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| <u>No:</u> | BH2018/00340 | <u>Ward:</u> | Queen's Park Ward |
| <u>App Type:</u> | Full Planning | | |
| <u>Address:</u> | Former Amex House Edward Street Brighton | | |
| <u>Proposal:</u> | Erection of a mixed use development to provide 168no residential dwellings (C3), 16,684sqm (GEA) of commercial floorspace (B1), 1,840 sqm (GEA) of ancillary plant/storage and 1,080 sqm (GEA) flexible floorspace comprising commercial and/or retail and/or residential communal space and/or non-residential institution (B1, A1, A3, C3, and D1) across lower ground and 4 and 8 storeys above ground, with associated parking, hard and soft landscaping and access. | | |
| <u>Officer:</u> | Mick Anson, tel: 292354 | <u>Valid Date:</u> | 07.02.2018 |
| <u>Con Area:</u> | N/A | <u>Expiry Date:</u> | 09.05.2018 |
| <u>Listed Building Grade:</u> | N/A | <u>EOT:</u> | |
| <u>Agent:</u> | CBRE Ltd Henrietta House Henrietta Place London W1G 0NB | | |
| <u>Applicant:</u> | Edward Street Quarter Ltd C/o CBRE Ltd Henrietta House Henrietta Place London W1G 0NB | | |

1. RECOMMENDATION

1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be **MINDED TO GRANT** planning permission subject to a s106 Planning Obligation and the conditions and informatives as set out hereunder **SAVE THAT** should the s106 Planning Obligation not be completed on or before the 7th November 2017, the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 9 of this report.

1.2 S106 Heads of Terms

Affordable Housing:

20% (33 units) at tenure split of 55% social/affordable rent and 45% Intermediate (shared ownership). Affordable housing to be ready for occupation prior to 50% occupation of private residential accommodation.

Sustainable Transport contribution of £176,426 to go towards:

- Provision of an uncontrolled informal pedestrian crossing on Edward Street
- Real-Time Public Transport Information Display to east and westbound stops close to site
- Highway Improvements to improve cycle access between the site and the seafront and local cycling infrastructure
- Highway Improvements for traffic calming and pedestrian improvements on one or more of the following: Carlton Hill, Kingswood Street, John Street and White Street.

- Improvements to local pedestrian infrastructure including entrance to Dorset Gardens Peace Park
- Valley Gardens Phase 2 and/or 3

Walkways agreement as section 35 of the Highways Act 1980 to provide access for the public to the extension to Mighell Street between Edward Street and Mighell Street as well as the 'Games garden' area linking Edward Street with John Street.

Framework Travel Plan - To cover the entire development site with specific travel plans for each land use. Residential Travel Information Packs for each first residential unit.

1.3 S278 Agreement - To be submitted and agreed with the Highway Authority prior to the commencement of the highway works to include:

- Repaving on Edward Street and John Street;
- Relocation of Bike Share docks from Edward Street layby and expansion to 22 spaces.
- Relocation of public cycle parking from Edward Street layby.
- Reconfiguration of existing vehicular access to the site on John Street
- Planting of an equivalent number of trees within the adopted highway on John St (or any other suitable street in the vicinity of the development) in the event that it is not possible to retain existing or provide those trees shown on the approved plans to the John Street or Edward Street frontage of the development, either within the development threshold as shown or within the neighbouring adopted footway.

Local Employment Scheme - Contribution of £187,389 towards the city-wide coordination of training and employment schemes to support local people to employment within the construction industry.

Employment and Training Strategy - Minimum of 20% local employment for the construction phase.

Education Contribution of £88,321 towards Secondary schools to improve facilities and/or expanding capacity at the following schools:

- Dorothy Stringer and/or Varndean.

Open Space and Recreation Contribution of £314,091 - To go primarily towards Dorset Gardens Peace Park then Queens Park, Turner Park or Valley Gardens.

Public Art - Contribution of £175,500 to go towards commissioned art on site or within the immediate vicinity of the site.

Construction Environmental Management Plan (CEMP) - To be submitted and agreed prior to the commencement of works on site to include site waste management.

Review Mechanism of Viability - To be undertaken by the developer:

Following review, any uplift to be spent on further contribution towards affordable housing on or off site up to a maximum of 40%

Phasing plan.

Conditions:

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

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

| Plan Type | Reference | Version | Date Received |
|-------------------------------------|------------------|----------------|----------------------|
| Floor plans and elevations proposed | 1016-PL-A-GA 00 | PL2 | 1 May 2018 |
| Floor plans and elevations proposed | 1016-PL-A-GA 01 | PL2 | 1 May 2018 |
| Floor Plans Proposed | 1016-PL-A-GA 02 | PL2 | 1 May 2018 |
| Floor Plans Proposed | 1016-PL-A-GA 03 | PL2 | 1 May 2018 |
| Floor Plans Proposed | 1016-PL-A-GA 04 | PL2 | 1 May 2018 |
| Floor Plans Proposed | 1016-PL-A-GA B1 | PL2 | 1 May 2018 |
| Floor Plans Proposed | 1016-PL-A-GA LG | PL2 | 1 May 2018 |
| Floor Plans Proposed | 1016-PL-A-GA RF | PL2 | 1 May 2018 |
| Elevations Proposed | 1016-PL-A-GE 01 | PL2 | 1 May 2018 |
| Elevations Proposed | 1016-PL-A-GE 02 | PL2 | 1 May 2018 |
| Elevations Proposed | 1016-PL-A-GE 03 | PL2 | 1 May 2018 |
| Elevations Proposed | 1016-PL-A-GE 04 | PL2 | 1 May 2018 |
| Floor Plans Proposed | 1016-PL-B-GA 00 | PL2 | 1 May 2018 |
| Elevations Proposed | 1016-PL-B-GE 01 | PL2 | 1 May 2018 |
| Elevations Proposed | 1016-PL-B-GE 02 | PL2 | 1 May 2018 |
| Floor Plans Proposed | 1016-PL-C-GA 00 | PL2 | 1 May 2018 |
| Floor Plans Proposed | 1016-PL-C-GA 01 | PL2 | 1 May 2018 |
| Floor Plans Proposed | 1016-PL-C-GA 02 | PL2 | 1 May 2018 |
| Floor Plans Proposed | 1016-PL-C-GA 03 | PL2 | 1 May 2018 |
| Floor Plans Proposed | 1016-PL-C-GA 04 | PL2 | 1 May 2018 |
| Floor Plans Proposed | 1016-PL-C-GA 05 | PL2 | 1 May 2018 |
| Floor Plans Proposed | 1016-PL-C-GA 06 | PL2 | 1 May 2018 |
| Floor Plans Proposed | 1016-PL-C-GA B1 | PL2 | 1 May 2018 |
| Floor Plans Proposed | 1016-PL-C-GA LG | PL2 | 1 May 2018 |
| Floor Plans Proposed | 1016-PL-C-GA | PL2 | 1 May 2018 |

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|----------------------|---------------------|-----|--------------|
| | RF | | |
| Elevations Proposed | 1016-PL-C-GE 01 | PL2 | 1 May 2018 |
| Elevations Proposed | 1016-PL-C-GE 02 | PL2 | 1 May 2018 |
| Elevations Proposed | 1016-PL-C-GE 03 | PL2 | 1 May 2018 |
| Elevations Proposed | 1016-PL-C-GE 04 | PL2 | 1 May 2018 |
| Floor Plans Proposed | 1016-PL-D-GA- 00 | PL2 | 1 May 2018 |
| Floor Plans Proposed | 1016-PL-D-GA- 01 | PL2 | 1 May 2018 |
| Floor Plans Proposed | 1016-PL-D-GA- 02 | PL2 | 1 May 2018 |
| Floor Plans Proposed | 1016-PL-D-GA- 03 | PL2 | 1 May 2018 |
| Floor Plans Proposed | 1016-PL-D-GA- 04 | PL2 | 1 May 2018 |
| Floor Plans Proposed | 1016-PL-D-GA- 05 | PL2 | 1 May 2018 |
| Floor Plans Proposed | 1016-PL-D-GA- 06 | PL2 | 1 May 2018 |
| Floor Plans Proposed | 1016-PL-D-GA- 07 | PL2 | 1 May 2018 |
| Floor Plans Proposed | 1016-PL-D-GA- B1 | PL3 | 29 June 2018 |
| Floor Plans Proposed | 1016-PL-D-GA- LG | PL2 | 1 May 2018 |
| Floor Plans Proposed | 1016-PL-D-GA- RF | PL2 | 1 May 2018 |
| Elevations Proposed | 1016-PL-D-GE- 01 | PL2 | 1 May 2018 |
| Elevations Proposed | 1016-PL-D-GE- 02 | PL2 | 1 May 2018 |
| Elevations Proposed | 1016-PL-D-GE- 03 | PL2 | 1 May 2018 |
| Floor Plans Proposed | 1016-PL-E-GA- 00 | PL3 | 29 June 2018 |
| Floor Plans Proposed | 1016-PL-E-GA- 01 | PL2 | 1 May 2018 |
| Floor Plans Proposed | 1016-PL-E-GA- 02 | PL2 | 1 May 2018 |
| Floor Plans Proposed | 1016-PL-E-GA- 03 | PL2 | 1 May 2018 |
| Floor Plans Proposed | 1016-PL-E-GA- 04 | PL2 | 1 May 2018 |
| Floor Plans Proposed | 1016-PL-E-GA- 05 | PL2 | 1 May 2018 |
| Floor Plans Proposed | 1016-PL-E-GA- | PL3 | 29 June 2018 |

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| | B1 | | |
| Floor Plans Proposed | 1016-PL-E-GA-LG | PL2 | 1 May 2018 |
| Floor Plans Proposed | 1016-PL-E-GA-RF | PL2 | 1 May 2018 |
| Elevations Proposed | 1016-PL-E-GE-01 | PL2 | 1 May 2018 |
| Elevations Proposed | 1016-PL-E-GE-02 | PL2 | 1 May 2018 |
| Elevations Proposed | 1016-PL-E-GE-03 | PL2 | 1 May 2018 |
| Elevations Proposed | 1016-PL-E-GE-04 | PL2 | 1 May 2018 |
| Floor Plans Proposed | 1016-PL-F-GA-00 | PL3 | 29 June 2018 |
| Floor Plans Proposed | 1016-PL-F-GA-01 | PL2 | 1 May 2018 |
| Floor Plans Proposed | 1016-PL-F-GA-02 | PL2 | 1 May 2018 |
| Floor Plans Proposed | 1016-PL-F-GA-03 | PL2 | 1 May 2018 |
| Floor Plans Proposed | 1016-PL-F-GA-04 | PL2 | 1 May 2018 |
| Floor Plans Proposed | 1016-PL-F-GA-05 | PL2 | 1 May 2018 |
| Floor Plans Proposed | 1016-PL-F-GA-06 | PL2 | 1 May 2018 |
| Floor Plans Proposed | 1016-PL-F-GA-07 | PL2 | 1 May 2018 |
| Floor Plans Proposed | 1016-PL-F-GA-B1 | PL3 | 29 June 2018 |
| Floor Plans Proposed | 1016-PL-F-GA-LG | PL2 | 1 May 2018 |
| Floor Plans Proposed | 1016-PL-F-GA-M1 | PL2 | 1 May 2018 |
| Floor Plans Proposed | 1016-PL-F-GA-RF | PL2 | 1 May 2018 |
| Elevations Proposed | 1016-PL-F-GE-01 | PL2 | 1 May 2018 |
| Elevations Proposed | 1016-PL-F-GE-02 | PL2 | 1 May 2018 |
| Elevations Proposed | 1016-PL-F-GE-03 | PL2 | 1 May 2018 |
| Elevations Proposed | 1016-PL-F-GE-04 | PL2 | 1 May 2018 |
| Floor Plans Proposed | 1016-PL-GA-00 | PL3 | 29 June 2018 |
| Floor Plans Proposed | 1016-PL-GA-01 | PL2 | 1 May 2018 |
| Floor Plans Proposed | 1016-PL-GA-02 | PL2 | 1 May 2018 |
| Floor Plans Proposed | 1016-PL-GA-03 | PL2 | 1 May 2018 |
| Floor Plans Proposed | 1016-PL-GA-04 | PL2 | 1 May 2018 |
| Floor Plans Proposed | 1016-PL-GA-05 | PL2 | 1 May 2018 |
| Floor Plans Proposed | 1016-PL-GA-05 | PL2 | 1 May 2018 |
| Floor Plans Proposed | 1016-PL-GA-06 | PL2 | 1 May 2018 |
| Floor Plans Proposed | 1016-PL-GA-07 | PL2 | 1 May 2018 |
| Floor Plans Proposed | 1016-PL-GA-B1 | PL4 | 29 June 2018 |
| Floor Plans Proposed | 1016-PL-GA-LG | PL2 | 1 May 2018 |
| Floor Plans Proposed | 1016-PL-GA-M1 | PL2 | 1 May 2018 |
| Floor Plans Proposed | 1016-PL-GA-RF | PL2 | 1 May 2018 |
| Elevations Proposed | 1016-PL-GE-01 | PL2 | 1 May 2018 |
| Elevations Proposed | 1016-PL-GE-02 | PL2 | 1 May 2018 |
| Elevations Proposed | 1016-PL-GE-03 | PL2 | 1 May 2018 |

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| Elevations Proposed | 1016-PL-GE-04 | PL2 | 1 May 2018 |
| Elevations Proposed | 1016-PL-GE-05 | PL2 | 1 May 2018 |
| Elevations Proposed | 1016-PL-GE-06 | PL2 | 1 May 2018 |
| Elevations Proposed | 1016-PL-GE-07 | PL2 | 1 May 2018 |
| Elevations Proposed | 1016-PL-GE-08 | PL2 | 1 May 2018 |
| Elevations Proposed | 1016-PL-GE-09 | PL2 | 1 May 2018 |
| Elevations Proposed | 1016-PL-GE-10 | PL2 | 1 May 2018 |
| Elevations Proposed | 1016-PL-GE-11 | PL2 | 1 May 2018 |
| Sections Proposed | 1016-PL-GS-02 | PL2 | 1 May 2018 |
| Sections Proposed | 1016-PL-GS-03 | PL2 | 1 May 2018 |
| Sections Proposed | 1016-PL-GS-04 | PL2 | 1 May 2018 |
| Sections Proposed | 1016-PL-GS-05 | PL2 | 1 May 2018 |
| Sections Proposed | 1016-PL-GS-05 | PL2 | 1 May 2018 |
| Sections Proposed | 1016-PL-GS-06 | PL2 | 1 May 2018 |
| Sections Proposed | 1016-PL-GS-07 | PL2 | 1 May 2018 |
| Sections Proposed | 1016-PL-GS-08 | PL2 | 1 May 2018 |
| Location Plan | 1016-PL-S-00 | PL2 | 1 May 2018 |
| Block Plan Proposed | 1016-PL-S-01 | PL2 | 1 May 2018 |

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

3. No development, including demolition and excavation, shall commence until a Site Waste Management Plan, confirming how 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 development shall be carried out in accordance with the details approved.
Reason: To maximise the sustainable management of waste and to minimise the need for landfill capacity and to comply with policy WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan.

4. No development shall commence (including site clearance and tree removal) until fences for the protection of trees to be retained have been erected in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. The fences shall be erected in accordance with BS5837 (2012) and shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.
Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies QD16 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

5. Prior to the commencement of development (including site clearance and tree removal), details of the location and type of replacement tree planting required as suitable compensation for the loss of mature trees on the Edward Street frontage (as identified in the Tree Removal Plan in the Arboricultural Impact

Assessment) which cannot be physically accommodated on the John Street or Edward Street site frontage including on the public highway shall be submitted to and be approved in writing by the Local Planning Authority. The approved tree planting scheme shall be fully implemented in the next planting season after the completion of construction unless otherwise agreed in writing. Any of the approved trees which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To compensate for the loss of existing mature trees on the site and to enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD15 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

6. Notwithstanding the plans hereby approved, prior to the commencement of development (including site clearance and tree removal), detailed plans, levels and sections at a scale of 1:50 (or other suitable scales) shall be submitted to and approved in writing by the Local Planning Authority showing details of the accessibility arrangements and the adjoining landscaped area from the public highway to the east entrance to Block E which demonstrates to its satisfaction the existing trees on site that could not be retained in situ as part of the development.

Reason: In order to minimise the number of trees to be removed in the interests of the visual amenity of the development and the streetscene whilst ensuring that the development is fully accessible and to comply with policies QD16, QD27 and HO13 of the Brighton & Hove Local Plan and DA5 of the Brighton & Hove City Plan Part One.

7. Prior to the commencement of development hereby approved, an Ecological Design Strategy shall be submitted to and approved in writing by the Local Planning Authority. The EDS shall include the following:
 - a) Persons responsible for implementing the works;
 - b) Details of initial aftercare and long-term maintenance;
 - c) Details for monitoring and remedial measures;
 - d) Details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

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

8. Prior to the commencement of development hereby approved, evidence should be submitted to demonstrate that the energy plant/room has capacity to connect to a future district heat network in the area. Evidence should demonstrate the following:
 - a) Energy centre size and location with facility for expansion for connection to a

future district heat network: for example physical space to be allotted for installation of heat exchangers and any other equipment required to allow connection;

- b) A route onto and through site: space on site for the pipework connecting the point at which primary piping enters the site with the on-site heat exchanger/ plant room/ energy centre. Proposals must demonstrate a plausible route for heat piping and demonstrate how suitable access could be gained to the piping and that the route is protected throughout all planned phases of development.
- c) Metering: installed to record flow volumes and energy delivered on the primary circuit.

