of Legal Services to enter into negotiations with TCSL regarding the proposed construction of a hotel on land adjacent to the Community Stadium shown on the annexed plan and agreed that proposed Heads of Terms should be brought back to this Committee for final approval.
- 3.2 The land needed for the Hotel is in two parts – the first (a triangular section within the Brighton and Hove administrative area) is already leased to the Club as part of the stadium for 125 years. The second part is currently used as a car park for which the council receives a rental income. The value of the second part is determined by its use by the club as the council has no alternative way of developing the land separately or realising any value from it.
- 3.3 The TCSL proposal is for a 4 star 150 bedroom hotel adjacent to the Community Stadium along with a new ticket and box office. There are two additional elements under discussion which would add greatly to the public benefit also outlined below at 3.6.
- 3.4 The proposed hotel would be served by its own dedicated parking spaces and would serve the following markets:
- Those people attending major events (football matches, conferences, banqueting and concerts etc.) at the AMEX;
 - Visitors to the University of Brighton and University of Sussex (parents, lecturers, academic professionals);
 - The travelling over-night executive market wishing to stay outside of the City Centre;
 - A corporate market of visiting executives for Brighton companies;
 - The travelling leisure marketing making early morning departures or late evening arrivals from the cross-channel ferry at Newhaven; and
 - Visitors wishing to access the South Downs National Park.
- 3.5 TCSL do not believe that the hotel would compete with existing hotels in the area and will undertake an independent hotel and economic impact study as part of the planning application. It would also provide additional new jobs for the local area.
- 3.6 There are two further beneficial elements proposed as part of the development. TCSL are in talks with the University of Brighton about a potential joint sports research facility that could take space on the lower ground floor of the site. The club has also had serious expressions of interest to extend the existing medical centre at the stadium and add specialist facilities under the hotel.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 Alternative options were considered by Policy & Resources Committee in October 2013 and it was resolved to enter into negotiations for Heads of Terms with TCSL for the development of a hotel on land adjacent to the Community Stadium.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 This report brings back to Members the proposed Heads of Terms as required by Policy & Resources Committee in October 2013. Further stakeholder engagement will be carried out in finalising the development proposal and as part of any planning application.

6. CONCLUSION

- 6.1 The land adjacent to the Community Stadium being proposed for the hotel development is in the ownership of the council and part of it is included within the existing stadium lease to TCSL. Previously, this site was identified for development to provide accommodation for City College. However, this proposal was withdrawn in light of a change to the previous further education capital funding programme.
- 6.2 It is not possible for the council to realise any alternative value from this site which is intricately linked to the operation of the Community Stadium, and part of the site is included in the existing 125 year lease for the stadium in any case.
- 6.3 The two additional elements of a research sports facility and improved specialist medical facility under discussion at the moment are both very attractive in terms of their positive impact for the city in very different ways.
- 6.4 The addition of a hotel which increases the viability of the stadium in the longer term is also beneficial to the city as a whole.
- 6.5 It is for these reasons that it is recommended that the Heads of Terms for granting a lease for the land adjacent to the Community Stadium to TCSL for a mid-range hotel development should be agreed.
- 6.6 TCSL are proposing to build a mid-market hotel to increase the attractiveness of the stadium and its facilities and in the long term increase revenue generated from the stadium's operation. However, the council's independent advice confirms that the development cost of a mid-range hotel makes it unviable and therefore requires TCSL to build it at a loss. Therefore, the capital receipt included in the proposed Heads of Terms is based on the council's revenue from the existing car parking use.
- 6.7 At present the Stadium has planning approval for up to 50 days use annually connected to matches and events. The existing lease from the council to TCSL for the parking site includes a restriction of up to 30 days use annually for parking in connection with matches and events at the Stadium. The capital receipt proposed in the Heads of Terms is based on the existing car parking use of 30 days annually.

- 6.8 To protect the council's interest in the land, the Heads of Terms propose an overage arrangement based on the use of the stadium over the agreed 30 times a year.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 The capital receipts associated with the lease of the site is based upon the existing use of the site as a car park and the value of that income stream generated as informed by the Council's market advisors. The capital receipt will be used to either support the lost revenue stream associated with existing rent from the site or to support the Council's future capital investment strategy. The Heads of Terms will include provision for an overage agreement in the event that the number of days usage of the stadium increases.

Finance Officer Consulted: Rob Allen

Date: 03/12/14

Legal Implications:

- 7.2 The proposed hotel would need to be the subject of new arrangements to be documented and agreed between TCSL, the council and the University of Brighton. The Part II report sets out the commercially sensitive Heads of Terms for the new arrangements and other information..
- 7.3 The proposed lease will relate to the land identified on the annexed plan. There will be a premium and overage arrangement and restrictions on use to ensure compliance with s123 Local Government Act 1972.

Lawyer Consulted: Bob Bruce

Date: 02/12/14

Equalities Implications:

- 7.4 An Equalities Impact Assessment has not been carried out as this relates to the proposed lease arrangements to allow construction of a hotel.

Sustainability Implications:

- 7.5 Sustainability implications will be considered as part of any planning application for the site, as for all development proposals.

Any Other Significant Implications:

- 7.6 There are no other significant implications or risks identified at the present time.

SUPPORTING DOCUMENTATION

Appendices:

1. Plan of Falmer Area showing the proposed hotel site

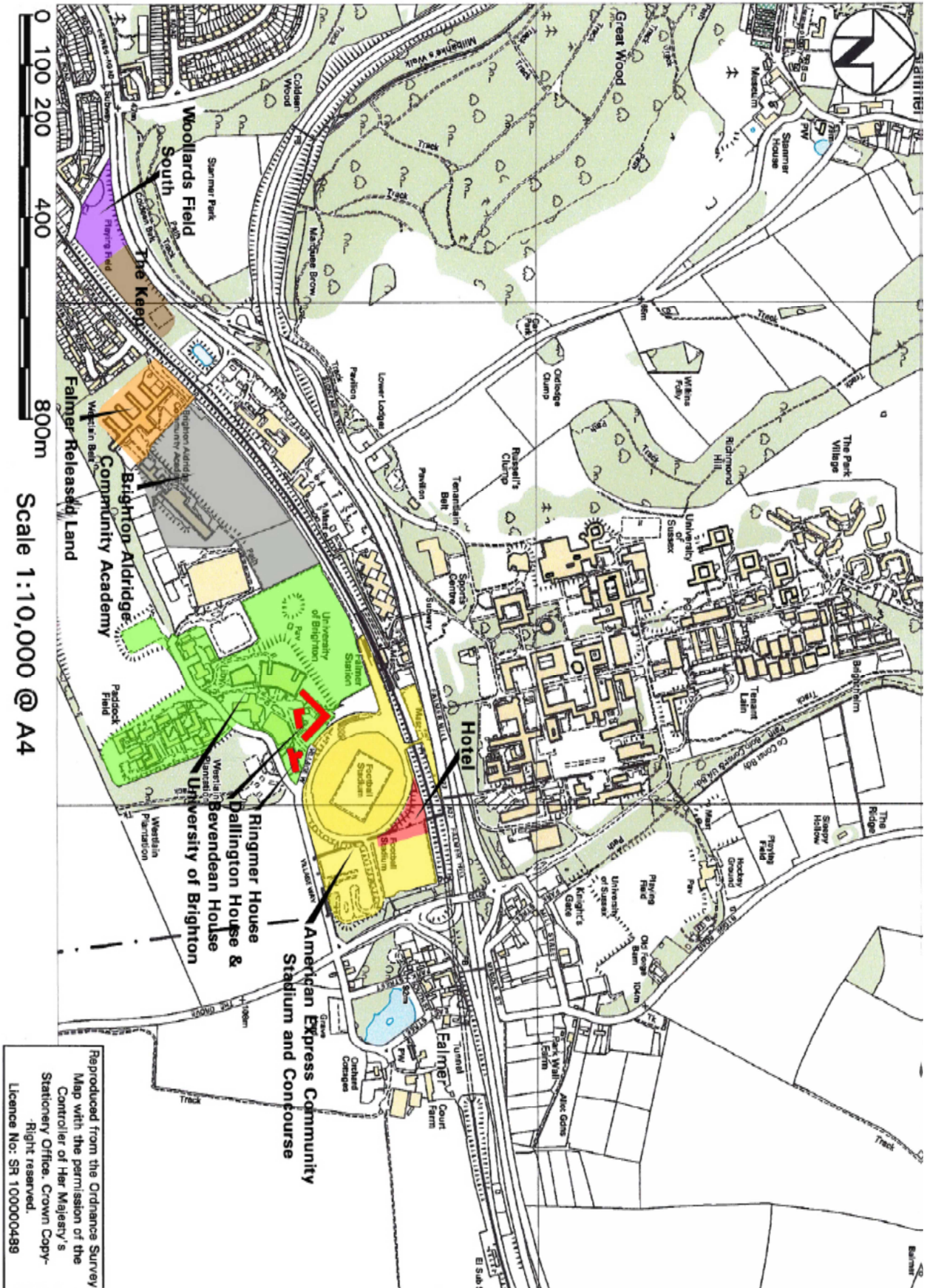
Documents in Members' Rooms

None

Background Documents

Policy & Resources Committee report, 17 October 2013, Falmer Released Land & Site Adjacent to Community Stadium

Plan of Falmer Area showing the proposed hotel site



Subject:	Pelham Street
Date of Meeting:	16 December 2014
Report of:	Joint report of Executive Director Finance & Resources, Executive Director Environment, Development & Housing and Head of Legal Services
Contact Officer: Name:	Bob Bruce/Martin Randall Tel: 29-3451/2257
Email:	bob.bruce@brighton-hove.gcsx.gov.uk martin.randall@brighton-hove.gov.uk
Ward(s) affected:	St Peters & North Laine

FOR GENERAL RELEASE

Note: By reason of the special circumstances, and in accordance with section 100B(4)(b) of the 1972 Act, the Chair of the meeting has been consulted and is of the opinion that this item should be considered at the meeting as a matter of urgency for the following reason. Time is of the essence in respect of the proposed City College development referred to in the report and in particular rights to light and funding issues need to be resolved promptly.