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

- 9. Prior to the commencement of development hereby approved, full details including location of electric vehicle charging points within the basement car park hereby approved as follows:
 - 10% of the total parking provision
 - 100% passive provision for conversion at a later date
 - rapid charging points for commercial servicing vehicles

shall have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

Reason: To encourage travel by more sustainable means and seek measures which reduce fuel use and greenhouse gas emissions and to comply with policy CP9 of the Brighton & Hove Brighton & Hove City Plan Part One and SPD14: Parking Standards.

- 10. The development hereby permitted shall not be commenced until details of the cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to first occupation of the development 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.

- 11. Prior to the commencement of the development hereby approved, details of the management, maintenance and access to the open spaces within the development shall be submitted to and approved in writing by the local planning authority for approval. Details to be submitted should include:
 - (i) Proposed levels and gradients with Datum levels provided
 - (ii) Details of the interface between the publically accessible spaces and the public footway
 - (iii) Management of those spaces to prevent antisocial and/or noisy behaviour which might include physical measures and details of enforcement action by the landowners.

The development hereby permitted shall be implemented, managed and maintained in accordance with the approved details.

Reason: To ensure that the open space would be fully accessible, would operate safely and to protect the amenity of adjoining residents and businesses and the City Council's highway assets in accordance with policies TR7 and QD27 of the Brighton and Hove Local Plan and policies CP13 and CP16 of the Brighton and Hove City Plan Part 1.

12. Prior to the commencement of development, detailed drawings shall be submitted to and approved by the Local Planning Authority showing the west facing elevation of Block F (shown as indicative on drwg no.1016-PL-F-GE- 03).
Reason: The west elevation of Block F would be a prominent feature in the townscape and would have an effect on the setting of the Royal Pavilion and its gardens. Further details of its final appearance are required and to comply with policies HE3 and HE6 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.
13. Prior to the commencement of the development hereby approved, details of the location, height, materials and appearance of ducting or chimneys required that would exceed the height of the building to which it relates shall be submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of the character and appearance of the building(s) and the visual amenities of the area and to comply with policies QD14 and HE6 of the Brighton & Hove Local Plan and policies CP12 and CP15 of the Brighton & Hove City Plan Part One.
14. Prior to the commencement of development details of the location of eleven wheelchair accessible dwelling(s), as illustrated in the Design and Access Statement, required to be provided shall be submitted and approved in writing by the Local Planning Authority in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings) prior to first occupation and shall be retained as such thereafter. All other dwelling(s) hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.
Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.
15. No development shall commence until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods as per the recommendations of the Drainage Strategy received on 2nd February 2018 has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design.

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

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

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

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

17. No development shall take place above the ground floor slab level until 1:20 scale elevations and sections of the ground floor shop fronts, B1 office and residential entrances and commercial ground floor frontages have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to comply with policy CP12 of the Brighton & Hove City Plan Part One.

18. No development shall take place above the ground floor slab level until sample 1:20 elevations and sections of the elevations of the B1 offices and residential blocks which shall include each window type, window reveals, cladding or brickwork, balconies and entrances have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to comply with policy CP12 of the Brighton & Hove City Plan Part One.

19. No development above second floor level of any part of the development hereby permitted shall take place until details of the construction of the green roofs have been submitted to and approved in writing by the Local Planning Authority. The details shall include a cross section, construction method statement, the seed mix, and a maintenance and irrigation programme. The roofs shall then be constructed in accordance with the approved details and shall be retained as such thereafter.

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

20. Within 6 months of commencement of the development hereby permitted, a scheme shall be submitted to the Local Planning Authority for approval to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit. The approved scheme shall be implemented before occupation.
Reason: This condition is imposed in order to allow the Traffic Regulation Order to be amended in a timely manner prior to first occupation to ensure that the development does not result in overspill parking and to comply with policies TR7 and QD27 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One and SPD14: Parking Standards.
21. Details of a bus shelter to be provided by the applicant to the eastbound bus stop on Edward Street to the front of the site shall be submitted to and approved in writing by the Local Planning Authority and subsequently be installed prior to occupation of the development hereby approved.
Reason: In order to mitigate the impact of the development on this location identified in the submitted Wind Microclimate Study and to provide shelter from wind effects for bus users and to comply with policies QD27 of the Brighton and Hove Local Plan and CP13 of the Brighton & Hove City Plan Part One.
22. Details shall be submitted to and approved in writing of the appearance, height, materials and location of the wind screening mitigation measures including screens and fins identified in the Wind Microclimate Study that would be required to be implemented. The measures shall be implemented prior to occupation of the development hereby approved and thereafter permanently maintained as such.
Reason: In order to assess the detailed scale, appearance and location of the physical measures proposed and to ensure the implementation of measures to mitigate the impact of the development on this location identified in the submitted Wind Microclimate Study and to provide shelter from wind effects for occupiers and visitors to the development and to comply with policies QD27 of the Brighton and Hove Local Plan and CP13 of the Brighton & Hove City Plan Part One.
23. Prior to occupation of the development hereby approved:
- i) details of external lighting, which shall include details of; levels of luminance, predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors, hours of operation and details of maintenance have been submitted to and approved in writing by the Local Planning Authority.
 - ii) the predicted illuminance levels have been tested by a competent person to ensure that the illuminance levels agreed in part1 are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed in part i).
The external lighting shall be installed, operated and maintained in accordance with the approved details and thereafter retained.
Reason: To safeguard the amenities of the occupiers of adjoining properties, in the interests of public safety and to comply with policies QD25 and QD27 of the Brighton & Hove Local Plan.

24. i) 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 shall be implemented in accordance with the recommendation contained within the Geoenvironmental Desk Study produced by Burohappold Engineering, Reference: 0040182 and dated 31st January 2018 and hereby approved. Such a scheme shall include the nomination of a competent person to oversee the implementation of the works.
- (ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the Local Planning Authority verification by the competent person approved under the provisions of (i) (c) above that any remediation scheme required and approved under the provisions of (i) (c) above 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; and
 - 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 (i) (c).

Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

25. Prior to occupation of the Class A commercial units hereby permitted a scheme for the fitting of any odour control or extract plant and equipment that is required to be installed in the buildings 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 first occupation of the development and shall thereafter be retained as such.

Reason: To safeguard the amenities of the occupiers of adjoining properties and the visual amenities of the area and to comply with policies QD27 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

26. Prior to occupation of the development hereby approved, the 'Plant Noise Limits' detailed on page 37 of the Noise Impact Assessment produced by Burohappold Engineering, Reference: 0040182 and dated 31st January 2018 shall have been strictly adhered to. In accordance with these limits, noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142: 2014.

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.

27. Prior to development above ground floor level, the Party Walls/floors between the commercial/retail and residential units hereby approved shall be designed to achieve a sound insulation value of 5dB greater than that required by Approved Document E of the building regulations performance standard for airborne sound insulation for purpose built dwelling-houses and flats. Written details of the scheme, including calculations/specification of how this standard will be achieved, shall be submitted for approval to the local planning authority.
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.
28. Prior to occupation of the non-residential buildings hereby approved, the soundproofing measures shall be implemented in strict accordance with the acoustic design criteria, approved details and recommendations contained within the Noise Impact Assessment produced by Burohappold Engineering, Reference: 0040182 and dated 31st January 2018. These measures shall include the recommended ventilation strategy, residential glazing requirements, and retail / commercial glazing requirements.
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.
29. Prior to first occupation of the development hereby approved, details of the photovoltaic array referred to in the Energy and Sustainability Statement shall be submitted to and approved in writing by the Local Planning Authority. The photovoltaic array shall then be installed in accordance with the approved details.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and has an acceptable appearance and to comply with policies CP8 and CP12 of the Brighton & Hove City Plan Part One.
30. Unless otherwise agreed in writing by the Local Planning Authority, the non-residential development hereby approved shall not be occupied until a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development as built has achieved a minimum BREEAM New Construction rating of '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 CP8 of the Brighton & Hove City Plan Part One.
31. Prior to occupation of the residential units hereby approved each residential unit built must achieve an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).
Reason: To ensure that the development is sustainable and makes efficient use of energy to comply with policy CP8 of the Brighton & Hove City Plan Part One.
32. Prior to first occupation of the development hereby approved a Delivery, Servicing and Access Management Plan, shall be submitted to and approved in writing by the Local Planning Authority. This shall include:
a) Details of the types of vehicles that will deliver to and service the site and the

- anticipated frequency of their movements
- b) Details of how delivery and service vehicle movements will take place and be managed, including how goods and containers will be conveyed between vehicles and building accesses without obstructing the highway or compromising safety for users of the highway
 - c) A scheme for annual monitoring of delivery and service vehicle movements by an independent third party to record compliance with the approved Management Plan shall be submitted annually to the Local Planning Authority. This shall also include an Action Plan setting out additional measures that will be taken in the event that the monitoring shows variation from the approved Plan. Monitoring shall be carried out from first occupation of the development until 5 years following occupation of the whole development.

Both deliveries and the measures to prevent unauthorised use of delivery and servicing areas shall thereafter be carried out in accordance with the approved plan.

Reason: In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with policies QD27 and TR7 of the Brighton & Hove Local Plan.

33. Prior to the first occupation of the development hereby approved a Car Parking Management Plan which, inter alia, details how parking spaces will be allocated, secures accessible parking spaces for disabled residents or workers, details how electric vehicle charging points are to be made available (including bringing the passive provision into use), shall be submitted to and approved in writing by the Local Planning Authority. The parking shall thereafter be managed in accordance with the approved plan.

Reason: In order to ensure that the parking is managed in line with the principles of CP9 of the Brighton & Hove City Plan Part One and SPD14.

34. Prior to first occupation of the development hereby approved a plan detailing the positions, height, design, materials and type of all existing and proposed boundary treatments shall have been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be provided in accordance with the approved details prior to occupation of the development and shall thereafter be retained at all times.

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 QD15, HE6 and QD27 of the Brighton & Hove Local Plan and CP12, CP15 and CP13 of the Brighton & Hove City Plan Part One.

35. Prior to occupation of the development hereby approved, a 20 year Landscape and Ecological Management Plan to include all of the communal residential and commercial areas and the ecological green roofs shall be submitted to and be approved in writing by the Local Planning Authority and be fully implemented thereafter unless otherwise agreed in writing.

Reason: To ensure that the landscaping and ecological scheme is maintained in the long term and to comply with policies QD15 and QD16 of the Brighton &

Hove Local Plan and CP10 and CP12 of the Brighton and Hove City Plan Part One.

36. Prior to first occupation of the development hereby approved, a scheme for landscaping shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:
- a. details of all hard and soft surfacing;
 - b. details of all boundary treatments;
 - c. details of all proposed planting to all communal areas and/or all areas fronting a street or public area, including ground preparation and amelioration, soil type and drainage method, numbers and species of plant, and details of size and planting method of any trees.

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

37. Prior to first occupation of the development hereby approved the Operational Waste Management Strategy (040182) Revision A (dated 30.01.2018) and the waste facilities shown on the drawings hereby approved shall be fully installed and implemented and shall thereafter be retained for use at all times unless otherwise agreed in writing by the Local Planning Authority.

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.

38. A signage strategy shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development hereby approved. The strategy shall include details of the location of informational, warning and directional signage within the site and around the perimeter of the development hereby approved together with the planned location of commercial signage on individual units which shall include:

- a) Information signage or site maps indicating location of residential, business and community premises and public and private amenity areas.
- b) Information on location and availability of all visitor and bike share cycle spaces.
- c) Information, location and availability of servicing and delivery locations and restrictions
- d) Directional signage and distance information for location of public transport facilities including bus and taxi pick-ups and Brighton Station.
- e) Information and directional signage for pedestrian movements, footways and road crossing points between all parts of the development hereby approved and nearby amenities.

The scheme shall be implemented fully in accordance with the approved details.

Reason: To ensure safe, consistent, coordinated and efficient wayfinding around the site and the immediate neighbourhood and to avoid unnecessary, excessive and visually harmful signage clutter and to comply with policies TR7, TR9, TR14, QD5, QD12 and QD27 of the Brighton & Hove Local Plan and DA3, CP12 and CP13 of the Brighton and Hove City Plan Part One.

39. Prior to occupation of the residential units hereby approved each residential unit built must achieve a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.
Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton & Hove City Plan Part One.
40. Prior to first occupation of the development hereby approved all hard landscaping and means of enclosure shall be completed in accordance with the approved scheme. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD15 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.
41. No open storage shall take place within the curtilage of the site without the prior written approval of the Local Planning Authority.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to protect the visual amenity of the public and private realm and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan and CP12 of the Brighton and Hove City Plan Part One.
42. Unless otherwise agreed in writing, no cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.
Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies HE6 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.
43. All activities and operations associated with the Class A commercial and retail units of the development hereby approved shall only take place between the hours of 07.00 and 23.00 on Mondays to Sundays including Bank or Public Holidays, unless otherwise agreed in advance and in writing by the Local Planning Authority.
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.
44. Outdoor seating in the designated areas associated with the Class A commercial and retail units of the development shall only be in use between the hours of: 08.00 and 22.00 on Mondays to Sundays including Bank or Public Holidays, unless otherwise agreed in advance and in writing by the Local Planning Authority.
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.

45. The residential communal roof top amenity terraces (blocks D, E and F) hereby approved shall not be permitted to be used between the hours of 20.00 and 08.00 hours on a daily basis.
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.
46. The Class A retail floorspace measured as Gross Internal Area including ancillary storage (as defined by the Use Classes Order as amended) hereby approved within the development shall not cumulatively exceed 990 sq. m across the development site as a whole.
Reason: The Class A retail floorspace hereby approved was not required to be assessed under a Retail Impact Assessment and to comply with policies CP4 and DA5 of the Brighton and Hove City Plan Part One which seeks to maintain and enhance the role of the existing District shopping centres.
47. Except for the flexible floorspace hereby approved in block C, blocks A, B and C shall be used as offices (Use Class B1(a)) only and for no other purpose (including any other purpose in Class B of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification), no change of use shall occur without planning permission obtained from the Local Planning Authority.
Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the supply of office floorspace in the city given the identified shortage, to comply with policies CP3 and DA5 of Brighton & Hove City Plan Part One.
48. The lower ground and ground floor flexible uses (as shown on Drwg. Nos. 1016-PL-GA- LG Rev PL2; 1016-PL-GA- 00 Rev PL3) shall be used for Class A1; A3; B1 a) and D1 purposes only of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification), no change of use shall occur without planning permission first being obtained from the Local Planning Authority.
Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of retaining an interesting attractive frontage to public realm and safeguarding the amenities of adjoining residents and to comply with policies SU10, QD5 and QD27 of the Brighton & Hove Local Plan.
49. The ground floor flexible floorspace hereby approved which includes Class C3 residential space in Blocks C and D (Drwg No. 1016-PL-GA- 00 Rev PL2) shall

only be used as ancillary residential floorspace to the 168 residential units approved and shall not be used to provide additional residential units.

Reason: In the interests of proper planning and in order to retain control over the standard and quality of new residential accommodation and to ensure that new residential development complies with current planning policies and guidance and policies SS1 and DA5 of the Brighton and Hove City Plan Part One.

50. The Class B1 offices within blocks A; B and C hereby approved shall be fitted with motion controlled infrared light switching with timers. Details of the specification, location and times of operation shall be submitted to and improved in writing by the Local Planning Authority for approval prior to the development above slab level of these buildings .

Reason: In order to mitigate the impact of lighting from within the tall buildings hereby approved on the setting of the natural background and to comply with policies QD27 of the Brighton and Hove Local Plan and CP8, CP12 and CP15 of the Brighton and Hove City Plan Part One.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. Informative: Energy Efficient Standard
The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
3. The water efficiency standard required under condition XX is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.
4. The applicant is advised that a formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or www.southernwater.co.uk
5. The applicant is advised that an agreement with Southern Water, prior to

commencement of the development, the measures to be undertaken to divert/protect the public water supply main. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or www.southernwater.co.uk

6. The applicant is advised of the possible presence of bats on the development site. All species of bat are protected by law. It is a criminal offence to kill bats, to intentionally or recklessly disturb bats, damage or destroy a bat roosting place and intentionally or recklessly obstruct access to a bat roost. If bats are seen during construction, work should stop immediately and Natural England should be contacted on 0300 060 0300.
7. 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)
8. The applicant is advised that they must enter into a Section 278 Agreement with the Highway Authority prior to any works commencing on the adopted highway.
9. The applicant is advised that this planning permission does not override the need to go through the Highway Authority's Approval in Principle (AIP) process for all necessary works adjacent to the highway, prior to the commencement of any construction works. Both structural approval as Design Manual for Roads and Bridges BD2/12 and/or geotechnical approval as HD22/08 may be required as applicable. The applicant is further advised that they must contact the Council's Civil Engineering Team (transport.projects@brighton-hove.gov.uk 01273 294570) for further information at their earliest convenience to avoid delay.
10. The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting wild birds, their nests and eggs is a criminal offence. The nesting season is normally taken as being from 1st March - 30th September. The developer should take appropriate steps to ensure nesting birds, their nests and eggs are not disturbed and are protected until such time as they have left the nest.
11. The applicant is advised to consult with the sewerage undertaker to agree a drainage strategy including the proposed means of foul water disposal and an implementation timetable. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or www.southernwater.co.uk

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 This site is 0.87 ha. in area and was formerly occupied by the headquarters of American Express (AMEX) as B1 offices. It is located close to the junction of John Street on its western boundary and Edward Street on its southern boundary. The corner of these two streets is occupied by a Job Centre occupying a four storey building which the application site wraps around on its north and east flanks. The northern boundary of the application site is occupied

by the current American Express Headquarters (1, John Street) comprising a 9 storey building completed and occupied in 2013 (Ref: BH2009/01477). There is also a three storey building on the north boundary which houses the American Express plant and data back-up. As part of that development, Mighell Street (north) was landscaped and currently is a cul-de-sac between 1, John Street and the data building. There is also a public right of way which runs adjacent to the north boundary of the site linking to Mighell Street and northwards to Carlton Hill. The eastern boundary of the site adjoins 2 storey terraced dwellings in White Street which have rear gardens.

- 2.2 The site has been cleared and excavated down to basement level (completed December 2017) which once provided car parking to the former AMEX office which was 9 storeys in height providing 21,723 sq. m of offices. The demolition of the former AMEX office was a requirement of the S106 agreement attached to the planning consent for the new AMEX office. The topography of the site results in a fall of 4 metres from north to south and 5.5m from east to west.
- 2.3 The site is in a mixed commercial and residential area featuring John Street Police Station and the Law Courts opposite to the west on John Street. Opposite to the south is a University of Brighton building and Dorset Gardens, a historic park with residential terrace on its east side.
- 2.4 The site is opposite the East Cliff Conservation Area (CA) to the south and beyond to the north east is the Carlton Hill CA and Valley Gardens CA to the west.
- 2.5 The proposals comprise a series of buildings of varying heights fronting both John Street and Edward Street. A key element of the proposals is the extension of Mighell Street, a pedestrian street, to reinstate this historical street which once linked Carlton Hill with Edward Street. This would form a central spine of the development running from the east flank of the 1, John Street and in between Blocks C and D and further south in between Blocks E and F.
- 2.6 The basement to the whole development is accessed from John Street as it was when AMEX House was on the site. Within the basement are proposed 54 car parking spaces and 379 cycle spaces and it would also be capable of providing servicing and delivery space with a turning area for vehicles to exit in a forward gear. 110 short term visitor cycle spaces would be provided at ground floor level.
- 2.7 Block A fronting John Street would be 6 storeys in height of B1(a) offices with a main entrance and the basement access integral to it. The building would be flanked on the north side by the public right of way and the Job Centre on its south flank. The roof would provide a bio-diverse roof and a photovoltaic array.
- 2.8 Block B would be a smaller 3 storey B1 a) office behind Block A also flanking the public right of way. At ground floor level there would be an undercroft linking the public right of way into the courtyard amenity space, whilst the ground floor also provides an entrance from this courtyard which also links to Block C on the east side of the courtyard. The roof would have a roof terrace.

- 2.9 Block C provides the other large Class B1 a) office building in the development and would be 7 storeys in height (reduced from 8 storeys since submission). The building sits on the east side of the courtyard with Mighell Street (as extended) on its east flank and the public right of way and 1, John Street to the north. The main foyer entrance would be from Mighell Street with a back entrance to the courtyard. The southern half of the ground floor would provide a flexible unit which could be either Class A1 retail, B1 small office or D1 community use. This unit would have 3 frontages facing Mighell Street, the courtyard and access into the courtyard and is envisaged as providing an active frontage and use which engages with the streetscene and the public. The roof would provide a bio-diverse roof and a photovoltaic array.
- 2.10 Block D is a residential block sited east of Block C flanking the east side of Mighell Street and opposite the rear of White Street dwellings. It is visually subdivided into two blocks which step down the hill as 7 and 6 storey blocks but with a central core linking all of the accommodation via a single entrance. Residential storage would be provided in the basement and at ground floor (north) would be another flexible Class A1 retail, B1 small office or D1 community use. The ground floor (south) would provide a small commercial B1 unit fronting Mighell Street with two flats behind. The block would provide 75 residential units (comprising: 12 x studios; 41 x 1 bed; 20 x 2 bed and 2 x 3 bed units).
- 2.11 To the rear of Block D would be a private communal amenity space for the occupiers of Block D only which could be accessed from an undercroft adjacent to the core. The two roofs of Block D would be a bio diverse roof and a roof terrace to the south. Flats would have private balconies on the east and west elevations.
- 2.12 Block E would be part 6 storeys and part 4 storeys on the south east corner of the development. The lower ground and ground floors would comprise commercial B1 office units with a main entrance from Mighell Street and a secondary entrance from the Edward Street/White Street corner. The upper floors would provide 24 residential units (comprising: 2 x studios; 8 x 1 bed; 11 x 2 bed and 3 x 3 bed units). This block includes the proposed 18 affordable rented housing units and 6 of the shared ownership affordable units. The flats would have dual aspect onto Edward Street and the private amenity space. The roofs would provide bio-diverse roofs and photovoltaic arrays.
- 2.13 Block F would be part 7 and 8 storeys high and would be the main south facing block between the Job Centre to the west and Block E. The ground floor would comprise commercial B1 floorspace with 69 residential units above (comprising: 14 x studios; 29 x 1 bed; 20 x 2 bed and 6 x 3 bed units). 9 of these units would be in shared ownership. A residential mezzanine floor between the ground and first floors at the front makes the transition to the back of the site due to the topography. The 7th floor would be set back with a large south facing communal roof terrace at the front and a small private terrace at the rear. The flats would have east and west facing private balconies.

- 2.14 There would be three significant areas of amenity/open space around the scheme at street or ground level. The first part is the extended Mighell Street which would be a continuation of the north section at a width of 14 metres and 82 metres in length. There are two sections to it of different character as a result of the steep fall south across the site. The section between Blocks C and D (46 metres) would have a shallower gradient enabling direct wheelchair access and enabling servicing and deliveries from Carlton Hill to the development and easy access into the courtyard. The lower section (36m) between Blocks E and F would have much steeper fall and would have zig-zag ramped access as well as steps at the sides.
- 2.15 The second element of amenity space would be the courtyard space enclosed by office blocks A, B and C. This intended to have public access but would be closed off overnight. The intention is that the space would be lively with animated landscaping where office workers and the public could relax and a potential café or retail unit would front this amenity area. The applicants also consider that events or organised activities could take place. It is the applicant's intention to retain the freehold and management of the development once complete.
- 2.16 The third element of open space is the private garden space for communal use by occupiers of Block D. It would be 66 metres long and 12 metres in width and would provide play equipment and other landscaping. Access would be through secure gates for occupants of the flats only.

3. RELEVANT HISTORY

- 3.1 BH2009/01477 - Demolition of existing ancillary office accommodation and erection of 5-9 storey office building plus two basement floors. Erection of 3 storey service facilities building fronting Mighell Street. New vehicular access off John Street. 106 car parking spaces and 132 cycle parking spaces and associated landscaping. (Amended plans submitted 14/09/2009) Granted 21 December 2009.

3.2 Member Pre-application Presentation

Proposals were presented to Members on 7th November comprising 10,000 sq. m of commercial floorspace (including 6,500 sq. m B1 office, 2000 sq. m of other B1 floorspace and retail uses). Approximately 200 residential units were proposed with an element of build to rent. The feedback was as follows:

- The aspiration to achieve policy compliant affordable housing was welcomed.
- Welcomed that the employment floorspace was close to a policy compliant amount.
- The proposal to provide build to rent housing units, that would not detract from recognised affordable housing, was also welcomed.
- The applicant's commitment to an open book viability assessment was also welcomed.
- Members would welcome a review of the massing and impact of the proposals on the setting of Pavilion gardens and the Royal Pavilion.

- A larger area of amenity space that was level or on a gentle gradient was needed to be more useable and concern was also expressed about accessibility across the public areas with so many steps.
- A further review of the basement space should be undertaken with the objective of providing more car parking which was felt to be low.
- The provision of some form of cultural offer in the amenity space was welcomed but need to ensure that a proper management plan would be in place to overcome serious amenity concerns.
- The scheme needs more verticality on the elevations to mitigate the massing in the views.
- High quality materials would be sought. Render would not be welcomed.
- Important that modern design still respects the character of the East Cliff Conservation Area
- The proposals for the roof spaces are welcomed indicating amenity space provision. Projecting balconies would not be welcomed.
- Would wish to see the use of renewables in the scheme including photovoltaics.

3.3 Design Review Panel

At the first review in October, the Panel supported the general site layout as currently proposed. It did not wish to see the future redevelopment of the Job Centre (as envisaged in the Development Brief) to be compromised by windows on the west elevation (Block F). The south east corner on Edward Street needed a strong corner design. The heights and massing were broadly acceptable but concerns were raised about the longer distance views which needed further assessment work to form an opinion on the impact on the Royal Pavilion Gardens.

- 3.4 At the second Review the Panel welcomed the change to office use of Block C which would mean the open space was enclosed by commercial development thus making it easier to manage and address concerns about night-time anti-social behaviour. Removing the corner block on Edward Street/White Street would need careful consideration about the entrance and open space in front. The reduction in heights on the western blocks would lessen impacts in long views from the west but concerns about Block C seen from Royal Pavilion Gardens remained a concern. A view from the gardens café should be modelled.

3.5 Officer Pre-application Advice

Officers provided advice in respect of design and policy issues. An initial increase of commercial floorspace (mainly B1 office) to 10,000 sq. m was welcomed in October as a step in the right direction towards policy compliance. Within this total, the A1/A3 retail floorspace proposed was also reduced to 1500 sq. m. The residential proposals were still "circa" 200 units comprising studios, 1, 2 and 3 bed units including an element of build to rent units.

- 3.6 A further uplift in the overall B1 floorspace towards the policy compliant figure of at least 10,000 sq. m. was sought and now the proposals have increased the provision to 15,000 sq m of B1a) floorspace. A reduction in retail floorspace was also sought and has now been reduced to 990 sq. m. Gross Internal Area (GIA).

- 3.7 Discussions about the siting, height and bulk of the proposed development and reiteration of the Edward Street Quarter brief which considered that 7 storeys might be the maximum achievable whilst maintaining the objective of ensuring that there would be no harmful impact on the setting of the Royal Pavilion Gardens. The scheme has been reduced from a maximum of 10 storeys in the case of Blocks A and C in its earlier iterations. Block A, fronting John Street, was reduced in height to 6 storeys prior to submission to help achieve the desired stepping down effect from 1, John Street with the gradient of the street. Further reductions were presented subsequently to a maximum of 8 storeys (Block F) and finally the revised current proposals have been further amended by reducing Block C by a storey to 7 storeys maximum.
- 3.8 The bulk and mass of the Edward Street frontage has also been scaled down. Projecting wings on the rear of Block D facing the rear of White Street dwellings were removed. Block E has also been reduced in length where it previously extended to the corner of White Street at 4 storeys.
- 3.9 Officers sought a more distinct vertical emphasis on the south elevations to reflect the proportions of the historic buildings in Dorset Gardens and a set back at its western end was introduced to reduce the bulk. Vertical emphasis in the west elevations was similarly requested to Block A to enhance its appearance in longer views.
- 3.10 Two particular viewpoints (nos. 3 and 4) from Pavilion Gardens raised very significant concerns and the series of reductions in height of the development have also been a response to concerns about the coalescence of the development with the Royal Pavilion in key views.

4. REPRESENTATIONS

4.1 Original Scheme

96 letters has been received, objecting to the proposed development for the following reasons:

- Excessive parking, traffic.
- Increase in crime
- Loss of privacy compared to former offices.
- Loss of sunlight to gardens
- Impact on White Street
- Overshadowing
- Block D and buildings too high
- No direct sunlight
- Harmful impact on air quality
- Planting will not grow in shade
- Loss of tv signal
- Residential units should be reduced.
- Fails to comply with Development Brief on height and density
- Daylight/sunlight study should compare with site before AMEX House built
- Mighell Street will be too narrow and become a wind tunnel with no sunlight

- No public square envisaged in brief lost opportunity. Insufficient public space.
- Public areas will receive little sunlight
- Adverse impact on setting of Royal Pavilion view
- Buildings should step down to the south
- Overdevelopment
- EIA needed
- Impact of data building chimneys on new flats needs assessing
- Will transform the community in a way not in its interests.
- Loss of views
- Burden on GP health services
- Poor architectural design
- Will not deliver affordable housing
- No need for Mighell Street extension which compromises development
- Site should have a green square at the front linked to Dorset Gardens by a grass bridge.
- Private gardens will be in shade all of the time
- Loss of open space
- Development out of scale with White Street terrace
- Retail units would be harmful to St James' Street shops-AMEX House was set back and not overbearing. New buildings fronting Edward Street will be overbearing.
- Development should take account of conservation areas. Views west towards Pavilion should be assessed
- Wind microclimate assessment show that wind impacts would increase.
- Loss of sunlight to front of White Street (east) dwellings
- Buildings are characterless and lack architectural flair. Design is functional and does not raise standard of architecture.
- Doesn't respect character of neighbourhood
- Office space will not be used and be left empty. Was supposed to be for start up businesses.
- Open space should be at front
- Pressure on schools
- Support re-opening of Mighell Street
- No housing for disabled
- AMEX office has its lights on 24 hours a day. Will this development be the same height.
- Increased light pollution
- Needs a living wall system to mitigate air quality
- Insufficient public space for the community
- Need swift boxes on buildings
- First Base should not allow for costs of demolition in their financial viability as American Express paid for this.
- 22 letters of support have been received on the grounds that:
 - Would offer more retail and employment opportunities.
 - The area would become safer and nicer
 - Offers sufficient affordable housing, public space and will create a new centre and experience.

- Buildings fronting John Street should be no more than 7 storeys
- Opportunities for affordable housing
- Welcome cycle provision and control over evening uses and good lighting.
- Welcome places to eat
- Good for start-up tech businesses
- Would support Dorset Gardens entrances and fences being improved and becoming free from dogs
- Would support space for students to work
- Good use of derelict site and like proposals for green space
- Better development than what was there before
- As many homes as possible and 24 hour security
- Needs flats to be good sized and close to elderly relatives
- Would bring excitement, organisation and community to the site
- Dorset Gardens could be improved with dog free section, refurbish gates and fences, footpath, improve drainage, low level lighting, planting, benches, seating, community café.

4.2 Revised Scheme

- 50 letters of Objection have been received to the revised proposals as follows:
 - Need for good air quality
 - More bus stops
 - Concern about wildlife (sparrows).
 - Contrary to policies DA5, CP20, SO9 and SO12 over-development lacking in efficient use of land, imaginative and sensitive architecture and community/environmentally friendly public realm. Doesn't meet 40% affordable housing.
 - Failure to meet Localism Act
 - Fully endorse the objection by our MP Lloyd Russell Moyle.
 - Original plans would have provided housing and improved the area. This will re-create slums of the 1960's.
 - Revised plans have not addressed issues. No significant changes. Previous community objections not addressed. Only significant change was removing floor from Block C and narrowing courtyard. Plans amended to appease Heritage Department only.
 - More noise and air pollution.
 - Parking congestion.
 - Loss of sunlight to Blaker Street.
 - Still too many private dwellings which will be let out as Air B&B.
 - Unsightly tall buildings, limit sunlight to gardens.
 - Support comes from residents living far away from site.
 - No provision for GP, Dentist, health services, schools.
 - Amendments do not alleviate fears for Brighton's architectural future with no nod to architectural past or attempt to keep in character with the area or a pioneering new design. Poor design.
 - Loss of quaint character of the area.
 - Plenty of cafes and restaurants already.
 - Query policy change from maximum to minimum housing units.

- Improvements to Royal Pavilion views irrelevant to residents.
 - Development will blight view from Royal Pavilion gardens.
 - Loss of privacy from balconies.
 - Too close to the boundary.
 - Additional traffic.
 - Adverse effect on listed building.
 - Community unfriendly design.
 - Support community alternative design with green bridge.
 - Edward Street Quarter Neighbourhood Plan submitted as an alternative by local residents. Objects to inefficient use of north west corner, Buildings A and B too low, private courtyard could accommodate buildings, Mighell Street extension unnecessary, opportunity for public realm on Edward Street lost. Alternative layout and block plan proposed including 'green bridge' across Edward Street.
- 4.3 5 letters making: General Comments were received as follows:
- Need more affordable housing and green space. Welcome more offices. Would like to see vacant land further up Edward Street included.
- 4.4 16 letters of: Support were received as follows:
- Good for business and retail jobs. Restrict short term lets and Air B&B. Good plan to invigorate the area. Welcome green space as much as possible. Great use of space providing needed social housing. Support regeneration if done sensitively. Could include community use or local library. Need trees. Needs to happen quickly. Need housing. Plant trees and flowers
- 4.5 Residents of White Street, Blaker Street, Carlton Hill, St Johns Place, Dorset Gardens, George Street, Edward Street and others - 'Edward Street Quarter Neighbourhood Plan' document with appendices was submitted on 22nd February. Objections summarised as follows:
- Development brief stated a maximum of 65 residential units
 - Heights exceed indicative heights in Development Brief
 - Model used for Wind assessment misleading. Poor public realm.
 - Baseline for assessment should be the site as at present. Open space will not receive much sunlight. Rear gardens at lower end of White Street will not get any sunlight. Overshadowing of neighbouring dwellings.
 - Affects the setting of Royal Pavilion Gardens. Developer chosen views that do not show full impact on setting of Royal Pavilion.
- 4.6 Revised comments
Follow up 'Edward Street Quarter Neighbourhood Plan' document submitted on 13th June with alternative development proposal. Objections to extension of Mighell Street, Blocks A and B should be taller and blocks facing White Street lower. Buildings fronting Edward Street should be set further back and public green space behind in front of 1 John Street.
- 4.7 Carlton Hill School Primary School -
Seek support in request that part of the S106 Planning funding agreed is directed specifically towards the school. Proposing a capital project which will

benefit whole school, which is at the centre of this community. Extension of space, refurbishment and re-stocking school library.