The special circumstances for non-compliance with Council Procedure Rule 3, Access to Information Procedure Rule 5 and Section 100B(4) of the Local Government Act 1972 (as amended), (items not considered unless the agenda is open to inspection at least five days in advance of the meeting) were that the relevant information relating to on-going negotiations on the provisions of the report was awaited.

1. PURPOSE OF REPORT AND POLICY CONTEXT

1.1 The recommendations in this report are to assist the major redevelopment and regeneration of City College Brighton and Hove's buildings at its Pelham Street campus, by ensuring that the development can progress notwithstanding any third party rights affecting the property which could otherwise impede or prevent implementation of planning permission.

2. RECOMMENDATIONS:

It is recommended that the Committee

2.1 Agree to the council entering into an agreement with City College Brighton and Hove ("City College") on the terms set out in Appendix 2 for the grant of a lease of the land comprised in City College's campus (subject to such amendments to those terms as the Head of Law and Head of Property Services agree with City College to give effect to these proposals) so that if the lease referred to is granted the council will hold such land for planning purposes ("the transaction") to facilitate the redevelopment of such land in accordance with planning

permission reference BH2013/01600 in order to improve the economic social and environmental wellbeing of the area;

- 2.2. note that the lease will only be entered into if City College are unable to reach satisfactory terms with adjoining owners regarding release of rights to light or other easement affecting the land based on statutory levels of compensation;
- 2.3. note that in the event of the lease being granted any third party rights will be overridden by S237 of the Town and Country Planning Act 1990 and that compensation will be payable by City College or its developers; and
- 2.4 authorise the Head of Law in consultation with the Head of Property Services to complete the necessary agreements, the lease and all other documentation necessary to complete the transaction and facilitate the implementation of the planning permission BH2013/01600 on the basis that any compensation payable and all other costs associated with the transaction will be borne by City College or its developers.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1. City College Brighton and Hove (“CC”) is a key partner in the City Employment and Skills Group (“CESG”). The objective of the CESG is to support the creation of at least 6,000 new jobs by 2014 and to support Brighton & Hove residents in obtaining the skills required to be able to fill the jobs created. The CC buildings at its Pelham Street campus are no longer fit for purpose and the area is ripe for regeneration. CC aim within the next 10 years to increase student numbers from a total of 10,549 (part time and full time) in 2013/14 to 12,469 by 2023. In December planning permission was agreed to be granted for a scheme comprising 11,800 square metres of new facilities on the existing CC car park, the demolition of Pelham Tower, which will be replaced with new student housing for the University of Sussex and demolition of buildings to the east of Pelham Street, which will be redeveloped for a mix of general and affordable housing. A S106 Agreement has been entered into. The planning report included a detailed assessment of the daylight, sunlight and overshadowing issues connected with the proposed development undertaken on behalf of the local planning authority by the Building Research Establishment.
- 3.2 Appendix 1 is a site plan, Appendix 3 is the planning permission and Appendix 4 is a summary of the s106 Agreement.
- 3.3 The development will provide significant educational benefits and support the London Road Central regeneration by introducing additional footfall for the London Road businesses and bringing forward public realm improvements. In addition the new student housing may remove some students from housing needed to house families.
- 3.4. The development will be financed by a long term loan from a major annuity fund in addition to the proceeds from the sale of the land for residential and student accommodation.
- 3.5 CC has established that some of its neighbours may have acquired rights to light over its land, which if enforced could significantly delay or prevent the

development taking place. To prevent this happening CC has proposed that if necessary the council take an interest in the land and apply s237 of the Town and Country Planning Act 1990 (“S237TCPA”) to that land.

- 3.6 CC’s intention is to negotiate releases with neighbouring property owners as required. However to prevent delay or CC being held to ransom, it is proposed that the council acquire the land for planning purposes. S237TCPA allows rights of light and other rights to be interfered with in order that a scheme with the benefit of planning permission can be built out, provided that the land has been acquired by the council in order to facilitate the redevelopment of the site in such a manner as is likely to contribute to the environmental, social or economic wellbeing of the area.
- 3.7 S237TCPA requires payment of compensation to those persons whose rights are overridden and in the event of the level of compensation not being agreed the Lands Tribunal can determine the amount payable.
- 3.8 As the council does not own the land it would have to acquire an interest in it from CC. There will be an indemnity in favour of the council in relation to any compensation payable as well as any associated professional and legal fees.
- 3.9 The original request from CC regarding S237TCPA is the confidential Part II appendix 5 to this report. The Part II confidential appendix 6 details the particular compensation claims of concern to CC.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 As noted in section 3 of this report, the proposed CC development has the potential to provide significant beneficial impact to the city. The proposed new CC facilities are key to CC maintaining and improving its education offer and CC say that there will £79M of inward investment, 141 FTE construction jobs and up to £1M additional local spending per year. CC will only be able to proceed with the development if the overall project is viable.
- 4.2 If the council decline to assist in the way proposed there is a real risk that the scheme will not be implemented. No major development of the site has occurred since the 1960s and previous schemes have not been built as they were not viable. Unless CC achieve the values it has discussed with potential developers it will not be able to afford to proceed. Delay and uncertainty could result in much needed educational facilities and housing not being developed.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 There are no legal requirements to consult about the proposal set out in section 2 of this report. However there was much community engagement and consultation in relation to the planning application. The report to the Planning Committee noted objections to the application from Councillors West and Deane, 155 representations of objection and 30 individual and 217 standard representations of support to the proposed development. The report also noted that Brighton & Hove Business Forum and Brighton & Hove Economic Partnership were in favour of the proposed development, but that North Laine

Community Association and the Brighton Society were against it and that CAG recommended refusal.

- 5.2 CC have I been negotiating with individual owners of properties regarding any rights of light and potential compensation packages. The confidential Appendix 6 gives an indication regarding the potential rights to light issues to be overcome by CC.
- 5.3 The S106 Agreement requires as part of the Construction and Environment Management Plan that there are monthly meetings with residents during the construction phase.
- 5.4 CC has clearly stated that the recent negotiations with staff about redundancies and reorganisation have not been triggered by the proposed redevelopment. They are two separate strands of ensuring that CC is in the best position possible to meet its education objectives on an ongoing basis.

6. CONCLUSION

- 6.1. As noted in the Planning Committee report, the proposed mix of uses on the site is acceptable and is compliant with the Local Plan and the Submission City Plan and would bring about substantial public benefits to the City.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 To facilitate the granting of the S237 of the town and County Planning Act 1990 the City College and the Council will enter into a Lease arrangement for a 99-year term to acquire the land for planning purposes. The lease will be at a peppercorn. Potential compensation claims for loss of rights will be settled jointly by the council and CC and the Council will be indemnified against all liabilities arising from these claims. Any legal costs that the Council incurs will be met in full by the CC.

Finance Officer Consulted: James Hengeveld Date: 10.12.14

Legal Implications:

- 7.2 A right of light is an interest in land (i.e. an easement) which entitles a neighbouring landowner to enjoy light across an affected adjoining site. Any development which interferes with that right could constitute a breach of the easement that would entitle the neighbouring owner to claim an injunction preventing development or compensation for the effect of the light lost as a result of the interference.
- 7.3 The way in which the injunction risk (but not the compensation) can be overcome is by using S237TCPA if CC is unable to negotiate settlements with all relevant neighbouring owners. The proposed resolution to use these powers will focus negotiations with relevant owners. If the land is acquired for planning purposes the land can subsequently be disposed of under S233TCPA to CC or its developers, who will be able to rely on the S237TCPA power to interfere with

third party rights. Appropriate indemnities will be provided in favour of the council. The council has utilised this power to facilitate other developments, such as Jubilee Library and the Keep and future developments at Circus Street and Preston Barracks.

- 7.4 In deciding whether to acquire the land by agreement the council needs to have regard to the human rights of the owners of adjoining properties whose rights may be affected if the planning permission is implemented. The relevant rights are set out in Articles 1 and 8.
- 7.5 Article 1 provides for peaceful enjoyment of possessions and prohibits any deprivation of those possessions unless it is in the public interest and subject to reasonable conditions. In making a judgement as to whether owners should have their rights to light interfered with and converted to a right to compensation, the council will need to strike a fair balance between the competing interests of individuals and the community as a whole.
- 7.6 Article 8 provides for the right to respect for private and family life. This is a qualified right, with interference allowed if permitted by law and in the interest of economic wellbeing.
- 7.7 Whilst the acquisition of the land would lead to a situation where third parties could not obtain injunctive relief, parliament clearly envisage that converting rights to compensation was appropriate in certain circumstances and given the background referred to in this report, it is considered reasonable to enter into the transaction proposed.

Lawyer Consulted: Bob Bruce Date: 10/12/14

Equalities Implications:

- 7.8 No further equalities implications have been identified at this stage of the process.

Sustainability Implications:

- 7.9 The Planning Committee report refers to various sustainability aspects of the proposals and various provisions are included in the S106 Agreement e.g. in relation to sustainable transport and district heating.

Any Other Significant Implications:

- 7.10 None at this stage.

SUPPORTING DOCUMENTATION

Part 1 Appendices:

1. Site plan
2. Summary of Heads of Terms for lease of the site.
3. Planning Permission BH2013/01600 – Decision Notice
4. Summary of S106 Agreement

Part 2 Appendices

5. Original request from City College – Exempt Category 3
6. Rights to Light information – Exempt Category 3

Documents in Members' Rooms

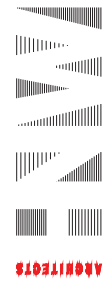
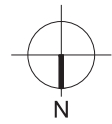
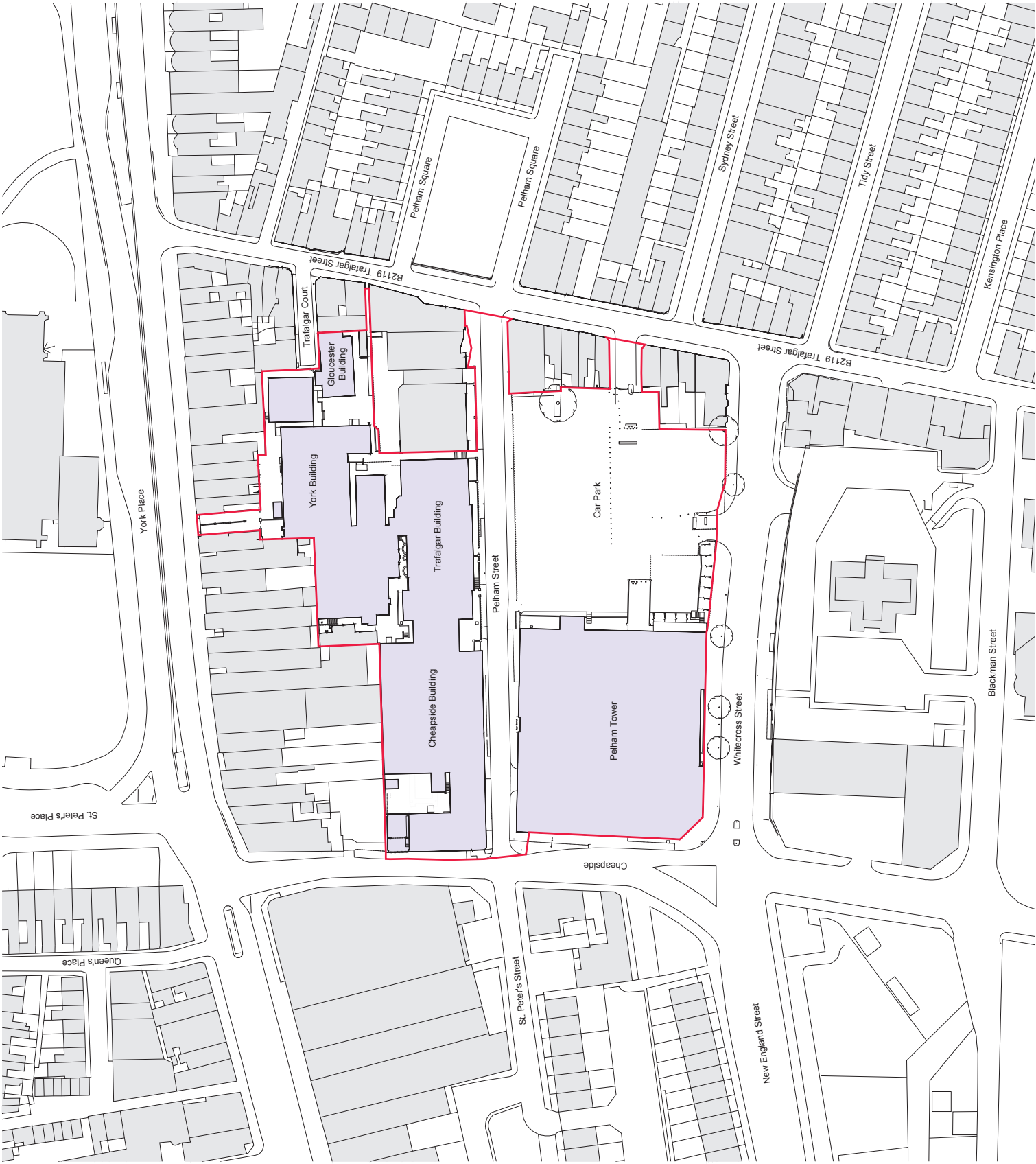
None

Background Documents

11 December 2013 report to and minutes of Planning Committee relating to application BH2013/01600

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Rev	Amendments	By	Drawn	Date
A	PLANNING APPLICATION	JWV	AC	28/03/12
B	Revised site plan	JWV	AC	16/04/12
C	Revised site plan	JWV	AC	16/04/12



HW Architects, 11 West Pallant, Chichester, West Sussex, PO19 1TB
 Tel: 01243 333000 Fax: 01243 333111 Email: info@hwarchitects.co.uk
 Project

CITY COLLEGE BRIGHTON & HOVE
PELHAM STREET, BRIGHTON

Drawing Title
SITE PLAN AS EXISTING

Drawing Status		Date	
PLANNING		FEB 2012	
Scale	Drawn By	Date	Checked By
1:500 @ A1	SB	FEB 2012	AC
Project No.	Drawing No.	Revision	
11038	P1100	C	

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Heads of Terms for the Agreement

1. The Council will enter into an Agreement with CC, so that if and when the Council is satisfied that CC has made reasonable but unsuccessful attempts to reach agreement with persons who have any rights of light or other easements over the Site whose rights would be interfered with if the planning permission is implemented, the Lease will be entered into.
2. The Lease will be at a peppercorn, no rent will be payable, the term will be 99 years, there will be no obligations on the council as tenant and there will be a break clause in favour of CC allowing the Lease to be terminated at any time.
3. The council will acquire and hold the Lease under S237TCPA.
4. Immediately following the grant of the Lease the Council will grant an Underlease of the Site to CC for a term of 99 years less 3 days on similar terms to the Lease. The Underlease will permit CC to use and operate its business at the site and CC will indemnify the council in respect of any liability relating to the Site. Upon the break clause being exercised the Lease will be surrendered by the Council to CC and the Underlease will fall in with CC's freehold title.
5. Any compensation claims will be settled jointly by the council and CC and an Indemnity Agreement will provide that CC fully indemnify the Council against all liability arising from S237TCPA.
6. The Council's legal costs associated with each stage of the transaction will be borne by CC.



Planning & Public Protection
Hove Town Hall
Norton Road
Hove BN3 3BQ

Application No: BH2013/01600

Mrs Charlotte Grant
Harwood Savin Ltd
23 Baynton Road
Woking
Surrey
GU22 8JT

BRIGHTON AND HOVE CITY COUNCIL
Town and Country Planning Act 1990
PERMISSION TO DEVELOP LAND

IN PURSUANCE of their power under the above-mentioned Act, the Council hereby notify you that they PERMIT the following development:

Situation: City College Brighton & Hove Pelham Street Brighton

Description: Hybrid planning application comprising: Phase 1: Full planning application for erection of an 8 storey (ground plus 7) College building of 12,056 sqm and ancillary accommodation (use class D1), with associated access, infrastructure and, public realm improvements and landscaping. Phase 2a: Full planning application for demolition of Pelham Tower and erection of a 10 (ground plus 9) storey building of 12,647 sqm to provide 442 student residential units and ancillary accommodation (sui generis use class), with associated access, infrastructure, public realm improvements and landscaping. Phase 2b: Outline planning consent for the demolition of York, Trafalgar and Cheapside Buildings, and the erection of up to 125 residential units (use class C3) (access, layout and scale).