4.8 Lloyd Russell-Moyle MP - Objection on the grounds of:

- Failure to meet policy CP20 Affordable Housing
- Unsympathetic to policy CP21 Urban Design
- Request condition to meet policy CP7 Infrastructure and Developer contributions
- Condition to meet policy DA5 (A4) Improve Air Quality

4.9 **Historic England:** Objection

The full extent of the potential impact has not been demonstrated because, at this stage, views at night or dusk, when internal illumination of the proposed development may make it more prominent, has not been provided. The impact of the development upon the way these important heritage assets are experienced rather than just seen has also not yet been provided. In light of the importance of the Royal Pavilion and its gardens to visitors and residents alike this information should be provided.

However, it is clear that, taking into account the distance between the Royal Pavilion, the topography and the current massing, the potential harm is likely to be much less than substantial in terms of the NPPF. Nevertheless, any harm to designated heritage assets, and particularly those at the highest grade, has to be justified. We are broadly content with the proposals, subject to the applicant addressing the issues as outlined above. Now that a planning application has been made we think that a discrete assessment of the contribution of setting to the significance of the heritage assets (showing what is important and why) and the effect of the proposal upon that significance should be provided as an addendum. Demonstration of the impact of proposed development upon the Royal Pavilion, the Dome and the Pavilion Gardens should include illustrations at different times of day and an assessment of any impact upon how these assets are experienced and enjoyed. The potential for further mitigation or minimising of any harm identified by this process should also be further explored through consideration of design changes.

4.10 **Conservation Advisory Group:** Objection

The Group recommends Refusal. It considers the proposals to be an over development and regrets the setting aside of the 2013 Planning Brief. The bulk and massing is harmful to Dorset Gardens and to views from within heritage assets including the Royal Pavilion Gardens whilst the design does not match up to the quality of the adjacent Amex building. More information is required on the impact of the development when viewed at night and it is requested again that an overlay visual of the demolished "Wedding Cake" building is provided to help with an understanding of the proposed changes to the townscape.

4.11 **Brighton Society:** Objection

Poor quality of open spaces particularly lack of direct sunlight. Overshadowing of neighbouring gardens would result. Excessive height and bulk of buildings, exacerbated by the boxy unimaginative design would result in an overbearing impact when viewed from important viewpoints.

4.12 Kingscliffe Society: Objection

Disappointed with the south facing aspects of the application. Objects to the angular massing, excessive height and heavy materials of the blocks along Edward Street, which will loom over listed buildings and public gardens in Dorset Gardens to the detriment of the East Cliff Conservation Area.

4.13 Regency Society: Objection

The north side of the road has a series of unattractive buildings built up to the pavement edge. AMEX House set back provided attractive sunlit space. New building Block F should be set back 15-20m. Open spaces at the back are unlikely to be successful as it will be surrounded by buildings. Buildings are boring and bland and make no attempt to create additional green space on the roofs. Opportunity to create a striking architectural statement.

4.14 Hove Civic Society: Objection

North side of street presents a series of unattractive buildings built up to pavement edge. Site had an attractive open space but as proposed at the back unlikely to be successful. Catering outlets unlikely to be successful and will suffer from wind tunnel effects. Buildings are bland.

4.15 Sussex Gardens Trust: Objection

Initial comments

Despite the pressures upon this garden from heavy usage, it continues to offer a place for quiet enjoyment and appreciation of the nationally important architecture of the Royal Pavilion and the Dome complex by residents and visitors alike. The gardens are inward looking with views within and across the garden, and garden spaces framed by mature trees. Regrettably, when walking through the gardens from the southwest to the north east, distant major developments on the higher land to the east and north east are now visible above and through the tree canopies, and there is now a heavy dependence upon the remaining Elms, to screen from view or at least minimise the impact of these modern developments on this contained historic landscape.

Regrettably the Sussex Gardens Trust must oppose this development, because of its excessive height, which in such near proximity to the Royal Pavilion and its gardens is considered harmful to the Royal Pavilion Estate's skyline.

The Trust had expected a greater stepping down in height of this development, toward Edward Street, following the relocation of the American Express building further north, and the demolition of the former Amex building. In terms of impact on the setting of the Royal Pavilion Estate, the Trust sees little in the way of improvement on what was there before the demolition of the old Amex building.

Much is made of the positive screening effect of existing trees within the Royal Pavilion grounds; but in the absence of evidence of a forward thinking management plan for the Royal Pavilion Garden, and no assurances that any such plan is to be implemented, little weight should be given to the screening currently available during the summer months. Taking both developments together, ie that now proposed together with the recently constructed new Amex

building to the north, the resultant infilling of the backdrop to the pavilion gardens, between the Dome and the Pavilion, will be a very noticeable intrusion on the skyline, and create an apparent continuous ring of medium high rise dense urban development above the trees between the Dome and the Royal Pavilion, such that these treasured landmarks will no longer be seen as 'stand alone' historic monuments in a garden setting.

The harm caused to the setting of the Royal Pavilion Estate may be less than substantial, but nonetheless there needs to be both greater justification for the size of development proposed and greater thought given to mitigation measures. In the absence of appropriate mitigation, the Sussex Gardens Trust opposes any development that breaches the skyline illustrated below, and therefore objects to planning application BH2018/00340.

Revised comment

The Trust does not accept that the changes sufficiently address the concerns of the Trust. Each of the major developments currently under construction within Brighton's central area will have a harmful impact on the historic urban landscape due to excessive height. The Trust urges further height reduction including further step down of perimeter frontage buildings to a height that is virtually invisible in winter and after dark. The new AMEX office was acceptable on the basis that the backdrop to the Pavilion would become more sensitive.

4.16 Scotland Gas Network: No objection

4.17 Southern Water: No objection

Request conditions related to drainage and surface water

4.18 Sussex Police Community Safety: No objection

Initial comments

Communal and play areas should be in view of nearby dwellings with safe routes to come and go. Positioning amenity and play areas near dwellings can increase the potential for crime and complaints of noise.

In regard to any Cafes and Restaurants subsequently occupying the commercial units I ask that any consent for the future application for the premises is conditional that alcohol is ancillary to food prepared on the premises and served at table by waiters / waitresses. Substantial food shall be available at all times.

General advice on access and security provided. Recommend that the applicant seek advice from Sussex Police Counter Terrorist Security advisers with regards to the scheme as soon as it is practicable.

Revised comments

No additional comments except seek to compartmentalise the cycle storage areas and entrances from basement service road to the cycle store should have controlled access.

4.19 Brighton and Hove Economic Partnership: Support

Confirm support for proposed development which will bring economic benefits to the City. Will deliver 160,000 sq ft of commercial space and 2,000 jobs supported by Policy DA5. Welcome the scheme's response to city's need to accommodate expanding Small & Medium Enterprises (SME) in good quality space. Applicant has signed up to be a Living Wage Employer. Scheme would result in £4.2m local expenditure and £12.14m in Business Rates would accrue, £1.5m Council Tax over 5 years and £1.1m towards New Homes Bonus. This will be one of the largest mixed use developments in recent years delivering affordable homes on an agreed viability position and meets the strategic objectives of the B&H Economic Strategy.

4.20 UK Power Networks: No objection

Please be advised that my Company has no objections to the proposed works.

5. CONSULTATIONS

5.1 Air Quality Officer: Recommend approval with conditions

Initial comments

Recommend approval with conditions. Trip generations would be below the threshold requiring a detailed air quality assessment as set out in the Air Quality management guidance. At this time nitrogen dioxide concentrations are compliant along the section of Edward Street bounding the proposed development land. For this development in combination with cumulative increase in traffic negligible impacts to roadside pollution are predicted for Edward Street, Eastern Road and for Valley Gardens including adjacent with Grand Parade.

Welcome that the development does not propose major combustion plant on site with emissions to air or deliveries of biomass or potential for methane escape. Welcome the high proportion of bicycle parking. Disappointing that the commitment to provide above policy compliant numbers for slow or fast electric charging points has not been followed through.

Conditions to be agreed for vertical flue discharge.

CEMP conditions for HGV routings to minimise journey distance through the AQMA. Especially avoid London Road Preston Circus, Lewes Road Vogue Gyratory, and Grand Parade.

Revised comments

An addendum to the air quality assessment has considered the potential effects of existing chimneys on the adjacent American Express Data building on Mighell Street on the proposed dwellings and nearest office at the north end of the development. These releases to air have the potential to create impacts on localised air quality with the introduction of newly permitted buildings and structures that could inhibit plume dispersion. The developer has submitted a detailed dispersion assessment to determine the contribution of nitrogen dioxide from existing flue terminations. The assessment presents negligible contribution when compared to the national air quality strategy limits. SPD14 sets out minimum guidance for electromotive charging points. The developer has pledged to go beyond with electromotive ready ducts for all parking spaces. The

Health Impact Assessment cross-references with the air quality assessment. In addition to dust there needs to be greater emphasis on the mitigation of NOx emissions in the Construction Environment Management Plan (CEMP). By the time of the early phases of construction it should not be onerous to mandate euro-VI HGV emission standard.

5.2 Arboriculturalist: Objection

Initial comments

A total of fourteen visible trees are recommended for removal by the developer and there were originally nine trees to be planted along the frontage of the building as replacements from East to West in the original landscape plan and this was viewed as reasonable. However, this has now been reduced to five replacement trees. This is regrettable and will lead to a loss of townscape value and amenity to the existing street scene. It is believed that the trees proposed to be planted here would leave a gap of only 3m between the centre of the tree stems and the new façade line and this seems far too close to allow a new street tree to thrive in this location. It is for these reasons that the Arboricultural team cannot support this proposal.

Seek an investigation regarding the retention of T4 and T5 sycamores and more assurances about tree planting at the front of the development.

Revised comment

The Arboricultural team are disappointed with the applicants response that trees cannot be planted within the highway at the frontage of the building in Edward Street due to services having been detected underneath the footway. A more positive approach would include digging trial holes in the footway to explore in detail the feasibility of planting trees in this location.

A response to the request to retain two of the sycamore trees (T4 and T5) within the accessible footway area adjacent to No.1 White Street. I have reviewed the proposals to provide access into Block E that displays steps, from the White Street or East side as an access to Block E. With this design it will not be possible to retain these trees as the steps are shown under the stem of T4. Further options should be explored that might allow retention of these trees.

At present ten early mature trees would be lost, and two groups of trees, easily seen from Edward Street, to allow the proposed development. As there are very few large trees within the local street scene, the retention of trees T4 and T5 is extremely important. The retention of these, assisted with additional publically visible tree planting would go a long way to mitigate the loss of the other trees providing environmental benefit and public amenity to the immediate area. There will be less opportunity for tree planting in the immediate area due to this development hence the importance of these trees.

With the removal of all existing trees, and a diagrammatical suggestion of three young trees to be planted in this south-eastern corner, that have no guarantee of fully establishing, it is difficult to envisage how the development would improve the public realm. I believe that this will result in an environmental loss to the street scene and this is to be regretted. Recommend conditions requiring

detailed underground survey with trial holes to be dug and other options for providing an accessible public realm and access to Block E to seek retention of trees.

5.3 ESCC Archaeologist: No objections

Although this application is situated within an Archaeological Notification Area, based on the information supplied, I do not believe that any significant below ground archaeological remains are likely to be affected by these proposals. For this reason I have no further recommendations to make in this instance.

5.4 Children and Young Peoples Trust: Comment

Initial comments

I have estimated the level of contribution towards education infrastructure that would be expected if this development was to proceed and the number of pupils that are likely to be generated by the development. I have included all the units as private housing the application form states that all the units will be market units whereas the planning statement states that some units will be affordable. It is not clear what the actual split between market units and affordable units will be.

The planning statement states that there will be 31 x studio apartments and 75 x 1 bedroom apartments. In calculating the contribution I have included just the 75 x 1 bedroom units. This is because in general studio apartments do not give rise to school age children.

In this instance we will not be seeking a contribution in respect of primary education places as there are sufficient primary places in this part of the city and the city overall. The calculation of the developer contribution shows that we will be seeking a contribution of £132,067.40 towards the cost of secondary provision if this development was to proceed.

With regard to the secondary provision, the development is in the current catchment area for Dorothy Stringer and Varndean schools. At the present time there is no surplus capacity in this catchment area. Secondary pupil numbers in the city are currently rising and it is anticipated that all secondary schools will be full in a few years' time. Funding secured for secondary education in the city would be spent at either Dorothy Stringer and Varndean schools or any new school that may be constructed.

Revised Comments

I have attached revised spreadsheets showing the contributions based on the revised housing number figures setting out the number of affordable units proposed. The revised contribution would be £98,134.

5.5 City Parks: No objection

Queens Park is our primary site for developer's contributions from the Former AMEX site. Investment would support the implementation of CityParks recent Conservation Management Plan. The focus of this investment would be on increasing wildlife habitats, improving accessibility across the park, improving interpretation/way-finding, increased playground. Dorset Gardens is another

important pocket park which needs investment for better access, seating and relaxing, plant and tree conservation, improved security and interpretation.

Valley Gardens and Turner Park are also sites which would benefit from improved links and increased offerings within them. Their key focus would be again, increasing conservation areas, trees, seating and natural play improving access.

It is also important to invest in links and access improvement to these sites on the streetscapes.

5.6 Ecology: Support

Initial comments

In summary, the proposed development is unlikely to have a negative impact on biodiversity and can be supported from an ecological perspective. The proposal for biodiverse green roofs is welcomed and strongly supported, and will help meet Biosphere targets. The site offers opportunities for enhancement that will help the Council address its duties and responsibilities under the NERC Act and NPPF. An Ecological Design Strategy should be required setting out how the site will be enhanced for biodiversity.

Revised comments

The proposed amendments will have no impact on the conclusions and proposed mitigation presented in the Preliminary Ecological Appraisal (The Ecology Consultancy, 31/01/18). I therefore have no additional comments to those provided previously.

5.7 Economic Development: Support

City Regeneration supports this application with due reference to any subsequent comments made by the Planning Policy team.

This site was identified as an employment-led development as part of a strategic allocation (DA5.c.2) in the City Plan Part 1 however the initial offer for commercial office space B1(a), fell short of the required minimum of 15,000 sq. m. Through pre-submission negotiations, this development will now slightly exceed the minimum requirement through delivery of 15,091 sq. m (GIA) of high quality office floorspace (as stated in Part 1 of the Design and Access Statement) which is in short supply in the city and having an impact on potential for inward investment.

A further 990 sq. m (GIA) of ancillary space will also be delivered to accommodate Use Class flexible retail A1/A3 and non-institutional D1 facilities. The development was also expected to deliver a minimum of 65 residential units of mixed size and tenure, which would make a significant contribution to the city's challenging housing needs. The application, supported by the Design and Access Statement, proposes to deliver 168 dwellings.

Due to the size of the development, there will be a requirement for an Employment and Training Strategy linked to the site. This document is required to be submitted for approval at least 1 month prior to commencement and the requirement will be included in any S106 agreement. Also with reference to the

Planning Authority's Technical Guidance for Developer Contributions, a sum of £20,821 should be paid prior to commencement, again to be included in any S106 agreement.

5.8 Environmental Health: No objection

The standards applied, methodology used and calculations made in the noise assessment are recognised techniques in predicting noise levels and the impact of them. When considering the recommendations of the assessment, if implemented correctly, the measures proposed should be achieving appropriate levels of soundproofing. Therefore, if appropriate conditions are applied to any permission to develop, I have no reason to refuse the application with regards to the potential for noise.

I have no reason to disagree with conclusions and the recommendations of the contaminated land study. An appropriate condition should ensure that if there are any unexpected findings encountered during the construction process, that works cease and a formal risk assessment by professional and competent individuals takes place to guide further action.

The proposal is a significant development and site activities could generate large amounts of noise, dust and vibration. A Health Impact Assessment has been submitted as part of the application which states "In order to control the impacts of construction noise and vibration the mitigation proposals within the CEMP would be followed."

The Construction and Environmental Management Plan (CEMP) should include reference to BS5228 Code of practice for noise and vibration control on construction and open sites and a commitment to an application for a Section 61 agreement for noisy working hours. Construction Traffic Management Plan (CTMP) should be required in order to manage highway safety during the construction phase and to mitigate against potential conflict between construction traffic and other road users.