In accordance with the application and plans (as modified by any under mentioned conditions) submitted to the Council on 20 May 2013 and SUBJECT to compliance with any condition(s) specified hereunder:

- 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
Site Plan	P1001	D	20 September 2013
Site Plan – As existing	P1100	C	20 September 2013
Site Survey - As Existing	P1101	C	20 September 2013
Site Layout - Proposed Masterplan	P1105	D	31 October 2013
Phasing Plan	P1106	E	20 September 2013
Pelham Tower Plans as Existing Ground to Third Floors (1 of 2)	P1107	A	30 May 2013
Pelham Tower Plans as Existing Fourth to Eleventh Floors (2 of 2)	P1008	A	30 May 2013
Site Elevations as Existing	P1110	A	30 May 2013
Site Elevations - Proposed College - Phase 1	P1111	B	20 September 2013
Site Elevations - Prop. College - Ph. 1 - Cheapside & Trafalgar St	P1112	A	30 May 2013
Site Elevations - Prop. College - Ph. 1 - York Place & Whitecross St	P1113	B	20 September 2013
Site Elevations - Proposed Masterplan - Phase 1 & 2a	P1114	B	20 September 2013
Site elevations - Prop. Masterplan - Ph. 1 & 2a - Cheapside & Trafalgar St	P1115	B	20 September 2013
Site Elevations - Prop. Masterplan - Ph. 1 & 2a - York Place & Whitecross	P1116	B	20 September 2013
Site Elevations - Proposed Masterplan - Phase 1 & 2b	P1117	B	20 September 2013
Site Elevations - Prop. Masterplan - Ph. 1 & 2b - Cheapside & Trafalgar	P1118	B	20 September 2013
Site Elevations - Prop. Masterplan - Ph. 1 & 2b - York Place & Whitecross St	P1119	B	20 September 2013
Site Sec. - Existing & Proposed - Phase 1 (sheet 1 of 2)	P1120	A	30 May 2013

Site Sec. - Existing & Proposed - Phase 1 (sheet 2 of 2)	P1121	A	20 June 2013
Site Sec. - Existing & Proposed - College Building - Phase 1 (sheet 1 of 2)	P1122	A	30 May 2013
Site Sec. - Existing & Proposed - College Building - Phase 1 (sheet 2 of 2)	P1123	B	20 September 2013
Site Sec. - Existing & Proposed - Masterplan - Phase 1 & 2b (sheet 1 of 2)	P1125	B	20 September 2013
Site Sec. - Existing & Proposed - Masterplan - Phase 1 & 2b (sheet 2 of 2)	P1126	B	20 September 2013
Site Sec. - Existing & Proposed - Masterplan - Phase 1 & 2 b (sheet 1 of 2)	P1127	B	20 September 2013
Site Sec. - Existing & Proposed - Masterplan - Phase 1 & 2b (sheet 2 of 2)	P1128	B	20 September 2013
Site Sec. - Existing & Proposed - Masterplan - Phase 1 & 2a (sheet 1 of 2)	P1130	B	20 September 2013
Site Sec. - Existing & Proposed - Masterplan - Phase 1 & 2a (sheet 2 of 2)	P1131	A	20 June 2013
Site Sec. - Existing & Proposed - Masterplan - Phase 1 & 2a (sheet 1 of 2)	P1132	A	20 June 2013
Site Sec. - Existing & Proposed - Masterplan - Phase 1 & 2a (sheet 2 of 2)	P1133	B	20 September 2013
Site Elevations - Existing & Phase 1 from Pelham Street	P1140	B	20 September 2013
Cheapside Building - Existing Floor Plans	P1150	A	30 May 2013
Trafalgar Building - Existing Floor Plans	P1151	A	30 May 2013
York Building - Existing Floor Plans	P1152	A	30 May 2013
College Building Prop' Floor Plans - Ph 1- Floors Ground to Three	P1220	A3	13 November 2013
College Building Prop' Floor Plans - Ph 1- Floors four to	P1121	A2	13 November 2013

Seven			
College Building Prop' Floor Plans - Ph 1- Roof Plan	P1222	B	20 September 2013
Proposed Site Elevations - East & West Elevations	P1225	B	20 September 2013
Proposed Site Elevations - North & South Elevations	P1226	B	20 September 2013
College Building Prop' Elevations - Ph 1 - South Elevation	P1230	B	20 September 2013
College Building Prop' Elevations - Ph 1 - West Elevation	P1231	B	20 September 2013
College Building Prop' Elevations - Ph 1 - North Elevation	P1232	B	20 September 2013
College Building Prop' Elevations - Ph 1 - East Elevation	P1233	B	20 September 2013
College Building Prop' Bay Elev'n - Ph 1 - Main College Entrance	P1234	A	30 May 2013
College Building Prop' Bay Elev'n - Ph 1 - Bay Window	P1235	A	30 May 2013
SRA Building Prop' Floor Plans - Ph 2a - Floors Ground to Three	P1240	B	20 September 2013
SRA Building Prop' Floor Plans - Ph 2a - Floors Four to Seven	P1241	A	30 May 2013
SRA Building Prop' Floor Plans - Ph 2a - Floors Eight to Ten	P1242	B	20 September 2013
SRA Building Prop' Elevations - Ph 2a - North Elevation	P1250	B	20 September 2013
SRA Building Prop' Elevations - Ph 2a - East Elevation	P1251	B	20 September 2013
SRA Building Prop' Elevations - Ph 2a - South Elevation	P1252	B	20 September 2013
SRA Building Prop' Elevations - Ph 2a - West Elevation	P1253	B	20 September 2013
SRA Building Prop' Bay Elev'n - Ph 2a - Main SRA Entrance	P1254	A	30 May 2013
SRA Building Prop' Bay Elev'n - Ph 2a - Cheapside	P1255	A	30 May 2013
SRA Building Prop' Bay Elev'n - Ph 2a - Whitecross Street	P1256	A	30 May 2013
SRA courtyard elevation - East Facade	P1260	A	30 May 2013
SRA courtyard elevation - West Facade	P1261	B	20 September 2013
SRA courtyard elevation - North Facade	P1262	A	30 May 2013

SRA courtyard elevation - South Facade	P1263	A	20 June 2013
SRA Lightwell Elevation - North Elevation	P1265	A	20 June 2013
SRA Lightwell Elevation - West Elevation	P1266	A	20 June 2013
Detailed Landscape proposals	1158-1002	08	18 September 2013
Construction Details	1158-1005	P02	19 September 2013
Detailed Landscape proposals	1158-1003	08	18 September 2013
College Square Boundary screen sections	1158-1009	P01	19 September 2013
Masterplan - Prop' Residential - Phase 2b Indicative Elevations	P1286	C	13 November 2013
Masterplan - Prop' Residential - Existing - Trafalgar Court Elev	P1287	A	20 June 2013
Masterplan - Prop' Residential - Proposed - Trafalgar Court Elev	P1288	C	13 November 2013

Phase 1: College Building and Public Square Conditions

- 2 The Phase 1 College Building hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
- 3 The Phase 1 College Building 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 & Hove Local Plan.
- 4 No development shall commence of the Phase 1 College Building shall take place until there has been submitted to and approved in writing by the Local Planning Authority, a plan detailing the positions, height, design, materials and type of all existing and proposed boundary treatments. The boundary treatments (for Phase 1 only) shall be provided in accordance with the approved details before the Phase 1 College Building is occupied and retained as such thereafter.
Reason: To enhance the appearance of the development in the interest of the visual and residential amenities of the area and to comply with policies QD1, QD15 and QD27 of the Brighton & Hove Local Plan.
- 5 No development shall commence of the Phase 1 College Building until full details of the existing and proposed land levels of the proposed development in relation to Ordnance Datum and to surrounding properties have been submitted to and

agreed in writing by the Local Planning Authority (for Phase 1 only). The details shall include finished floor levels. The development shall be constructed in accordance with the agreed details.

Reason: To safeguard the amenities of the occupiers of nearby properties and to comply with policies QD14 and QD27 of the Brighton and Hove Local Plan.

- 6 No development shall commence of the Phase 1 College Building until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority (for Phase 1 only). Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.

- 7 No development of Phase 1 College Building shall take place until samples of materials for all external windows and doors of the Phase 1 building have been submitted to and approved in writing by the Local Planning Authority (for Phase 1 only). 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 QD1, QD2, QD4 and HE6 of the Brighton & Hove Local Plan.

- 8 If, during development of the Phase 1 College Building and public square, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a method statement to identify, risk assess and address the unidentified contaminants. The development shall be carried out in accordance with the approved details.