All of the above can also be secured by means of an appropriately worded planning condition. If the permission to develop the land is granted, I would recommend applying the following conditions related to:

- Soundproofing of Building
- Soundproofing of Residential Units
- Hours of operation
- Plant Noise
- Potentially contaminated land
- External lighting
- CEMP

5.9 Heritage: Approve with suggested conditions

Initial comments

The general footprint of the proposed scheme is considered to be appropriate in both heritage and urban design terms, given the post-war widening of Edward Street and the major redevelopment in the area. The reinstatement of Mighell Street, as a pedestrian priority route, and the reinstatement of a strong built edge to Edward Street are very welcome. The detailed approach to the public

realm and private open space within the site is also welcomed but there is a missed opportunity to link the new street and square to the existing Peace Park to create a sense of continuous public open space and green route.

The height and massing of the proposed scheme does not raise heritage concerns in the majority of the verified views submitted. In the case of the views from Dorset Gardens and the Peace Park it is considered that the proposed scheme would positively enhance these views, creating a greater sense of enclosure and providing a visual focus to views northwards. In terms of design, the elevations of the residential building in these views would have a vertical emphasis, to appropriately reflect the proportions of the historic buildings in Dorset Gardens. In these views and in the views from Edward Street the elevations would achieve a suitable sense of light and shadow. However, the design of the residential elevations requires further refinement to mitigate the buildings' bulk and to avoid elevations that are unduly repetitious. Horizontal elements, for example, could have a more slender, lightweight feel. The commercial blocks would have a particularly vertical emphasis and a very welcome hierarchy of floors; the design quality of these is welcomed. The palette of materials would contribute positively to the quality of the elevations and provide a clear distinction of uses with legible entrances. However, the large area of blank cladding to the west elevation of Block F, which allows for potential future redevelopment of the job centre building, would present an unattractive feature in views up Edward Street, as well as in longer views from the west; more thought needs to be given to the material, detailing and finish of this elevation, especially at upper level.

The most sensitive viewpoints are those from the Pavilion Gardens. Despite a positive reduction in height and massing during the pre-application process, concerns remain regarding the proximity of the new development to the northern dome and minarets of the Royal Pavilion in View 4 from the Gardens, particularly in winter. In this respect the proposed development largely repeats the visual encroachment of the now-demolished Amex building. It is Block C (the central commercial block) that is the element that causes the visual intrusion and specifically the top floor circulation/service core and plant room; reducing this block by a further storey in height would eliminate the harmful impact. The historic park and garden is experienced as a comparatively enclosed area surrounded by historic buildings and although the wider city intrudes on the skyline looking east, this view is still very much dominated by the Royal Pavilion itself and its highly distinctive silhouette. At the same time the gardens themselves provide the green and picturesque setting to the Royal Pavilion.

In conclusion, this is in many respects a positive proposal in the way that it would help to repair the fractured urban realm and urban grain of the area and create a positive sense of place and mix of uses, with good quality architecture and public realm and the enhancement of views from Dorset Gardens. The settings of the majority of the other heritage assets covered by the LVIA would be preserved. However, there would be very clear harm to the setting of the grade I listed Royal Pavilion and to the setting of the grade II registered Pavilion Gardens. These heritage assets are key components of the Valley Gardens

conservation area and therefore there would also be harm to the setting of this conservation area. This harm would be notable but would be less than substantial under the terms of the NPPF and paragraph 134 would therefore apply. In the case of the Royal Pavilion, which is a designated heritage asset of the highest significance, section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the local authority shall have special regard to the desirability of preserving a listed building or its setting when considering an application for Planning Permission. 'Preserving' means doing no harm. There is therefore a statutory presumption against granting permission for any development which would cause harm to a listed building or its setting. Where the identified harm is less than substantial, the local planning authority must nevertheless give considerable importance and weight to the preservation of the listed building and its setting. If positive amendments cannot be achieved refusal would therefore be recommended in this case, unless it is considered that the public benefits of the proposal are so great as to outweigh the harm.

Revised comments

The reduction in height of the central commercial block (Block C) by one storey is very welcome and has resolved the previous concern regarding the visual intrusiveness of the development in the key views from the Pavilion Gardens and in particular the proximity of the new development to the northern dome and minarets of the Royal Pavilion in View 4 from the gardens, especially in winter. The additional night time view images (showing the proposal before the height reduction) raise no additional heritage concerns. The slight increase in building footprint to compensate, with a reduction in the size of the open square, raises no concerns. It is now considered that, overall, the height, massing and footprint of the development would cause no harm to the identified heritage assets.

The design of the residential elevations has been significantly amended and it is considered that the revised elevations are much more successful in mitigating the buildings' scale and achieving an appropriate sense of vertical emphasis. As now proposed there would be greater visual interest and variation.

The proposed palette of materials would contribute positively to the quality of the elevations and provide a clear distinction of uses with legible entrances, subject to samples of materials by condition. The proposal for hit-and-miss brickwork to break up the large area of blank walling to the west elevation of Block F satisfactorily resolves the previous concern about the blankness of this elevation and, if designed and detailed appropriately, should offer an appropriate play of light and shadow effects in views up Edward Street, as well as in longer views from the west. This hit-and-miss brickwork could form the opportunity for a public art contribution. The amended treatment of the eastern end elevation of Block E is also welcomed. It would provide a far more articulated and 'designed' termination to building, would improve legibility and would enhance the view down Edward Street from the east.

With regard to the opportunity to link the new through street and square to the existing Dorset Gardens Peace Park, in order to create a sense of continuous public open space and green route, it is noted that the applicant has agreed to provide a S106 contribution to facilitate this link; this is welcomed.

In conclusion, this is considered to be a positive proposal in the way that it would help to repair the fractured urban realm and urban grain of the area and create a positive sense of place and mix of uses, with good quality architecture and public realm and the enhancement of views from Dorset Gardens. The settings of all the heritage assets covered by the LVIA would all be acceptably preserved and no harm to heritage assets or their settings has been identified.

5.10 Housing Strategy: Support

Initial Comments

This application is for 168 properties including 20% affordable which equates to 33 homes which are shown on the application form as 18 for Affordable Rent and 15 for Shared Ownership sale. This is lower than the policy position of 40% which would provide 67 homes (37 Affordable Rent and 30 as Shared Ownership).

The Affordable Housing Brief sets out a broad tenure split of 55% Social Rent or Affordable Rent and 45% Intermediate (Shared Ownership sale) as a citywide objective. The Affordable Housing that is offered is 20% - 33 homes offered at the correct tenure split of 18 Affordable Rent and 15 Shared Ownership.

Within the affordable housing, 10% should be wheelchair accessible which would equate to 7 homes within the 40% affordable housing provision. The whole site should have 5% of wheelchair accessible homes (13 homes). Wheelchair units for shared ownership have previously proved difficult to sell, leading to their conversion to non-wheelchair units. The provision of the wheelchair accessible housing as rented units would be preferred. The Council's wheelchair accessible standard requires that it meets national technical standards Part 4 M (3) at build completion (i.e. fully wheelchair accessible at time of first letting/ sale). The Planning Statement (6.3) for this scheme currently refers to units being wheelchair adaptable which would not be acceptable.

Up to date assessment of housing needs shows that although greatest need (numerically) is for smaller one and two bed properties there is significant pressure on larger family sized homes. The size and types of the affordable properties are as follows:

7 x studio flats (21% of all units); 11 x 1 beds (33%); 6 x 2 beds (18%) and 9 x 3 beds (27%).

The Affordable Housing Brief includes the requirement for a review mechanism to reassess the viability of schemes near completion, where any reduction from policy (i.e. less than a 40% provision) can be reassessed and any increase in the viability position is reflected in an uplift of the contribution, to be paid as a commuted sum.

Revised comments

The affordable housing mix has been altered to address previous Housing Strategy comments. More smaller units are proposed and the family housing and wheelchair units for rent are welcomed. The removal of studios for rent is also welcomed which can be difficult to let. The provision of affordable

wheelchair units for rent exceeds the policy requirement. The reduced on site provision has been justified by a viability report as per national policy guidelines and local policy.

5.11 Planning Policy: Approve with suggested conditions

Initial comments

The council is keen to see the successful redevelopment of this vacant site. The vision for the strategic allocation (DA5.c.2) in the City Plan Part 1 is for the employment-led redevelopment of the Edward Street Quarter to provide 15,000 - 20,000 sq. m of high quality B1(a) office floorspace and a minimum of 65 residential units with ancillary shops (A1) and cafes and restaurants (A3). The emphasis of the policy is for employment-led redevelopment to strengthen the city's economy; to meet the council's priorities regarding high quality job creation and to support the city's growth potential over the plan period.

The principle of a mixed use redevelopment of the site is supported by DA5.C.2 and the proposed 15, 0091 sq. m B1a office floorspace GIA is in accordance with the requirements of the policy and the Edward Street Planning Brief (2013).

As an edge of centre location (St James's Street District Centre) it is recommended that the case officer gives further consideration to the proposed flexible use classes proposed for the ground floor uses and consider through condition ensuring there are minimum and maximum floorspace figures for A1/ A3 uses to ensure active and lively spaces are created and maintained. Further clarity is sought on the proposed C3 element at the ground and lower ground floor and whether this is communal space for the residents or actual dwelling units.

The proposed housing mix for the scheme should be improved upon by the provision of more 2 and 3 bedroom properties in the overall mix to accord with CP19 and CP20 in the City Plan part 1. The applicant should also clarify the proportion of housing units which will be wheelchair accessible to accord with Policy HO13. The council will look for 5% overall of housing units and 10% of the affordable housing element to be wheelchair accessible housing (M4 (3)).

Policy CP20 Affordable Housing seeks to maximise affordable housing provision in light of the considerable affordable housing need in the city. The policy sets out the considerations (criteria i - iv) that the local planning authority will take into account should the scheme not comply with the policy requirements for up to 40% affordable housing provision (i.e 67 units). The submitted Financial Viability Assessment concludes that it would be unviable to provide 40% affordable housing on site and proposes a 20% provision. The Financial Viability Assessment, assumptions and conclusions should be subject to independent scrutiny by the District Valuer.

Policy CP16 sets out the open space requirements for new development. The applicant has indicated that the development provides 2,139sqm of public realm, 976sqm of communal amenity space and 895 sq. m of children's playspace. When this provision is checked against the policy ready reckoner it does not fully address the open space requirements of CP16 Open Space. It is

noted for example that a number of the proposed spaces have multi-functions for example the residents' amenity space or garden will provide 'private shared space, access to residential entrances and Children's play'. Where provision cannot be met in full on site then off-site contributions will be sought.

Whilst the applicant has outlined the approach to public realm and landscaping within the site and has indicated new street trees along Edward Street, the strategic allocation at part b) also requires the proposal to contribute towards improving the existing townscape and public realm, including public art, in the surrounding area including improvements to Dorset Gardens. This is also reflected in the guidance contained within the Edward Street Quarter Planning Brief. This has not been addressed by the applicant and further consideration should be given by the applicant to address the requirements of DA5.c.2b.

Revised comments

Flexible Uses at Ground Floor

Welcome the indication from the applicant that they are considering the proposed condition to ensure there are minimum and maximum floorspace figures for A1/ A3 uses to ensure active and lively spaces are created and maintained in order to comply with DA5.

It is noted that the amendments to the scheme have increased the amount of flexible B1, A1, A3, C3, and D1 floorspace to 1,000 sq. m GEA. It should be noted that City Plan Part 1 Policy CP4 Retail Provision requires applications for all new edge and out of centre retail development to address the tests set out in national policy and complete an impact assessment if the figure triggers the locally set threshold of 1,000 sq. m (net) floorspace or more. It would be helpful if the applicant can confirm that the net floorspace would not exceed the locally set threshold.

Welcome the clarification that the C3 floorspace proposed on the lower ground floor proposed as part of the flexible uses will be used as a communal residential area rather than a habitable dwelling unit. The case officer should consider whether this should be addressed through condition.

The case officer should also consider through condition the phasing of development. While it is understood that the applicant has assumed the scheme will be built out in entirety there may be some phasing of development and it therefore might be appropriate to ensure the office blocks should be completed prior to completion of the housing element of the scheme to ensure this key site will contribute to the overall supply of office floorspace in the city.

Affordable Housing Provision

A Financial Viability Appraisal has been undertaken by the applicant which has calculated that 20% is the maximum amount of affordable housing that can be provided on the site without making the development unviable. This equates to 33 units. The tenure mix of the affordable housing is 55% affordable rent and 45% shared ownership. This Appraisal has been independently verified by the District Valuer. The proposal therefore accords with Policy CP20 Affordable Housing.

Dwelling Mix

It is noted in the Planning Statement Addendum, that whilst the residential mix across the scheme remains unchanged at 168 units the affordable housing dwelling mix has been slightly amended to reduce the number of studio units and an increase in the number of 2 bed units within Block E to address comments from the Housing Strategy Team. This has had impact of reducing the number of 3 bed units proposed from 17 down to 11 units. Whilst the proportion of studio units are higher than the preferred mix set out in the Affordable Housing Brief (2016) the applicant has indicated these are offered as shared ownership and offer young professionals an opportunity to enter the housing market. On balance, subject to the comments of the Housing Strategy Team, it is considered the proposed dwelling mix for affordable housing would be acceptable.

Policy CP19 Dwelling Mix does indicate that the preferred dwelling mix for private housing will be guided by local assessments of local needs - set out in the supporting text. The proposed housing mix could be improved upon by a better provision of 2 and 3 bed properties in the overall housing mix.

Accessible Housing

To accord with Policy HO13 the council will look for 5% of housing units overall and 10% affordable housing element to be wheelchair accessible housing (M4(3)).

The applicant have indicated in the Planning Statement Addendum that 10% of the 33 affordable housing units will meet the required standards for 'accessible units' and 7% of the market units will be 'wheelchair accessible'. The amended 'Final Tenure Plans' indicate that there will be 7 units of market housing compliant with the 'optional requirement' M4(3) and 4 units of the affordable housing this is considered to comply with Policy HO13 of the retained Brighton & Hove Local Plan.

Open Space Provision

It is also noted that the applicant is offering a contribution to a potential green link between the site and Dorset Gardens to be secured through the S106 agreement to form part of the Highways contribution and an artistic element are proposed on the flank elevations of Blocks E and F to be secured through condition and this would help to address the requirements of DA5.C.2.b and CP16 Open Space.

5.12 Private Sector Housing: Comment

Initial comment

Many of the units have means of escape through living room/kitchen. Applicants have been contacted about this issue.

Revised comment

I would like to formally confirm that with the proposed blocks having sprinkler systems, our concerns at former Amex House under the 2004 Housing Act are satisfied.

5.13 Public Art: Comment

To make sure the requirements of local planning policy (CP5; CP7; CP13) are met at implementation stage, it is recommended that an 'Artistic Component' schedule be included in the section 106 agreement. It is suggested that the Artistic Component element for this application is to the value of £195,000. The final contribution will be a matter for the case officer to test against requirements for s106 contributions for the whole development in relation to other identified contributions which may be necessary.

5.14 Public Health: Comment

Initial comments

Approval is recommended, on the condition that further information is provided regarding the following:

- The proportion of units fully wheel chair accessible at first sale
- Review of stated 6% (10 units) of the housing units which will be adaptable for wheelchair use against relevant standards
- Further details of pedestrian/cycle crossings & routes that will be provided within the development
- Further details regarding shelter, landscaping, street lighting or seating within the development
- Further detail regarding how the aims of the Health Weight Environments criteria will be reached.

Please also note that should any of the above conclusions not align with recommendations from the relevant department, their specialised assessment should take precedence.

Revised comments

The Planning Healthy Weights Environment document was written to reflect the PHE guidelines on the same topic. The PHE guidelines outline the main themes relevant for a health weights environment, as well as more detailed elements that would be desirable.

We are satisfied that they have addressed the main themes outlined in the PHE document, and have given detailed explanation of how they are responding to each of these themes.

5.15 Sustainable Drainage: No objection

The Lead Local Flood Authority (LLFA) recommends approval to the proposed development in principle subject to conditions. The applicant has supplied a Surface Water Drainage Strategy and SuDS maintenance plan for the proposed development, as requested at pre-application stage. The proposed drainage strategy details a 5% reduction in surface water discharging from the site, whilst Brighton and Hove City Council would expect a reduction of 30%, this reduction is acceptable due to the existing constraints of the site. Due to the mitigation proposed by the applicant, it is believed that if all the measures are taken forward, the 5% reduction would be a conservative estimate.

5.16 Sports Facilities Team: Comment

Although there does not seem to be any specific leisure use currently proposed for this site it is a substantial scheme including 168 dwellings. It would therefore

be important to secure appropriate S106 contributions to improve the provision of sports facilities in the city and the opportunity for engagement in sport and physical activity for local residents.

From the proposed allocation of residential dwellings the developer contribution we would be seeking is a contribution of £155,880. This comprises of £61,838 towards indoor sports and £94,042 towards outdoor sports.

The development is in the locality where the closest two indoor sports facilities are Prince Regent Swimming Complex and St Luke's Swimming Pool. A contribution would be used to increase the activity provision at one of these sites.

St Luke's Swimming Pool also has a small area of outdoor space that could potentially accommodate some small outdoor sports provision. In terms of other outdoor sports provision there could be opportunities within larger parks close to the area such as Queens Park or along the Seafront.

5.17 Transport : Comment

Initial comments

Cycle parking is to be provided in the basement, accessed from John Street via the ramp to the basement car park. The quantum proposed exceeds the minimum standards set out in SPD14, which is welcomed. One large store for long-stay cycle parking is proposed for all uses within the development, i.e. mixing residents' and office workers' cycle parking. Provided that appropriate access controls are applied, this is acceptable.

While there is some efficiency to be gained from the stand layout as currently proposed, these are unlikely to provide sufficient space without some redesign of the basement. Consequently these cycle parking matters should be addressed prior to determination of the application, rather than left to a condition.

Visitor cycle parking is proposed within the public realm at ground floor level. While some stands seem to be indicated on the General Arrangement plan, the quantum falls considerably short of the standard. Full details of the proposed visitor cycle parking should be provided in order that its adequacy can be assessed.

An existing layby on Edward Street accommodates a cycle hire docking station and other cycle parking. As noted below, it is proposed that this is used for servicing. However, given the popularity of the existing docking station (and likelihood that the redevelopment proposal will add to demand) an alternative and expanded site on the highway would need to be provided by the applicant in the immediate vicinity, at their cost and secured through a section 278 agreement.

The TA does not contain a full assessment of the provision of cycling infrastructure despite this being included in the TA scope and advice given at pre-app stage.

To encourage and support walking to and from the site, a full audit of the pedestrian environment on walking routes in the surrounding area should be secured and funding sought to rectify deficiencies. If this additional information and funding is not provided in advance of determination then the Highway Authority would wish to secure the further assessments by condition.

The development provides a route through the site from Edward Street to Mighell Street. Access to the public at any time should be secured through a walkways agreement under Section 35 of the Highways Act 1980 (within a Section 106 agreement). The new route from Mighell Street slopes to the south and consists of a series of ramps (gradient typically shallower than 1:20) and landings. Whilst the landing lengths are not dimensioned they appear likely to conform to the British Standard. Nevertheless, this should be clarified prior to the determination with details of levels secured by later condition. Measures to prevent such activities as skateboarding and BMX riding should be secured by condition within an appropriate management plan.

The nearby bus stops on Edward Street provide good bus access to the development. All services on Edward Street serve the westbound bus stop, giving a combined frequency of 30 buses per hour in the weekday peak periods. However, only two services stop at the eastbound bus stop giving only 4 buses per hour combined frequency. As demand for this latter stop will be increased by the proposed development, it is recommended that the developer engages with the bus operator(s) involved to seek their service of this stop such as the stopping of all buses at the eastbound stop.

No shelters or real-time bus arrival information are provided at nearby bus stops, and it is therefore recommended that funding for their provision should be sought through the Section 106 agreement.

Servicing of the residential and office element of the development is to be undertaken from the basement. Two servicing bays are provided, and the analysis in the TA indicates that this will be sufficient. However the servicing estimates seem to be very low given the low-car nature. Since it may affect the design of the basement, it is recommended that a full and thorough assessment of servicing is provided before determination of the application.

The trip generation for both residential and office sites seems to rely on a very low number of comparator sites within the TRICS database. However, the trip rates are broadly comparable to those produced by a less-selective approach and so should be considered acceptable.

Mode split is largely acceptable, although census percentages of car trips are likely to transfer (due to the low-car nature of the development) to cycling, taxi/private hire and bus rather than walking. Taxi movements are likely to be significantly under-estimated given the date of the census. In order to demonstrate that demand for kerbside space for taxi activity is accommodated and that associated vehicle movements will not create safety and/or congestion issues, additional information should be provided before determination.

The Framework Travel Plan indicates that separate residential and workplace travel plans will be developed at a later date. These should be secured by condition, requiring submission to and approval by the City Council prior to first occupation.

Funding for sustainable transport initiatives should be secured through the standard formula.

There are elements of design which must be resolved before determination of the application, specifically:

- The layout of long-stay cycle parking and type of stands provided
- The provision of short-stay cycle parking
- The relocation and expansion of the cycle hire docking station and other cycle parking from the Edward Street layby to another highway location in the immediate vicinity
- A formal assessment of the pedestrian and cycling environment around and on routes leading to the development.
- The provision for servicing of the development, including the use of the Edward St layby and measures to prevent and/or manage kerb-side deliveries to residential elements.
- The provision of taxi access to the development.
- The means by which all-hours public access between Mighell Street and Edward Street will be provided.
- The extent of areas of existing footway on Edwards St and John St that will be resurfaced.
- Further details of the design of the vehicle access from John Street to safeguard road safety.

On the assumption that these issues can be resolved satisfactorily, the Council acting as Highway and Traffic Authority would not wish to prevent the consent of the application, subject to conditions.

Revised comments

Further details of the cycle parking including visitor parking and the re-location and expansion of the Bike share provision have been satisfactorily addressed. The repurposing of the existing Edward St layby as a servicing delivery bay and the assessment of servicing and vehicle access agreed. Further information has been provided to justify the low level of servicing anticipated for the residential element. On this basis, the two internal servicing bays (with one waiting area) plus on-street servicing (in the Edward Street layby and from Mighell Street for the flexible element of the development) must be accepted as sufficient. A servicing and delivery plan should still be secured by a proposed condition, to include monitoring to ensure that the intended methods of servicing are followed in order to minimise the impact on existing residents and other users of the area.

The Highway Authority would not wish to obstruct the approval of this application subject to the conditions and obligations set out in our comments of 30 May and amended as appropriate in the light of the above comments and with specific amendment (underlined) to the following proposed condition.

Transport (Habitat Regulations)

This comment covers only a review of the assessment of the traffic implications of the proposed development that have been used for input into the separate assessment under the 2017 Habitat Regulations of the impact on various European habitat sites, including Special Protection Areas (SPAs) and Special Areas of Conservation (SACs).

The analysis of traffic appears to be sufficiently robust to demonstrate the level of traffic impact on the areas of interest.

5.18 Sustainability Adviser: No objection

An Energy Strategy and Sustainability Statement have been submitted with the application. This sets out how the scheme will address Policy CP8 Sustainable Buildings. The Energy Strategy sets out the design targets to meet and exceed Policy CP8 standards. The residential floor space is predicted to achieve a 48% carbon reduction improvement (this exceeds the 19% improvement required through local policy). The non-residential floor space is predicted to achieve a 22 % carbon improvement over the baseline building and to achieve a BREEAM "Excellent" rating for both the office and retail elements of the scheme. These targets comply and improve on policy CP8 minimum standards for residential and non-residential development.

In line with Policy CP8, commitment is given that residential units will achieve the maximum water consumption of 110 L/person/day. In the non- residential elements of the scheme, water efficiency measures include; water meter/s for monitoring and leakage avoidance; leak detection systems; flow control devices.

The proposals address policy CP8 well and have considered all aspects of the policy.

Under City Plan Part One Policy DA5 Eastern Road and Edward Street, Local Priority 10 requires capacity for future connection to heat networks. The Energy Strategy commits to make provision to connect to future heat networks facilitated through provision of a plate heat exchanger interface within the plant room. This complies with the DA policy and should be conditioned.

Approval is recommended with the following conditions:

- Energy and water efficiency standards for residential development
- BREEAM excellent for retail development
- BREEAM excellent for office development
- Energy plant to provide, capacity for future connection to heat networks (see below)

5.19 Wind and Micro Climate: Comment

Initial comment

The level of detail of the wind tunnel model is appropriate, and the model was tested using a suitable approaching wind simulation. The siting and number of measurement locations are appropriate, and the wind mitigation devices have been modelled properly.

The wind conditions have been analysed using the LDDC variant of the Lawson wind comfort and safety criteria which is now generally agreed to be an appropriate approach in the UK.

A seasonal approach has been used by the applicants to assess Outdoor Seating (summer only) and Recreational Spaces (Spring through Autumn). These activities should be assessed for all year around. The other pedestrian activities ("Entrances, waiting areas, shop fronts, Leisure Thoroughfare/Strolling and Pedestrian Transit/Thoroughfare (A-B)") have all been assessed for all seasons.

The wind conditions across the proposed site and the surroundings appear to be higher than expected. One explanation for this behaviour is the data presented and the wind conditions assessed using this new data. If the wind conditions are worse than the safety assessments given in the applicant's report will be conservative. Although the wind conditions would be safer than those presented, it cannot be assumed that the pedestrian comfort will be better. This is because the applicant's used a seasonal approach, which is non-conservative. This is a particular concern for all of the Outdoor Seating areas, where the applicants have assessed only the summer wind conditions.

Revised comment

The wind assessment comments that the revised plans are not expected to impart significant material changes to the wind conditions assessed. The BRE agree with this opinion. The applicants have now examined the wind microclimate using a worst-case seasonal approach to include winter. As I understand it, for this particular scheme, it is a BHCC requirement that some locations around the proposed scheme are to be used for a specific pedestrian activity throughout the year. In this situation, it is obviously important that the worst-case season is considered by the applicant. For some areas (e.g. amenity spaces), if the wind conditions are such that they prevent usage at times throughout the year, this can be a material consideration. Additional areas of discomfort were identified between 1, John Street and proposed Block A and on rooftop terraces following worst case scenario (winter) testing. The areas identified as unsuitable are for 91-94% of the time or on average 3 days a month in winter.

6. MATERIAL CONSIDERATIONS

- 6.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report
- 6.2 The development plan is:
Brighton & Hove City Plan Part One (adopted March 2016);
Brighton & Hove Local Plan 2005 (retained policies March 2016);
East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);

East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);

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

7. **POLICIES**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

DA5 Eastern Road and Edward Street Area

SA6 Sustainable neighbourhoods

CP1 Housing Delivery

CP2 Sustainable Economic Development

CP3 Employment Land

CP4 Retail Provision

CP7 Infrastructure and developer contributions

CP8 Sustainable buildings

CP9 Sustainable transport

CP10 Biodiversity

CP11 Flood risk

CP12 Urban design

CP13 Public streets and spaces

CP14 Housing Density

CP15 Heritage

CP16 Open space

CP17 Sports provision

CP18 Healthy City

CP19 Housing Mix

CP20 Affordable Housing

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

TR4 Travel plans

TR7 Safe Development

TR14 Cycle access and parking

TR18 Parking for people with a mobility related disability

SU3 Water resources and their quality

SU5 Surface water and foul sewage disposal infrastructure

SU9 Pollution and nuisance control

SU10 Noise Nuisance

SU11 Polluted land and buildings

QD5 Design - street frontages

QD15 Landscape design

QD16 Trees and hedgerows

QD18 Species protection

QD25 External lighting

QD27 Protection of amenity

HO19 New community facilities

SR5 Town and district shopping centres

SR12 Large Use Class A3 (food and drink) venues and Use Class A4 pubs

and clubs)

NC4 Sites of Nature Conservation importance (SNCIs) and Regionally Important Geological Sites

HE3 Development affecting the setting of a listed building.

HE6 Development within or affecting the setting of conservation areas.

HE11 Historic parks and gardens

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste

SPD06 Trees & Development Sites

SPD11 Nature Conservation & Development

SPD14 Parking

Edward Street Quarter Planning Brief September 2013

Developer Contributions Technical Guidance

8. **CONSIDERATIONS AND ASSESSMENT**

8.1 The main considerations under this development are the principle of the development of a mixed scheme of B1a) offices and residential units together with a flexible mix of retail, small business units and/or potentially Class D1 community uses. The quantum of affordable housing provision proposed has been assessed against a Viability Assessment submitted with the application. The density, building heights and design and appearance of the development together with the layout of open space and landscaping within the development have been assessed. The wider impacts of the proposals on the townscape and the impact on heritage assets within the city is also a key consideration. Key amenity and sustainability characteristics have also been assessed including daylight/sunlight and potential noise impacts, neighbour impacts, sustainability issues including transport impacts, microclimate, air quality and ecology.

8.2 Principle of development

The application is within the Policy DA5 (Eastern Road and Edward Street) strategic development area and is part of a larger site allocation which includes the adjacent Job Centre identified as the Edward Street Quarter (ESQ). The allocation seeks 15,000 - 20,000 sq. m of B1 a) office floorspace as well as a minimum of 65 residential units with ancillary shops and cafes. A high quality design is sought which would enhance the public realm in this location including public art and improvements to Dorset Gardens as well as sustainable transport improvements. The policy anticipated a development brief for the site which was produced in 2013 (Edward Street Quarter). The brief covered a wider area including John Street Police Station, the Law Courts and Dorset Gardens.

8.3 It is important to note that the residential requirement is stated as a minimum and not a maximum. A number of objections have referred to the numbers quoted objecting to the larger numbers of residential units proposed to support their belief that this proposal would result in an overdevelopment of the site. Considerations of what would be an acceptable number of units should take account of impacts on the townscape, streetscene and neighbouring buildings which is considered later.

- 8.4 The site is considered to be primarily an employment site since its location in proximity to other key employment sites and buildings lends itself to that use. There is recognition that the area is mixed in character and that a residential element would also enable a viable scheme to come forward to regenerate this site and area.
- 8.5 The brief includes an indicative site layout for accommodating the quantum of development and the scheme has generally followed the guidance on site layout and land uses. The office buildings are located on John Street and Edward Street with the residential blocks on the eastern half facing White Street dwellings. The brief illustrates buildings that are all, by policy definition, 'Tall buildings' being 6 storeys and above. The brief also shows retail and commercial ground floor uses which should have active frontages around the site as well as some small business units. The quantum of retail illustrated in the brief is significantly more extensive than proposed, mindful of objectors concerns about impacts on the nearby St James' Street District Centre. The amount of retail proposed, being less than 1000 sq. m. Gross Internal floorspace would not require a Retail Impact Assessment which would probably have been the case if the brief had been followed. The proposals also include space for small business units in Blocks E and F which are sought in the brief.
- 8.6 A group of local residents have submitted an alternative neighbourhood plan which it is considered would be meet all of the City Plan requirements. The Local Planning Authority is required to determine the development proposal in front of it. Notwithstanding, the resident plan has no indication of floorspace or residential units but it appears that the plan would not provide the minimum commercial floorspace required by the City Plan and would not comply with the adopted Development Brief which was subject to wide public consultation.
- 8.7 A Financial Viability Appraisal has been undertaken by the applicant that has calculated that 20% is the maximum amount of affordable housing that can be provided on the site without making the development unviable. This equates to 33 affordable housing units which are proposed. The tenure mix of the affordable housing is 55% affordable rent and 45% shared ownership. This Appraisal has been independently verified by the District Valuer with S106 contributions totalling £941,727. The proposal therefore accords with Policy CP20 Affordable Housing and paragraph 173 of the NPPF which requires local planning authorities ensure that development viability is not threatened by the scale of obligations and policy burdens.
A Statement of Common Ground between the applicants and the District Valuer has been placed on the Planning Register as a public document.
- 8.8 Design, access and appearance
The proposed development has a modern design but reflects some of the historical proportions and elements in the facades from the more historical development in the locality particularly in the East Cliff Conservation Area. All of the buildings proposed except Block B would be brick clad.

- 8.9 Block A (offices) at 6 storeys is appropriately scaled and would step down from the taller no. 1, John Street which itself has layers of height stepping down from 9 storeys. John Street features large scale single use non-residential developments. The window proportions are tall and narrow to emphasise verticality but reduce in size at top floor echoing classical facades in the city. The windows would have deep reveals with contrasting materials and a change in material colours in the centre column to all floors announces the ground floor main entrance. The vertical emphasis on this building was sought by officers and is welcomed as the west elevation would be visible in key longer views. The amended plans propose increasing the depth of the building by a metre to the rear into the courtyard as part of reducing the height of Block C by a storey.
- 8.10 Block B would only be visible from within the scheme or the Public right of way and at 3 storeys would not be prominent. It would be clad in contrasting bronze coloured metallic curtain wall system to Blocks A and C and it serves to link those two buildings and define the public square as well as providing access into it from the north. It would have a smaller scale to avoid an overbearing impact on the Public right of way which has 4 short flights of steps up from John Street and would allow more natural light into Blocks A and C but it would also act as buffer for the public square when the wind is coming from a northerly direction. Amended plans for Block B would increase its depth by 1.5m into the courtyard also to compensate for the loss of a storey on Block C which is acceptable.
- 8.11 Block C mimics Block A in appearance as the prime large scale commercial office uses on the site. Site analysis and officer advice was to focus taller elements of the scheme in the centre of the site to minimise neighbour impacts and require less massing on John Street whilst still achieving policy land use compliance. This building has however undergone the most significant amendments following submission. Concerns of officers, heritage interests and many objectors about its impact in longer views from the Royal Pavilion Gardens and from across Valley Gardens, coupled with concerns about the appearance of its blank upper facades due to the siting of roof plant have led to design amendments. The top floor has been removed and the internal layout amended so that plant has been relocated to the east side of the building where views are less sensitive and the topography limits those long views. This also would allow more glazing on the west elevation and avoid blank facades. The depth of the building has been increased by 1 metre into the public courtyard. It is considered that the scale and appearance of the commercial elements of this proposal are appropriate and of high quality appearance with the use of modelling, façade treatments and materials and would meet the expectations of the site allocation, the development brief and conforms with design policies in particular CP12 of the Brighton and Hove City Plan Part One.
- 8.12 Block D is the largest of the residential blocks. The elevational treatment of the residential blocks contrasts with the commercial buildings but would still feature primarily brick but in darker tones and colours. The building has a clear break in the façade by recessing the core in the centre and the building steps down a storey to 6 storeys to follow the site contours. Further modelling of the façade by using recessed balconies and window reveals, contrasting materials and strong

parapet lines is considered would provide a design and appearance to the development of high quality. Whilst the scale has been criticised by objectors in respect of its relationship with White Street properties, this scale of built form was anticipated in the Edward Street Quarter brief that has been referred to by objectors as having been departed from. Block D should be compared with the scale of the demolished Amex House which at 9 storeys once dominated the domestic scale of White Street without providing the visual relief in the massing that the proposed development would using visual and spatial breaks such as the re-introduction of Mighell Street and the public and private amenity space integrated into the scheme as the development brief required. Block D steps down in height towards the front of the site down the slope of the hill. A number of objectors have stated that the development does not step down the hill but the drawings show that there would be a stepping down. The core has been relocated towards the rear of the building to improve the linkage between the ground floor non-residential uses.