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

- 9 No development of Phase 1 College Building shall be commenced unless and until a scheme for the provision of surface water drainage for the Phase 1 development has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority there shall be no net increase in flows to the public sewer. No infiltration of surface water drainage into the ground is permitted other than that which is first approved in writing by the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details and retained as such thereafter.

Reason: To ensure the existing infrastructure can facilitate the development and to reduce the risk of flooding and to prevent pollution of the water environment as a result of this development and to comply with policies SU3 and SU15 of the Brighton and Hove Local Plan.

- 10 Piling or any other foundation designs using penetrative methods associated with the Phase 1 College Building shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable

risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To prevent pollution of the water environment and to comply with policy SU3 of the Brighton & Hove Local Plan.

- 11 No development of Phase 1 College Building shall commence until a scheme for nature conservation enhancement for Phase 1 has been submitted to and approved by the Local Planning Authority. This shall include the number and locations of bird and bat boxes to be erected and details of any artificial external lighting. The scheme shall be fully implemented in accordance with the approved details and retained as such thereafter.

Reason: To ensure that the development contributes to ecological enhancement on the site and in accordance with policy QD17 of the Brighton & Hove Local Plan.

- 12 No development of the Phase 1 College Building or public square or other operations in connection with the Phase 1 College Building or public square, shall commence (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and/or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed Arboricultural Method Statement for the Phase 1 College Building and public square development has been submitted to and approved in writing by the Local Planning Authority. This shall provide for the long-term retention of the trees. No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement.

Reason: To ensure the adequate protection of the protected trees which are to be retained on the site in the interest of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.

- 13 No development of the Phase 1 College Building or public square shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping for the Phase 1 Public Square, which shall include hard surfacing, wind mitigation screens, boundary treatments, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

- 14 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 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. All hard landscaping and means of enclosure shall be completed before the development is occupied.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the

Brighton & Hove Local Plan.

- 15 No development of the Phase 1 College Building shall take place until details of a minimum of 56 secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities or such alternative facilities as may be agreed in writing with the Local Planning Authority shall be fully implemented and made available for use prior to the occupation of the Phase 1 College Building hereby permitted and shall thereafter be retained for use at all times.

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

- 16 No development of the Phase 1 College Building at first floor level or above shall take place until a BRE issued Interim/Design Stage Certificate demonstrating that the Phase 1 College Building has achieved a minimum BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' for all non-residential development has been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

- 17 Within 6 months of first occupation of the Phase 1 College Building hereby approved a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the Stage 1 College Building built has achieved a minimum BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' has been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

- 18 Noise associated with plant and machinery incorporated within the Phase 1 College Building shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 10dB below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997. In addition, there should be no significant low frequency tones present.

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

- 19 The testing of life safety plant incorporated within the Phase 1 College Building, shall not be carried out for no more than 1 hour per month between 09.00 and 17.00 during working weekdays, the assessment criteria is relaxed to correspond to an increase in the minimum background noise levels by no more than 10 dB(A).

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

- 20 No servicing of the Phase 1 College Building (i.e. deliveries to or from the premises) shall occur except between the hours of 07.00 and 19.00 Monday to Friday, and 09.00 to 17.00 on Saturdays and Sundays.

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

- 21 No development of the Phase 1 College Building shall take place until an acoustic report has been submitted to and approved in writing by the Local Planning Authority which contains details of how the College Building at all storeys and all facades will be glazed and ventilated in order to protect internal occupants from road traffic noise and to comply with the "good" levels in British Standard 8233 and the levels stated in BB93 or suitable equivalent. The scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.

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

- 22 Post completion of the Phase 1 College, but prior to occupation of the Phase 1 College Building, an additional noise survey and report shall be submitted to and approved in writing by the Local Planning Authority, which shall demonstrate that the noise levels internally at the Phase 1 College Building comply with the "good" levels in British Standard 8233 and the levels stated in Building Bulletin 93 or suitable equivalent. If the additional noise survey and report shows that the "good" levels in the British Standard 8233 and the levels stated in Building Bulletin 93 or suitable equivalent are not met then an additional report detailing the mitigation measures to be installed including a further test carried out to demonstrate compliance with the "good" levels in the British Standard 8233 and the levels stated in BB93 or suitable equivalent shall be submitted to and approved in writing prior to first occupation of the Phase 1 College Building.

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

- 23 No development of the Phase 1 College Building shall take place until a scheme for the fitting of odour control equipment to the Phase 1 College Building has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

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

- 24 No development of the Phase 1 College Building shall take place until a scheme for the sound insulation of the odour control equipment referred to in the condition set out above has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

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

- 25 The Phase 1 College Building hereby permitted shall not be operational except

between the hours of 06:00 and 21:00 on Mondays to Fridays and 06:00 to 17:00 on Saturdays with no opening on Sundays or Bank or Public Holidays.

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

- 26 (i) No development of the Phase 1 College Building shall take place until details of the external lighting of the Phase 1 site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the predictions of both horizontal illuminance across the Phase 1 site and vertical illuminance affecting immediately adjacent receptors. The lighting installation shall comply with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (2011,) for zone E, or similar guidance recognised by the council.

(ii) Prior to occupation of the Stage 1 College Building, the predicted illuminance levels shall be tested by a competent person to ensure that the illuminance levels agreed in part (i) are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed in part (i).

(iii) The approved installation shall be maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to a variation.

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

- 27 The Phase 1 building shall only be used for D1 education provision only with ancillary retail (A1) and restaurant (A3) as shown on the approved plans and for no other purpose including the use of any part of the building as a theatre (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the amenities of the area and the education aspirations for the City and to comply with policies HO20 and QD27 of the Brighton & Hove Local Plan.

- 28 All windows at the first and second floor levels of the south elevation of the three storey section of the Phase 1 College Building, which is located to the south west of the main building, shall not be glazed otherwise than with obscured glass, in accordance with details to be submitted to and approved in writing prior to work starting on the Phase 1 Building. The scheme shall be implemented fully in accordance with the approved details prior to first occupation of the Stage 1 College Building and retained as such thereafter.

Reason: To safeguard the amenity of adjacent occupiers and to comply with policies QD27 of the Brighton & Hove Local Plan.

- 29 No development of the Phase 1 College Building shall take place until a written Site Waste Management Plan for Phase 1 College Building, confirming how demolition and construction waste will be recovered and reused on site or at other sites, has been submitted to and approved in writing by the Local Planning Authority. The

Plan shall be implemented in strict accordance with the approved details.

Reason: To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste for landfill is reduced and to comply with policies WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan and SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste.

- 30 No development of the Phase 1 College Building Residential Building shall take place until detailed elevations at scale 1:20 of all proposed gates to be installed at the Phase 1 site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 of the Brighton & Hove Local Plan.

- 31 No development of the Phase 1 College Building shall take place until details of the photovoltaics to be installed at rooftop level of the Phase 1 College Building have been submitted to and approved in writing by the Local Planning Authority. The development shall be on carried out fully in accordance with the approved details and shall be retained as such thereafter.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design, and to ensure a satisfactory appearance to the development.

Student Residential Development - Phase 2a

- 32 The Phase 2a Student Residential Building 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.

- 33 No development of the Phase 2a Student Residential Building hereby approved shall take place until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.

- 34 No development of the Phase 2a Student Residential Building at first floor above shall take place until there has been submitted to and approved in writing by the Local Planning Authority, a plan detailing the positions, height, design, materials and type of all existing and proposed boundary treatments for Phase 2a. The boundary treatments shall be provided in accordance with the approved details before the building is occupied.

Reason: To enhance the appearance of the development in the interest of the visual and residential amenities of the area and to comply with policies QD1, QD15

and QD27 of the Brighton & Hove Local Plan.

- 35 No development shall commence of the Phase 2a Student Residential Building until full details of the existing and proposed land levels of the proposed Phase 2a development in relation to Ordnance Datum and to surrounding properties have been submitted to and agreed in writing by the Local Planning Authority. The details shall include finished floor levels. The development shall be constructed in accordance with the agreed details.

Reason: To safeguard the amenities of the occupiers of nearby properties and to comply with policies QD14 and QD27 of the Brighton and Hove Local Plan.

- 36 No development of the Phase 2a Student Residential Building shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the Phase 2a Student Residential Building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.

- 37 No development of the Phase 2a Student Residential Building shall take place until samples of materials for all external windows and doors of the Phase 2a building have been submitted to and approved in writing by the Local Planning Authority. 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 QD1, QD2, QD4 and HE6 of the Brighton & Hove Local Plan.

- 38 No development of the Phase 2a Student Residential Building shall be commenced unless and until a scheme for the provision of surface water drainage for the Phase 2a development has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority there shall be no net increase in flows to the public sewer. No infiltration of surface water drainage into the ground is permitted other than that which is first approved in writing by the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details and retained as such thereafter.

Reason: To ensure the existing infrastructure can facilitate the development and to reduce the risk of flooding and to prevent pollution of the water environment as a result of this development and to comply with policies SU3 and SU15 of the Brighton and Hove Local Plan.

- 39 Piling or any other foundation designs using penetrative methods associated with the Phase 2a Student Residential Building shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To prevent pollution of the water environment and to comply with policy SU3 of the Brighton & Hove Local Plan.

- 40 No development of the Phase 2a Student Residential Building shall commence

until a scheme for nature conservation enhancement for Phase 2a has been submitted to and approved by the Local Planning Authority. This shall include the number and locations of bird and bat boxes to be erected and details of any artificial external lighting. The scheme shall be fully implemented in accordance with the approved details and retained as such thereafter.

Reason: To ensure that the development contributes to ecological enhancement on the site and in accordance with policy QD17 of the Brighton & Hove Local Plan.

- 41 No development of the Phase 2a Student Residential Building or other operations shall commence on site in connection with the Phase 2a Student Residential Building, (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and/or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed Arboricultural Method Statement for the Phase 2a Student Residential Building development has been submitted to and approved in writing by the Local Planning Authority. This shall provide for the long-term retention of the trees. No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement.

Reason: To ensure the adequate protection of the protected trees which are to be retained on the site in the interest of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.

- 42 No development of the Phase 2a Student Residential Building shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping for the Phase 2a site, which shall include hard surfacing, boundary treatments, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

- 43 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 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. All hard landscaping and means of enclosure shall be completed before the development is occupied.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

- 44 No development of the Phase 2a Student Residential Building shall take place until details of a minimum of 160 secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the Phase 2a

Student Residential Building hereby permitted and shall thereafter be retained for use at all times.

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

- 45 No development of the Phase 2a Student Residential Building at first floor level or above shall take place until a BRE issued Interim/Design Stage Certificate demonstrating that the Phase 2a Student Residential Building has achieved a minimum BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' for the Phase 2a Student Residential Building has been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

- 46 Within 6 months of first occupation of the Phase 2a Student Residential Building hereby approved a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the Phase 2a Student Residential Building as built has achieved a minimum BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' has been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

- 47 Noise associated with plant and machinery incorporated within the Phase 2a Student Residential Development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 10dB below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997. In addition, there should be no significant low frequency tones present.

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

- 48 The testing of life safety plant incorporated within the Phase 2a Student Residential Development, shall not be carried out for no more than 1 hour per month between 09.00 and 17.00 during working weekdays, the assessment criteria is relaxed to correspond to an increase in the minimum background noise levels by no more than 10 dB(A).

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

- 49 No servicing of the Phase 2a Student Residential Building (i.e. deliveries to or from the premises) shall occur except between the hours of 07.00 and 19.00 Monday to Friday, and 09.00 to 17.00 on Saturdays and Sundays.

Reason: To safeguard the amenities of the occupiers of neighbouring properties

and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

- 50 The Party Walls/Floors between the ground floor of the Phase 2a Student Residential Building and the first floor residential units should be designed to achieve a sound insulation value of 5dB better than Approved Document E performance standard, for airborne sound insulation for floors of purpose built dwelling-houses and flats.

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

- 51 No development of the Phase 2a Student Residential Building shall take place until a an acoustic report has been submitted to and approved in writing by the Local Planning Authority which contains details of how the Phase 2a Student Residential Building submitted at all storeys and all facades will be glazed and ventilated in order to protect internal occupants from road traffic noise and meet the "good" levels in British Standard 8233. The scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.

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

- 52 Post completion of the Phase 2a Student Residential Building, but prior to occupation of the Phase 2a Student Residential Building, an additional noise survey and report shall be submitted to and approved in writing by the Local Planning Authority, which shall demonstrate that the noise levels internally at the Phase 2a Student Accommodation Building comply with the "good" levels in British Standard 8233. If the additional noise survey and report shows that the "good" levels in the British Standard 8233 are not met then an additional report detailing the mitigation measures to be installed including a further test carried out to demonstrate compliance with the "good" levels in the British Standard 8233 shall be submitted to and approved in writing prior to first occupation of the Phase 2a Student Accommodation Building.

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

- 53 No development of the Phase 2a Student Residential Building shall take place until a scheme for the fitting of odour control equipment to the Phase 2a Student Residential Building has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

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

- 54 No development of the Phase 2a Student Residential Building shall take place until a scheme for the sound insulation of the odour control equipment referred to in the condition set out above has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

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

55 (i) No development of the Phase 2a Student Residential Building shall take place until details of the external lighting of the Phase 2a site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors. The lighting installation shall comply with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (2011,) for zone E, or similar guidance recognised by the council.

(ii) Prior to occupation of the Phase 2a Student Residential Building, the predicted illuminance levels shall be tested by a competent person to ensure that the illuminance levels agreed in part (i) are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed in part (i).

(iii) The approved installation shall be maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to a variation.

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

56 (i) No development of the Phase 2a Student Residential Building shall take place until there has been submitted to and approved in writing by the local planning authority: (A desktop study shall be the very minimum standard accepted. Pending the results of the desk top study, the applicant may have to satisfy the requirements of b and c below, however, this will all be confirmed in writing).

(a) A desk top study documenting all the previous and existing land uses of the Phase 2a Student Development site and adjacent land in accordance with national guidance as set out in Contaminated land Research Report Nos. 2 and 3 and BS10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice; and unless otherwise agreed in writing by the local planning authority,

(b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175;

and, unless otherwise agreed in writing by the local planning authority,

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

(ii) The Phase 2a Student Residential Building hereby permitted shall not be occupied or brought into use until there has been submitted to the local planning authority verification by a competent person approved under the provisions of condition 56 (i)c that any remediation scheme required and approved under the provisions of condition 56 (i)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority such verification shall comprise:

a) as 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.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 56 (i) c.”

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

- 57 No development of the Phase 2a Student Residential Building shall take place until a written Site Waste Management Plan for Phase 2a Student Residential Building, confirming how demolition and construction waste will be recovered and reused on site or at other sites, has been submitted to and approved in writing by the Local Planning Authority. The Plan shall be implemented in strict accordance with the approved details.

Reason: To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste for landfill is reduced and to comply with policies WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan and SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste.

- 58 No development of the Phase 2a Student Residential Building shall take place until the details of the height, materials and technical specification for the flue serving the Combined Heat and Power system has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented in accordance with the approved details and unless otherwise agreed in writing with the Local Planning Authority shall be retained as such thereafter.

Reason: To ensure a satisfactory appearance to the flue and to ensure that emissions can be dispersed effectively and to comply with policies QD1 and SU9 of the Brighton & Hove Local Plan.

- 59 No development of the Phase 2a Student Residential Building shall take place until detailed elevations at scale 1:20 of all proposed gates to be installed at the Phase 2a site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 of the Brighton & Hove Local Plan.

- 60 No development of the Phase 2a Student Residential Building shall take place until details of the photovoltaics to be installed at rooftop level of the Phase 2a Student Residential Building have been submitted to and approved in writing by the Local Planning Authority. The development shall be on carried out fully in accordance with the approved details and shall be retained as such thereafter.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design, and to ensure a satisfactory appearance to the development.

Phase 2b: Residential Development & Pelham Street Improvements

61 The Phase 2b Residential Development hereby permitted shall be commenced before the expiration of three years from the date of this permission or two years from the approval of the last of the reserved matters as defined in Condition 62 below, whichever is the later.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

62 a) Details of the reserved matters set out below ("the reserved matters") shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:

(i) appearance; and

(ii) landscaping.

b) The reserved matters shall be carried out as approved.

c) Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 (as amended) of the Town and Country Planning Act 1990.

63 The Phase 2b Residential Development shall not commence until a scheme for the details of the provision of Affordable Housing for at least 20% of the residential units hereby approved as part of the development, has been submitted to and approved in writing by the Local Planning Authority. Save where Condition 64 below applies, the affordable housing shall be provided in accordance with the approved scheme which shall include:

i. the numbers, type, tenure mix and location on the site of the affordable housing provision to be made which shall consist of not less than 20% of housing units. 55% of the affordable housing units shall be provided as Affordable Rented Housing and 45% shall be provided as Intermediate Affordable Housing.

i. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;

ii. the arrangements for the transfer of the affordable housing to an affordable housing provider;

iii. the arrangements to ensure that the affordable housing remains as affordable housing for both first and subsequent occupiers of the affordable housing; and

iv. the occupancy criteria shall be agreed by Brighton & Hove City Council Housing Team

and for the purposes of this condition and Condition 64 below 'Affordable Housing', 'Affordable Rented Housing' and 'Intermediate Affordable Housing' have the meaning ascribed to it by the National Planning Policy Framework.

Reason: To ensure the provision and retention of an appropriate amount of affordable housing in accordance with policy HO2 of the Brighton & Hove Local Plan.