- 8.13 Block E would reduce in scale and height towards the south east corner to reflect the more domestic scale of the established urban form in the residential streets east of the site. Rather than a contrived gradual stepping down which goes against the topography where Edward Street drops down to the west, a strong 6 storey section forms part of the south entry point into Mighell Street and then drops to 4 storeys. This is considered to be an appropriate response to the scale and form of the location and adjoining properties. Whilst the Development brief anticipated infilling the corner, the proposals have left it open as it is now, primarily to enable light into the scheme. The Regional Design Panel's concerns over leaving an open space with no sense of ownership has been addressed by creating an entrance into Block E which is articulated through the architecture as requested by officers and not relying solely on public art for example. The east elevations have been enhanced by providing more articulation to them and creating a stronger corner piece to this prominent part of the development. Landscaping and siting of cycle stands will help to provide activity here.
- 8.14 Block F is one of the tallest elements and its south frontage needs to be sensitive to the impact on Dorset Gardens and the setting of the Conservation area. Objectors have commented upon how bringing the building line of this larger building forward would result in an over dominant appearance and could create a canyon effect in the streetscene. That is a valid concern with tall buildings fronting the highway and public realm. Edward Street, as described in the development brief, currently provides a poor urban environment with a wide dual carriageway creating a physical barrier and has a disparate group of visually disconnected buildings which needs to be connected by good quality public realm that appears to be cared for with well-connected pedestrian links. Whilst the former AMEX office had a large area of amenity space, it was poorly defined and facing onto a busy road.
- 8.15 The east and particularly the west elevation of Block F were a cause for concern in the Edward Street streetscene and the longer views from Royal Pavilion Gardens. The west elevation has been amended by introducing a 'hit and miss' brick design which provides variety in the elevational treatment that could be seen from distance and would provide light and shade. The east elevation would

be more coordinated in respect of the windows layout and parapet lines and relationship with other blocks, principally D and E, in the scheme. These changes have now addressed the original objections of the Heritage Officer who has no objections now and would be a welcome response to public comments and officer concerns that the elevational treatment was not of sufficient quality and lacked imagination.

8.16 Landscaping

A Landscape masterplan has been submitted with the proposals which would include the three main landscaped areas as well as the site frontages and roof tops. The area enclosed by Blocks A, B and C would have a 'Games Garden' theme, with tree planting and a series of shallow steps and shallow meandering ramps interspersed with planting. There would be places for recreation such as table tennis, boules etc and for relaxation and socialising for use primarily by office workers or the public overlooked by a retail/café use. The undercroft to Block B would be a raised event space or stage with folding doors to close off the thoroughfare at night. Ground treatment throughout would be hard surfaced or binding gravel with understorey planting.

8.17 Mighell Street and the events area would feature series of shallow terraces with central tree planting. This would be a public street through the site and the paving would continue the granite paving matching the existing northern stretch and self-binding gravel. Steel retaining edges would define the terraces and planting areas and timber topped benches providing seating.

8.18 The third main area would be the residents' communal garden behind Block D which would provide play space comprising some traditional play structures and sand whilst the lower (southern) end would feature woodland themes, slides and stepping stones. Materials would be granulated rubber surfaced play paths, raised planted embankments with trees and understorey planting. Ground floor residents would have direct access to the play area.

8.19 New tree planting would be provided on the Edward Street frontage in front of Blocks E and F whilst tree planting, a circular bench and a rain garden and climbing plants would feature at the Edward Street/White Street corner fronting Block E.

8.20 On the roof tops, biodiversity roofs would be provided on every block. Whilst Blocks C - F would have roof gardens amenity space as well as raised beds and a raised lawn area.

8.21 Soft landscaping would feature pine and birch trees in the 'Games Garden' with ferns and winter flowering bulbs on the steep banks. Mighell Street and the residents' garden areas would feature low level planting chosen to retain their colour throughout most of the year. Upper resident garden areas would have a maritime planting theme and the lower end would feature more ever green planting.

8.22 Townscape/ Visual Impact Analysis

A series of viewpoints of the proposed development to be tested were agreed with the applicants prior to submission of the application and modelling of height and massing were tested against these views. A Heritage, Townscape and Visual Impact Assessment was submitted with the application. Some the viewpoints were considered to be very sensitive especially the view from Royal Pavilion Gardens (View nos. 3 - 4) in summer and winter and Dorset Gardens (View nos. 1 - 2) thus verified views have been prepared. For less sensitive views, the applicants have submitted wirelines or non-verified views for very long views or with limited heritage impacts such as the view from Queens Road across Valley Gardens facing looking east.

- 8.23 Concerns have been expressed by the Heritage Officer, the Regional Design Panel and amenity societies (but notably not Historic England) about the impact on the most sensitive views described above. During consideration of the application, officers maintained the opinion that despite previous reductions, the height of Block C would have a harmful impact on the setting of the Royal Pavilion particularly from the south side of the gardens (View no. 4) where the blocks would coalesce with the minarets of the Royal Pavilion. Following the reduction in height of Block C when viewed from the footpath in View no.4, the impact would become minor in winter and negligible in summer.
- 8.24 In View no. 3 (café) there was less of an issue of coalescence but the blank facades on Blocks C and F were harmful to the skyline and the setting of the Royal Pavilion contrary to policy CP15 of the Brighton and Hove City Plan Part 1. In View 3 the gap between 1, John Street and The Royal Pavilion is dominated by a pair of mid-20th century brick and concrete towers (Tyson Place and St John's Mount) in the Carlton Hill neighbourhood. The original elevations displayed unfortunate echoes of this vernacular. The re-modelling of these west facing elevations by switching top floor roof plant to the east side of buildings and providing a patterned façade to Block F using 'hit and miss' brickwork would provide a dappled or light and shade effect to the façade. The revised elevations are a significant improvement from those originally submitted and would have the benefit of obscuring the existing tower blocks.
- 8.25 As requested by Historic England, the applicants have submitted a nighttime view from the Royal Pavilion Gardens and Historic England has been re-consulted. No further comments have been received however the Heritage Officer has no concerns about this nighttime impact of the lighting. Nevertheless, the case officer has sought confirmation from the applicants that the offices would be fitted with motion sensor lighting (as referred to in the Sustainability and Energy Assessment) to mitigate the impacts of lighting after dark in the interests of visual amenity, energy saving and the amenity of nearby residents. This would comply with policies CP8 and CP20 of the Brighton and Hove City Plan and QD27 of the Brighton and Hove Local Plan.
- 8.26 The Heritage Officer considers that in views from Dorset Gardens, the scheme would positively enhance the setting by creating a better sense of enclosure and providing a visual focus to the north. The residential elevations were considered to require further refinement to mitigate their bulk and avoid repetitious elevations. Some of these concerns had been addressed by reducing the width

of the frontage of Block F and the height was reduced prior to submission but it is considered that the amendments to the elevations now address the previous concerns. The strong parapet line would be aligned horizontally with the parapet lines of buildings in Dorset Gardens in this view. The impact on the setting of the East Cliff Conservation Area would be positive as well.

It is considered that the revised proposals would now address those outstanding concerns about the impacts on the setting of heritage assets primarily The Royal Pavilion and Dorset Gardens. It is considered that in respect of design and heritage interests, the proposals would accord with policy CP12 of the Brighton and Hove City Plan Part One and policies HE3, HE6 and HE11 of the Brighton and Hove Local Plan and are acceptable.

8.27 Impact on amenity (Privacy/Noise/Lighting)

A noise assessment was submitted with the application and has been reviewed by the Environmental Health Officer. The report covered measures to meet recommended standards for protecting residents/users from noise sources including plant noise. It is considered that appropriate soundproofing if implemented correctly could achieve acceptable standards. It has been recommended that conditions governing soundproofing of buildings and residential units are applied. The two larger ground floor units which could be retail/café uses under A1/A3 are located in the middle of the site at the base of Block C (B1 offices) and at the north end of Block D (residential) fronting Mighell Street (as extended) and opposite the Block C offices. It is recommended that the commercial units be restricted from trading except between 0700 - 2300 hours including Sundays and Bank Holidays. It is also recommended that the use of any outdoor seating areas within the demise of the A1/A3 Class commercial units are restricted to 0900 - 2100 hours every day including Sundays and Bank Holidays.

8.28 The submitted landscaping scheme includes an indicative lighting strategy which covers the public and private amenity areas including Mighell Street. The purpose of the lighting would be to provide a welcoming environment after dark and contribute to a safe and secure public realm. Consideration has been given to minimise light pollution to neighbouring properties. LED lighting which is wildlife friendly would be used. A lighting condition would be applied to ensure that all lighting meets the Institution of Lighting Engineers (ILE) "Guidance Notes for the Reduction of Obtrusive Light GN01".

Whilst it was adjudged by Historic England and the Heritage Officer that the night time views of the development from the Royal Pavilion would not have a harmful impact on the setting of the Royal Pavilion. However the images do illustrate that after dark the development would add to the nighttime glow on this elevated location. Lighting of tall buildings in the city particularly on higher ground is an amenity issue both in terms of background settings and residential amenity. Historically when the former American Express building was sited here, the Council's Environmental Protection team received complaints about office lights being left on late or all night shining into residents' dwellings. The new office building at 1, John Street was required to have Motion Sensor Lighting (MSL) installed to avoid unused space being unnecessarily lit up after dark. It can also be seen lit up after dark in key views across the city. The upper floors of the tower blocks on Preston Barracks are required to install MSL in the

student accommodation communal areas and corridors for visual amenity reasons. Block C of this proposal, in particular, would be sited at close proximity to new residential dwellings and could create amenity issues due to intrusive lighting. It is to be welcomed that the applicants have committed to install this type of lighting into the office blocks proposed which will mitigate the impact of lighting on visual and amenity impacts.

- 8.29 Privacy - Issues of privacy have been raised by residents of White Street in particular concerned about the relationship between Block D and the backs of their dwellings. The building line of blocks D and E have been sited on the same building line of the former AMEX House such that in terms of proximity there would be no change in the relationship for mid-terrace dwellings. The separating distance would be 17m from the blocks to the nearest windows in the outriggers of the terraced dwellings and at least 20 metres to their main windows. This is considered to be an acceptable separating distance in a high density urban environment. It should be noted that the front windows of White Street dwellings face each other across the street with a separation of only 13.8m which is not untypical in a Victorian streetscene. On the higher floors (above 2nd floor) of Blocks D the flats would have an outlook over the roofs of White Street dwellings and any potential aspect downwards would be quite oblique. Some residents of White Street have referred to the former offices on this site having obscured glass to protect privacy. The material considerations are different in the case of proposed residential units. Windows to offices would have been occupied by staff all day as an employment use (and in the case of American Express 24 hours a day). Rooms in residential flats are more intermittently used and mainly in evenings thus mitigating any perceived loss of privacy. It would not however be acceptable for the proposed residential units to have obscured glazing to habitable rooms.
- 8.30 Block D has some east facing balconies which are recessed thus maintaining the 20 metre separation from neighbouring properties. The recessed balconies would also restrict the outlook of the occupants. The windows to the residential elevations would be full depth to floor levels thus it is not considered that the balconies would result in unacceptable loss of privacy impacts where the balcony railings would be 1.1 metre in height with an ornate vertical railing design which would obscure outlook from a seated position.
- 8.31 The other area where privacy could be an issue is at the lower end of the extended Mighell Street where flats in Blocks E and F would face each other across the new street with a separating distance of 14 metres. This would also be not untypical of high density urban living and the new residents' privacy would be an existing circumstance from first occupation.
- 8.32 Daylight/sunlight
The application is accompanied by a Daylight/Sunlight Assessment which has looked at existing neighbouring properties and the proposed development focussed on the residential units and amenity space on and around the site. The assessment has followed the Building Research Establishment (BRE) Guidelines. The assessment has been considered against a baseline of the site prior to demolition of the former AMEX House which was completed at the end

of 2017. Whilst some residents have stated that the assessment should be based upon the current empty site, it should be borne in mind that had there not been a requirement under the S106 agreement for the new American Express office to demolish the old office within 6 years of planning consent being granted, this application would be considering the redevelopment of the site and a building which had stood for 40 years on the site.

- 8.33 The daylight assessment has considered the potential impacts on residential properties on both east and west sides of White Street. The dwellings on the west side (odd numbers) are two storey fronting White Street but with a lower ground floor at the back with small rear gardens enclosed by boundary walls. Some of these properties would experience a positive or negative change which would be negligible or significant. Rooms at the rear are generally kitchens or dining rooms or in some cases through lounge/diners with bedrooms and bathrooms above. Other properties which have been assessed are No. 154 Edward Street, opposite the site to the south, which is a large former office building now in educational use as the University of Brighton. The daylight assessment also considered 33/34 Mighell Street to the north and 1 Dorset Gardens, a residential property opposite the site to the south with flank windows facing the site.
- 8.34 The current proposal has its east flank sited on the same building line as the east building line of the former AMEX House which was built directly opposite nos. 7 - 27 (odd) White Street. AMEX House also had a two storey annexe building sited closer and almost abutting the rear garden walls of nos. 11 - 19 White Street. Block D which is part 7 and 6 storeys would face the rear of White Street dwellings. Nos. 1 and 3 White Street at the lower end and Nos 29 and 31 did not face directly onto AMEX House. However nos. 29 and 31 are now enclosed by the new data building of 1, John Street. As a further comparison, AMEX House was 9 storeys in height and had a datum level of 61.3m at its highest point. The proposed Block D would have a datum level between 52.3 m and 49.7m, an equivalent of 3-4 storeys lower. Opposite nos. 1 and 3 White Street, Block D is at 4 storeys. To the south, Block E would be 4 storeys in height enclosing the proposed rear amenity gardens. The proposed Block D would therefore be at least 8.5 m lower (or 3 storeys) than AMEX House and no closer to dwellings opposite. At the lower end of the site, the comparison would be 4 storeys noting that AMEX House sat on a podium and did not step down the hill as the current proposal would and which objectors have called for.
- 8.35 As a consequence of the lower height of Block D, the daylight assessment results measured by Vertical Sky Component (VSC) show that the daylight levels to rear windows at no. 7 and nos. 11-31 would be marginally enhanced compared to when AMEX House was in situ. No. 9 would have a marginal loss of daylight but well within acceptable BRE guidelines.
- 8.36 There are 3 dwellings (nos. 1- 5) where the loss of daylight would be beyond BRE guidelines for 8 out of their 12 windows at the rear. However the actual resultant daylight levels for these 3 dwellings are comparable with a number of dwellings in the rest of the terrace. The daylight impacts have been mitigated by modifications of the design and massing by reducing part of Block D to 4 storeys

part and by not infilling the south east corner of Block E. It is considered therefore that taking a balanced view of daylight impacts for most properties that the overall impact on daylight levels in the terrace would be acceptable.

- 8.37 Internal daylight levels to the proposed residential units have been assessed and nearly 93% of habitable rooms would meet the BRE guidance. Including a small proportion of rooms that would achieve a fraction of 1% below the guidance, the overall pass rate would rise to 96.5%. This pass rate has improved following the revisions to the scheme and is considered to be a high pass rate for a high density urban development. It reflects how the site layout, the arrangement of flats and the internal layout of each dwelling has been carefully considered to maximise daylight levels and provide good quality accommodation in terms of amenity.
- 8.38 The assessment has analysed the amount of sunlight received on the ground in neighbouring dwellings and compared that with the predicted amounts. The BRE guidelines recommend that there should be 2 hours of sunlight per day on 21st March. The rear gardens on White Street face a north west direction. Currently only 7 dwellings on White Street (west) meet the guidance and only on 25% of the whole garden area. The dwellings at the lower end of White Street not directly facing AMEX House also did not previously meet the guidance at baseline level. For example, none of the rear garden of No 5 received 2 hours of sunlight on 21st March. The impact of the proposals on sunlight levels to rear gardens against BRE guidance would be no change for most of these dwellings. Nos 1 and 3, White Street would lose less than 20% of coverage of the garden area that did receive 2 hours of sunlight on 21st March. It is not considered therefore that the proposals would cause demonstrable harm in respect of sunlight to existing outdoor areas.
- 8.39 The transient overshadowing levels to the proposed outside ground areas within the new development has been assessed also. There are three main areas, two of which are public and one private amenity space to the residential blocks. Neighbouring dwellings were also assessed at 21st March, 21st June and 21st December. In March there was found to be some additional shadowing on nos. 1 - 7 (odd) White Street from noon to 3pm and on nos.1-3 in summer. For the majority in this terrace, there would be no change since their own garden walls would still cause the first shadows of the late afternoon. Shadows caused by the development itself would appear later in the day compared to when AMEX House was in situ. In December the overshadowing to rear gardens would be unchanged due to the lower height of the sun in the sky.
- 8.40 The newly created public amenity areas including the extension to Mighell Street would receive over 3 - 4 hours of sunlight on March 21st exceeding the BRE guidelines.
- 8.41 Microclimate/Wind Impacts
The Wind Impact Assessment has been reviewed by the BRE. The revised submission of the analysis of the wind impacts has also considered the worst case scenarios ie winter for the activities would still take place outdoors particularly in this City such as café seating, proposed landscaped amenity

space both public and private within the scheme and around the site and the newly created pedestrian walking routes. The assessment has also considered data from two locations now (Shoreham and Thorney Island) in response to concern that Shoreham data could overestimate wind impacts and hence discomfort levels. The applicants have stated that the proposed mitigation as tested has eradicated exceedances of safety criteria. The BRE have expressed concerns about discomfort and not safety but are concerned about the times when there would still be discomfort in certain locations for up to an additional 2-4 days a month in winter for the activities identified. The applicants have stated that where this would occur in existing locations around the site itself, the occurrences would be marginally less than occur now.

8.42 The location with the biggest impact would be the existing bus stop on Edward Street in front of Block E. The applicants have offered to agree to a condition, re-testing the impacts post development and in the case of the bus stop, provision of a bus shelter would be the obvious mitigation. The other two locations off site where there could be a marginal deterioration are on John Street and the applicants suggest that street tree planting could help mitigate this impact and similarly for on-site locations, more planting and screening could achieve the requirement for long term sitting in winter. This is considered to be an acceptable solution but it is considered that the bus shelter should be provided based upon the submitted assessment. This provision would not be taken from the proposed Transport financial contribution in respect of a shelter itself.

8.43 Sustainable drainage

The site is in Flood Zone 1 which is defined by the Environment Agency as having a less than 1:1000 annual probability of river or sea flooding. Policy CP11 requires developments to provide appropriate sustainable drainage systems (SUDS) in order to avoid any increase in flood risk and to ideally reduce flood risk. The site currently provides negligible sustainable drainage systems. The land surrounding the former AMEX House was entirely hard surfaced with a handful of trees on site which are still present in the south east corner. The site is underlain by South Downs chalk and is therefore unsuitable for the implementation of infiltration techniques. The intention is also to retain the existing basement slab for the car and cycle parking, servicing, plant and residential storage.

8.44 The applicants have however proposed a variety of SUDS features including extensive green roofs (as outlined above) and permeable paving as sought at pre-application stage. The applicants were advised to achieve betterment from the current situation which the scheme would achieve. The Flood Risk Manager has noted that the reduction in run-off is constraints of the site. Attenuation would be provided by green roofs and cellular podium storage which holds water until it can be released more evenly. Tree pits would also be used for new tree planting proposed. The Flood Risk Manager has recommended approval to the proposals subject to conditions. A detailed strategy and maintenance plan would be required to ensure that the SUDS would operate effectively which could be covered by conditions. It is considered that the proposals would comply with policy CP11 and would be acceptable.

8.45 Sustainable transport

The proposed development has addressed key elements of the Council's transport policies. The number of parking spaces provided within the development is constrained by the site and it is proposed to occupy the previous basement parking area that existed on site underneath AMEX House. It is considered that 54 spaces would be acceptable including 11 disabled parking bays. The number of parking spaces would be below the maximum that would be permitted on site and therefore complies with SDP14 and this is supported by the Transport Manager. The site is in a central location with high public transport accessibility and is surrounded by Controlled Parking Zones. 10% of parking spaces would be suitable for electric vehicles in accordance with SPD14 and the applicants have now agreed to provide 100% of the remaining spaces with passive provision ready to be converted in the future which exceeds the 10% policy requirement. The Transport Officer has recommended a condition restricting access to resident parking permits for new resident occupiers of the development. A condition would require a car parking management plan governing allocations of parking spaces to residents.

8.46 Cycle parking for occupants and employees of the development would be provided in the basement. The provision has been amended since submission to provide a greater proportion (50%) of Sheffield Stands with the remainder as two-tier stacking type. The numbers of cycle spaces would be policy compliant but has reduced from the original to improve the type of provision and space standards. Residential and workplace cycle storage would have separate provision. Visitor cycle parking has also been proposed at street level and within the site and contributions towards the city's 'Bikeshare' scheme would be secured.

8.47 One other concern has been the servicing and delivery provision on site. The Transport Manager considers that estimates of such trips may be conservative and has sought a bond of £40,000 to cover additional on street servicing provision around the site that may be necessary following monitoring of the occupied development.

8.48 The front of the site on Edward Street itself has an old bus stop inset which is now used to provide cycle parking and 'bike share' bikes. The amended application proposed to extend this but officers have raised concerns about the impact on the width of the resultant footway where the applicants land extends outwards and the ability to successfully plant street trees. Officers' preference would be for the bike share spaces to be re-located onto John Street closer to the office entrance. Details would need to be agreed by condition and under the S278 highway works. The lay-by is recommended for small scale loading and deliveries by the Transport Manager with the basement used for large scale deliveries/refuse/recycling collection as proposed. The latter has been agreed with Cityclean prior to submission where vehicles would be able to turn around and exit in a forward gear. The Transport Officer has requested a Servicing and Delivery Management Plan to be provided as a condition of any planning permission.

- 8.49 The applicants would be required to provide additional contributions towards sustainable transport measures as set out in the Heads of Terms and the Transport Manager have identified potential measures prioritising those measures suggested in the Development Brief as well as Travel Plan measures. These could include an informal crossing point between the site and the nearest westbound bus stop to the east of the site. Improved cycle access south of the site to St James' Street and the seafront as well as pedestrian improvements to streets in the vicinity of the site to include improved pedestrian routes and access to Dorset Gardens and into the Peace Gardens themselves. Upgrades to nearby bus stops such as Real Time Indicators and bus shelters could be sought.
- 8.50 The Transport team has recommended a condition requiring a full cycling and pedestrian infrastructure survey to be carried out within the vicinity of the site to assess where enhancements should be provided.
- 8.51 Pedestrian access through the site and in the area would be enhanced and improved by the extension of Mighell Street re-introducing a historic road that was lost linking Carlton Hill with Edward Street and south onto St James' Street. This was a key requirement of the Development Brief following stage 1 of the re-introduction at the time of the development of 1, John Street. A link would also be established from Edward Street to John Street through the site during the daytime and early evenings secured by a Walkways agreement. Access would be secured by a walkways agreement as part of a S106 agreement. It is considered that the proposals would benefit the regeneration of the locality and reinstate public access through this site that once existed historically and would comply with policies TR7 of the Local Plan and CP13 of the City Plan Part One.
- 8.52 Air Quality
The Council's Air Quality Officer considers that in combination with cumulative increase in traffic, negligible impacts to roadside pollution are predicted for Edward Street, Eastern Road and for Valley Gardens including adjacent with Grand Parade. At this time nitrogen dioxide concentrations are compliant along the section of Edward Street bounding the proposed development land. Positive aspects of the proposal also include the fact that there would be no major combustion plant on site. There would be a policy compliant provision of cycle parking on site and relatively modest amount of car parking on site which would discourage car ownership/trips by the occupants. The applicant's agreement to provide 100% readiness for electric vehicle charging on site is welcomed. The Air Quality Officer seeks to minimise construction traffic routes through the AQMA as part of the Construction and Environmental Management Plan (CEMP). The Air Quality Officer has recommended approval subject to conditions.
- 8.53 A local resident has raised a concern about the proximity of proposed north facing residential units in Block D to the generator within the existing American Express data building on Mighell Street to the north of the site. The generator is required to be tested regularly. An assessment into potential impacts on new occupiers by the applicant into the frequency, nature and length of testing have

been submitted to the Planning Authority and reviewed by the Air Quality Officer.

8.54 Block D is 7 storeys and the north facing windows serve two flats per floor and would have secondary windows to the living/dining rooms where the main windows face east or west. The data building is the equivalent of 4 storeys in height and the chimney duct is on the south side of the roof with a lateral separating distance of 6 metres. Due to land levels the chimney would extract above the fourth floor of Block D. The fifth floor flats would have the same layout as floors below but the top floor is a single flat with an east-west aspect and no north facing windows but would have a covered roof outdoor terrace with a mainly west facing aspect.

8.55 The Air Quality Officer considers that the information submitted in respect of the Data building and the relationship with the new development is thorough and it has been demonstrated there would be no significant impacts from testing the chimney on the nearest new residents and any discharges would present a negligible contribution when compared to the national air quality strategy limits. The increased proposed electric vehicle ready spaces to 100% are welcomed by the Air Quality Officer. It is welcomed that the development does not propose major combustion plant on site with emissions to air or deliveries of biomass. The proposals would be acceptable in terms of impact on air quality and would meet policy SU9 of the Brighton and Hove Local Plan.

8.56 Ecology

The site currently has very little ecological value as it comprises a large excavated site down to the previous concrete basement car park. Along the eastern edge is a strip with some small introduced shrub and four trees of limited value in the south east corner. The Council's Ecologist thinks that it is unlikely that the site supports protected species. In contrast, the landscaping and sustainable design measures proposed would introduce a significant enhancement of the site's potential to support ecology including wildlife. The private amenity space would include a planted terrace with grasses and trees of a coastal nature and the lower gardens with more woodland and orchard themed planting with under planting and fruit trees. Tree planting is also proposed on Mighell Street and shrub planting. The Games garden would have birch trees, for example and fern planting on embankments. In total 128 trees are proposed for planting across the site. Every roof would have biodiversity roofs. It is considered that the ecological value of the site would be significantly enhanced and the proposals would comply with policy CP10 of the City Plan.

8.57 Arboriculture

An objection was initially expressed by the Council's Arboriculturalist about the loss of some street trees particularly at the corner of Edward Street and White Street (adjacent to No.1, White Street) and the reduction in proposed street tree planting under the revised plans. The loss of less significant species at the front is not opposed. The key concern is to identify a strong planting and landscaping strategy. This has prompted the rejection of the extended lay-by on Edward Street. The applicants have investigated the possibility of retaining the large species of sycamores adjacent to No. 1, White Street but have stated that due

to the gradients required and the need to provide wheelchair ramped access into Block E and an enhanced landscape area, retention of these trees is not possible. Instead the applicants are proposing new tree planting. Whilst there are 128 trees proposed to be planted as part of a landscape scheme, due to site constraints such as the basement, the Arboriculturalist does not consider that any of them could achieve the growth of those to be removed. Whilst it would appear to be difficult to retain all of the trees on this corner it would be dependent on the final design of the level changes and access arrangements involved. These details have yet to be finalised and therefore, it is proposed that a condition be imposed requiring a more detailed study and layout be submitted with the objective of securing level or ramped access into Block E whilst retaining as many trees as possible.

8.58 The potential to plant trees partly on highway land has also been investigated but unfortunately due to existing underground services on the public highway identified following a survey, this would not be possible given the narrow stretch of footway in private ownership. Tree planting on the site frontage would be limited to the land within the applicant's ownership which would have an insufficient width to accommodate significant tree planting in the Council Arboriculturalist's opinion. The loss of these trees is regrettable but replacements will be sought in nearby spaces in the Council's ownership such as the John Street frontage and other areas of green space close to the site to mitigate the loss of mature street trees.

8.59 Sustainability

The proposals have adopted 3 principles which are minimising energy demand, an electric led development with resilience to climate change and maximising low and zero carbon technologies. The residential floorspace is predicted to achieve a 48% improvement in carbon emissions exceeding the policy requirement of 19%. The non-residential buildings are predicted to achieve a 22% improvement and thus the scheme would achieve a BREEAM rating of 'Excellent'. Passive design strategies have been incorporated with shading, orientation and glazing percentage taken account of. Rainwater and grey water would be incorporated into the water systems and photovoltaics are maximised on the non-residential roof tops. A commitment is given to achieving a consumption of 110 litres per person per day. The applicants are targeting 76% credits in the energy and water sections of BREEAM assessment and 89% for water which would exceed the 60% target for non-residential. The site would be future proofed to allow connection to a future district heat network. The proposed offices would have mixed mode ventilation utilising sea breeze for natural ventilation, presence detection system for lighting and communal air source heat pumps would be installed for the residential units and B1 offices.

8.60 The proposed development would incorporate a sustainability strategy which would go towards meeting and exceeding the Council's policies in the City Plan in particular CP8. The Council's sustainability adviser has confirmed that the proposals meet the policy well and recommends approval subject to conditions.

8.61 Habitats Regulations Assessment and Impact on Ashdown Forest SAC

Given the scale and nature of the application proposal, it has been considered under the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations) for potential in-combination impacts on the Natura 2000 (European) sites. Following a High Court judgment in March 2017 in response to a challenge by Wealden District Council to the Lewes District Joint Core Strategy, there is particular concern about the potential cumulative impact of air pollution resulting from increased traffic movements on the Ashdown Forest SAC.

To adequately assess the potential impacts, the applicant has submitted a Habitats Regulations Assessment: Shadow Screening Report (HRA) together with a Traffic Implications Review (TIR). A TIR takes into account the Annual Average Daily Traffic (AADT) generated by a proposal. If the results of the HRA screening are that the effect of a proposal in combination with other development on a Special Area of Conservation is likely to have significant effects, then appropriate assessment is required which evaluates the potential significant effects. This may lead to a need to identify mitigation measures.

The applicant's Traffic Implications Review and Habitats Regulations Assessment: Shadow Screening Report concludes that the uplift in traffic and the resulting impact on the Ashdown Forest generated by this proposal, would not be consequential enough to warrant an assessment which takes into account the effects of the proposal in combination with other development.

Taking account of the characteristics of other European sites within a 20km radius of the application site, it is considered that there is no potential for significant in-combination effects resulting from the application proposal. Therefore no detailed HRA screening for other European sites is considered necessary.

9. **EQUALITIES**

- 9.1 The proposed development would meet all of the Council's policies and standards in respect of accessible homes, compliance with legislation in the commercial floorspace and access across the whole site and provision of disabled parking spaces.

10. **S106 AGREEMENT**

- 10.1 In the event that the draft S106 agreement has not been signed by all parties, the application shall be refused for the following reasons:
1. The proposed development fails to provide affordable housing at a tenure split of 55% social/affordable rent and 45% Intermediate (shared ownership) contrary to policy CP20 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance, notwithstanding that the applicant's own Financial Viability Appraisal demonstrated that the scheme could viably provide 20% (33) affordable units as verified by the District Valuer Service.
 2. The proposed development fails to provide a financial contribution towards sustainable transport measures contrary to policies DA5, CP7 and CP9 of

the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.

3. The proposed development fails to provide access for the public to the extension to Mighell Street between Edwards Street and Mighell Street as well as the 'Games garden' area linking Edward Street with John Street contrary to policies CP7, CP9, CP12 and CP13 of the Brighton & Hove City Plan Part One.
4. The proposed development fails to provide a Framework Travel Plan to provide sustainable transport measures and incentives for the occupants of the proposed development contrary to policies TR4 of the Brighton and Hove Local Plan and DA5, CP7 and CP9 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
5. The proposed development fails to provide a S278 Agreement to provide essential highway works around the frontage of the site and the relocation of existing cycle parking that would be displaced by the development proposed contrary to policies CP7, CP9, CP12 and CP13 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
6. The proposed development fails to provide a financial contribution towards the City Council's Local Employment Scheme to support local people to employment within the construction industry contrary to policies CP2 and CP7 of the Brighton & Hove City Plan Part 1 and the City Council's Developer Contributions Technical Guidance.
7. The proposed development fails to provide an Employment and Training Strategy targeting a minimum of 20% local employment for the construction phase of the proposed development contrary to policies CP2 and CP7 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
8. The proposed development fails to provide a financial contribution towards the improvement and expansion of capacity of local schools required as a result of this proposed development contrary to policies DA5 and CP7 of the City Plan Part 1 and the City Council's Developer Contributions Technical Guidance.
9. The proposed development fails to provide a financial contribution towards the improvement and expansion of open space and recreation in the vicinity of the site required as a result of this proposed development contrary to policies DA5, CP7 and CP16 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
10. The proposed development fails to provide a financial contribution towards commissioned art on site or within the immediate vicinity of the site contrary to policies CP5 and CP7 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.

11. The proposed development fails to provide a Construction Environmental Management Plan (CEMP) to be implemented during the construction period contrary to policies SU9 and SU10 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
12. The proposed development fails to provide a Review Mechanism of Viability to ensure that any uplift in profit on Gross Development Value would be spent on further contributions towards affordable housing on or off site up to a maximum of 40% contrary to policies CP7 and CP20 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
13. The proposed development fails to provide a Phasing Plan to ensure that essential elements of the scheme are provided and in a timely manner and to comply with policies CP1, CP3 and DA5 of the Brighton & Hove City Plan Part One.