64 Should all the Phase 2b Residential Buildings hereby approved not have been constructed to at least first floor level by the fourth anniversary of the date of this permission; or if the gross internal floor area (combined) of the residential units hereby approved (excluding any communal areas such as entrance halls, staircases and lifts) exceed 7,265 square metres; a viability assessment which

assesses, at that date, the number of affordable housing units that the proposed development could provide whilst remaining viable, together with a scheme ('the reassessed scheme') of affordable housing provision based on that viability assessment (including numbers, type, tenure mix and location on the site of the affordable housing provision to be made), shall be submitted to, and for approval in writing by, the Local Planning Authority. The affordable housing shall be provided in accordance with the approved reassessed scheme which reassessed scheme shall also include:

v. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;

vi. the arrangements for the transfer of the affordable housing to an affordable housing provider;

the arrangements to ensure that the affordable housing remains as affordable housing for both first and subsequent occupiers of the affordable housing.

vii. the occupancy criteria shall be agreed by Brighton & Hove City Council Housing Team

Reason: To ensure the provision and retention of an appropriate amount of affordable housing in accordance with policy HO2 of the Brighton & Hove Local Plan.

65 No development of the Phase 2b Residential Development shall commence until the internal layouts for the residential development hereby approved has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.

Reason: To ensure the provision of an appropriate mix of units and acceptable living conditions and to comply with policies HO3 and QD27 of the Brighton & Hove Local Plan.

66 The number of residential units within the Phase 2b Residential Development shall not exceed 125 units.

Reason: For the avoidance of doubt over what has been approved.

67 No development of the Phase 2b Residential Development shall be commenced unless and until a scheme for the provision of surface water drainage for the Phase 2b development has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority there shall be no net increase in flows to the public sewer. No infiltration of surface water drainage into the ground is permitted other than that which is first approved in writing by the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details and retained as such thereafter.

Reason: To ensure the existing infrastructure can facilitate the development and to reduce the risk of flooding and to prevent pollution of the water environment as a result of this development and to comply with policies SU3 and SU15 of the Brighton and Hove Local Plan.

68 Piling or any other foundation designs using penetrative methods associated with the Phase 2b Residential Development shall not be permitted other than with the

express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To prevent pollution of the water environment and to comply with policy SU3 of the Brighton & Hove Local Plan.

69 (i) Prior to the commencement of the Phase 2b Residential Development details of the external lighting of the Phase 2b site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors. The lighting installation shall comply with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (2011,) for zone E, or similar guidance recognised by the council.

(ii) Prior to occupation, the predicted illuminance levels shall be tested by a competent person to ensure that the illuminance levels agreed in part (i) are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed in part (i).

(iii) The approved installation shall be maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to a variation.

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

70 Unless otherwise agreed in writing by the Local Planning Authority, no works shall start in relation to the Phase 2b Residential Development shall commence until a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development achieves a Code for Sustainable Homes rating of Code level 4 as a minimum for all residential units has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

71 Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved as part of the Phase 2b Residential Development shall be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 4 as a minimum has been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

72 No development of the Phase 2b Residential Buildings shall commence until a scheme for nature conservation enhancement on Phase 2b has been submitted to

and approved by the Local Planning Authority. This shall include the number and locations of bird and bat boxes to be erected and details of any artificial external lighting. The scheme shall be fully implemented in accordance with the approved details and retained as such thereafter.

Reason: To ensure that the development contributes to ecological enhancement on the site and in accordance with policy QD17 of the Brighton & Hove Local Plan.

- 73 Noise associated with plant and machinery incorporated within the Phase 2b Residential Development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 10dB below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997. In addition, there should be no significant low frequency tones present.

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

- 74 The testing of life safety plant incorporated within the Phase 2b Residential Development, shall not be carried out for no more than 1 hour per month between 09.00 and 17.00 during working weekdays, the assessment criteria is relaxed to correspond to an increase in the minimum background noise levels by no more than 10 dB(A).

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

- 75 The reserved matters application required by Condition 62 shall include details of an acoustic report which contains details of how the Residential Buildings submitted at all storeys and all facades will be glazed and ventilated in order to protect internal occupants from road traffic noise and meet the "good" levels in British Standard 8233. The scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.

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

- 76 The reserved matters application required by Condition 62 shall include details of a daylight and sunlight report which shall contain details of the levels of daylighting and sunlighting to all habitable windows in the Residential Buildings in accordance with the BRE Site Layout Planning for Daylight and Sunlight A Guide to Good Practice and BS8206-2:2008 Lighting for Buildings Part 2: Code of Practice for daylighting.

Reason: To provide adequate levels of daylight and sunlight for the future occupiers of the building and to comply with policies QD27 of the Brighton & Hove Local Plan.

- 77 The reserved matters application required by Condition 62 shall include details of how the windows on the east facing elevation at first floor of the eastern building of Block C shall be designed to limit overlooking to properties on York Place.

Reason: To safeguard the amenity of adjacent occupiers and to comply with policies QD27 of the Brighton & Hove Local Plan.

- 78 The east facing elevation of the northern wing of Block A which is adjacent to Cheapside shall not contain balconies and any windows shall not be glazed

otherwise than with obscured glass and thereafter permanently retained as such and open inwards in accordance with details to be submitted as part of the reserved matters application required by Condition 62.

Reason: To safeguard the amenity of adjacent occupiers and to comply with policies QD27 of the Brighton & Hove Local Plan.

- 79 The east facing elevation of the southern wing of Block A which is adjacent to the new pedestrian route to 15 York Place shall not contain balconies and any windows shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such and open inwards in accordance with details to be submitted as part of the reserved matters application required by Condition 62.

Reason: To safeguard the amenity of adjacent occupiers and to comply with policies QD27 of the Brighton & Hove Local Plan.

- 80 (i) No development of the Phase 2b Residential Buildings shall take place until there has been submitted to and approved in writing by the local planning authority: (A desktop study shall be the very minimum standard accepted. Pending the results of the desk top study, the applicant may have to satisfy the requirements of b and c below, however, this will all be confirmed in writing).

(a) A desk top study documenting all the previous and existing land uses of the Phase 2b Residential Development site and adjacent land in accordance with national guidance as set out in Contaminated land Research Report Nos. 2 and 3 and BS10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice;

and unless otherwise agreed in writing by the local planning authority,

(b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175;

and, unless otherwise agreed in writing by the local planning authority,

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

(ii) The Phase 2b Residential Building hereby permitted shall not be occupied or brought into use until there has been submitted to the local planning authority verification by a competent person approved under the provisions of condition 80

(i)c that any remediation scheme required and approved under the provisions of condition 80 (i)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority such verification shall comprise:

a) as 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.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 80 (i) c.”

Reason: To safeguard the health of future residents or occupiers of the site and to

comply with policy SU11 of the Brighton & Hove Local Plan.

- 81 The new dwellings hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.
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 & Hove Local Plan.
- 82 No works shall commence on the Phase 2b Residential Buildings until a scheme has been submitted to and approved in writing by the Local Planning Authority which shows that a minimum of 10% of the affordable housing units and 5% of market housing residential units are fully wheelchair accessible. The scheme shall be fully implemented in accordance with the approved details.
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 & Hove Local Plan.
- 83 The heights of the residential buildings shall not exceed the following Ordnance Datum levels (AOD); Block A 34.5 metres, Block B 30.95 metres Block C ridge height 23.42 metres and eaves height 20.349 metres as shown on plans referenced P1286 C and P1288 C received on 13 November 2013.
Reason: For the avoidance of doubt over what is approved.
- 84 The Phase 2b Residential Development hereby permitted shall not be commenced until details of a minimum cycle parking standards in accordance with the details contained within Supplementary Planning Guidance Note 4 Parking Standards or any subsequent Supplementary Planning Document which replaces SPG4, has been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the Phase 2b Residential Development hereby permitted and shall thereafter be retained for use at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.
- 85 The 13 disabled car parking spaces to the rear of Block A shall be fully implemented and made available for the occupants of Block A hereby approved prior to first occupation of Block A and shall thereafter be retained for use at all times.
Reason: To ensure the development provides for the needs of disabled occupiers and to comply with Local Plan policy TR18 and SPG4.
- 86 No development of the Phase 2b Residential Buildings shall take place until a scheme for the storage of refuse and recycling for Phase 2b has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.
Reason: To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton & Hove Local Plan.
- 87 The roofs of Block A and Block B shall contain a green or sedum roof, and the roofs of Block A, Block B and Block C shall contain renewable solar technologies,

the details of which shall be submitted as part of the reserved matters application required by Condition 62.

Reason: To ensure that the development contributes to ecological enhancement on the site and in accordance with policy QD17 of the Brighton & Hove Local Plan.

- 88 The reserved matters application required by Condition 62 shall include details of an ventilation strategy which contains details of how the units at the ground and first floor levels of the Cheapside elevation of Block A shall be ventilated so that they are protected from the outside ambient air quality. The scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.

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

- 89 No development of the Phase 2b Residential Development shall take place until a written Site Waste Management Plan for Phase 2b Residential Development, confirming how demolition and construction waste will be recovered and reused on site or at other sites, has been submitted to and approved in writing by the Local Planning Authority. The Plan shall be implemented in strict accordance with the approved details.

Reason: To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste for landfill is reduced and to comply with policies WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan and SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste.

- 90 No demolition of York or Trafalgar buildings and their associated extensions, shall take place unless a programme of building survey and recording of York or Trafalgar buildings and their associated extensions, has been carried out in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority prior to commencement of the Phase 2 development.

Reason: To ensure the satisfactory recording of these buildings and to comply with policy QD1 and QD2 of the Brighton & Hove Local Plan.

- 91 Apart from the 13 disabled vehicle parking bays to the rear of Block A as shown on drawings referenced P1105 Rev D received on 31 October 2013, no other area within the Phase 2b site, including the landscaped areas, amenity areas and new route from Pelham Street to York Place, shall be used for the parking of vehicular cars.

Reason: To ensure that apart from the disabled vehicular parking the development is 'car free' and to preserve the visual amenities of the area and to comply with policies QD1, QD2 and HO7 of the Brighton & Hove Local Plan.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) 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. This decision to grant Planning Permission has been taken:

(i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:

The National Planning Policy Framework (NPPF)

Brighton and Hove Local Plan

- TR1 Development and the demand for travel
- TR2 Public transport accessibility and parking
- TR4 Travel Plans
- TR5 Sustainable transport corridors and bus priority measures
- TR7 Safe development
- TR8 Pedestrian routes
- TR10 Traffic calming
- TR13 Pedestrian network
- TR14 Cycle access and parking
- TR18 Parking for people with a mobility related disability
- TR19 Parking standards
- SU1 Environmental impact assessment
- SU2 Efficiency of development in the use of energy, water and materials
- SU5 Surface water and foul sewage disposal infrastructure
- SU8 Unstable land
- SU9 Pollution and nuisance control
- SU10 Noise nuisance
- SU11 Polluted land and buildings
- SU13 Minimisation and re-use of construction industry waste
- SU14 Waste management
- SU15 Infrastructure
- SU16 Production of renewable energy
- QD1 Design - quality of development and design statements
- QD2 Design - key principles for neighbourhoods.
- QD4 Design - strategic impact.
- QD5 Design - street frontages
- QD6 Public art
- QD7 Crime prevention through environmental design.
- QD15 Landscape Design
- QD16 Trees and hedgerows
- QD17 Protection and integration of nature conservation features.
- QD25 External lighting
- QD26 Floodlighting
- QD27 Protection of amenity
- QD28 Planning obligations

- HO2 Affordable housing - 'windfall' sites
- HO3 Dwelling type and size
- HO4 Dwelling densities
- HO5 Provision of private amenity space in residential development
- HO6 Provision of outdoor recreation space in housing schemes
- HO7 Car free housing
- HO13 Accessible housing and lifetime homes
- HO19 New community facilities
- HO20 Retention of community facilities
- HO21 Provision of community facilities in residential and mixed use schemes
- HE3 Development affecting the setting of a listed building
- HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Guidance:

- SPGBH4 Parking Standards
- SPGBH9 A guide for Residential Developers on the provision of recreational space
- SPGBH15 Tall Buildings
- Interim Guidance on Developer Contributions

Supplementary Planning Documents:

- SPD03 Construction & Demolition Waste
- SPD06 Trees & Development Sites
- SPD08 Sustainable Building Design
- SPD10 London Road Central Masterplan
- SPD11 Nature Conservation & Development

Brighton & Hove City Plan Part One (submission document)

- SS1 Presumption in Favour of Sustainable Development
- DA4 New England Quarter and London Road Area
- CP12 Urban Design
- CP21 Student Housing and Housing in Multiple Occupation

Background Documents

- Strategic Housing Land Availability Assessment (SHLAA) 2013
- Student Housing Strategy 2009-2014 (2009)
- Pelham Street Development Brief (2008)
- The North Laine Conservation Area Study 1995

; and

(ii) for the following reasons:-

It is considered that the principle of the mix of uses on site is acceptable and is compliant with the Local Plan and the Submission City Plan. In addition, the redevelopment proposals would bring about substantial public benefits to

the City due to the provision of the purpose built modern College building, purpose built student accommodation, up to 125 units of residential accommodation and public realm improvements. 20% of the residential units would also be secured as affordable housing. The general layout of the proposals and the footprint of the buildings are considered to be appropriate in urban design terms and would recreate a building line along Pelham Street and Whitecross Street. The height, massing and design of all of the buildings are appropriate. The College and student buildings are of a high enough design quality and would sit acceptably in the mixed context of the immediate street scenes. The proposal and the demolition of Pelham Tower would enhance a number of key views from the adjacent Valley Gardens conservation area and North Laine conservation areas and would engage the setting of St Peter's Church and St Bartholomew's.

The loss of daylight and sunlight to certain properties is regrettable however it is considered that this is outweighed by the gains in daylight and sunlight to other properties and also by the public benefits of the scheme. It is considered that the proposal would have an acceptable impact on the outlook and privacy of adjacent residents. Subject to conditions and the Section 106 Agreement it is considered that the management plans will mitigate the noise impacts of the student residential building and the public square. It is considered that the construction impacts can be controlled through the Section 106 Agreement and the requirement for a Construction Environmental Management Plan and for the developer to enter into a Section 61 Consent agreement under the Control of Pollution Act (1974).

It is considered that the living conditions for the future residents would be acceptable. The requirement for the student and residential accommodation to be genuinely car free should mitigate any adverse impacts on on-street parking levels and the proposal is not considered to jeopardise highway safety in the area. The buildings are considered to meet appropriate standards with regard to sustainability. The proposal would not have an adverse impact on local air quality or the local wind environment. Ecology enhancements are sought by condition. It is considered that the waste, ground conditions and lighting impacts can all be adequately controlled by condition.

3. The phased risk assessment should be carried out also in accordance with the procedural guidance and UK policy formed under the Environmental Protection Act 1990.

The site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer. The local planning authority has determined the application on the basis of the information made available to it. It is strongly recommended that in submitting details in accordance with the above conditions that the applicant has reference to CLR 11, Model Procedures for

the management of land contamination. This is available online as a pdf document on both the DEFRA website (www.defra.gov.uk) and the Environment Agency (www.environment-agency.gov.uk) website.

4. The applicant should also note that any grant of planning permission does not confer automatic grant of any licenses under the Licensing Act 2003 or the Regulation (EC) No. 852/2004 on the Hygiene of Foodstuffs, Article 6(2). The applicant may also wish to be aware that the site is resident in a fact located in a special stress area and an applicant would have to have extra regard to the four licensing objectives to demonstrate how they are not going to adversely impact the area

5. The applicant is advised that details of Lifetime Homes standards can be found in Planning Advice Note PAN 03 Accessible Housing & Lifetime Homes, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).

6. The applicant is advised that details of the BREEAM assessment tools and a list of approved assessors can be obtained from the BREEAM websites (www.breeam.org). Details about BREEAM can also be found in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).

7. The nature conservation enhancement measures secured by condition on all three phases (Phases 1, 2a and 2b) shall include the minimum provision of 10 swift boxes, 6 sparrow boxes and 5 bat boxes.

8. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) 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.

Dated this 11 April 2014.



Martin Randall
Head of Planning and Public Protection
For Executive Director Environment, Development & Housing

NOTICE is given that Section 35 of the East Sussex Act 1981 may apply to this development. This gives Local Authorities the power to reject applications deposited

under the Building Regulations, unless after consultation with the fire authority they are satisfied that the plans show adequate means of access for the fire service.

NOTE: This decision does not give approval of plans for the purposes of the Building Regulations 1991. If an application for such approval has been made a decision has or will be given separately.

Appendix 4 Summary of Section 106 Agreement

- A detailed phasing plan is to be submitted.
- Travel Plans for each phase will be submitted.
- Future connectivity with a district heating network will be designed in.
- There will be an employment strategy aimed at getting local labour contracted on the demolition and construction works.
- As part of the Construction and Environment Management Plan there will be monthly meetings with residents and construction traffic routes will be agreed.
- In connection with Phase 1, Pelham Tower is to be demolished within 2 years and a crèche is to be provided within 3 years following the occupation of the new college building.
- There is a Percent for Art requirement.
- Various highway works and arrangements for walkways and the Phase 1 public square are specified.
- Prior to commencement of Phase 2a various sums are payable in respect of open space, sport and recreation and sustainable transport.
- Save for disabled provision all of the student housing will be car free.
- Prior to commencement of Phase 2b various sums are payable in respect of education, open space, sport and recreation and sustainable transport.
- There will be a minimum 20% affordable housing.
- Save for disabled units all of the housing will be car free.
- Claw back mechanism related to the sale value of the Phase 2a and Phase 2b sites, with potential for increased financial payments if the sale value is over a certain figure.

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