

<u>No:</u>	BH2018/02598	<u>Ward:</u>	St. Peter's And North Laine Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Longley Industrial Estate New England Street & Elder Place Brighton		
<u>Proposal:</u>	Demolition of existing buildings and redevelopment to provide: 3,270sqm of office/research/development floorspace (B1 (a)/(b) use), 308sqm of flexible commercial/retail floorspace fronting Elder Place (B1 (a)/(b) and A1-A4 use), 201 residential units (C3 use) in buildings ranging between 3 and 18 storeys plus roof plant level, together with associated car and cycle parking, further plant at lower ground level, supporting facilities and landscaping.		
<u>Officer:</u>	Maria Seale, tel: 292175	<u>Valid Date:</u>	23.08.2018
<u>Con Area:</u>		<u>Expiry Date:</u>	22.11.2018
<u>Listed Building Grade:</u>		<u>EOT:</u>	23.04.2019
<u>Agent:</u>	Savills 33 Margaret Street London W1G 0JD		
<u>Applicant:</u>	Legal & General Investment Management C/O Savills 33 Margaret Street London W1G 0JD		

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be MINDED TO GRANT planning permission subject to a s106 agreement on the Heads of Terms set out below and the following Conditions and Informatives as set out hereunder, SAVE THAT should the s106 Planning Obligation not be completed on or before the **26th June 2019** the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 11.2 of this report:

Section 106 Head of Terms:

1. **Build to Rent Housing:**

- A restriction that all homes are held as 'Build to Rent' under a covenant for at least 15 years
- Inclusion of a 'clawback' arrangement to fund the consequent affordable housing requirement in the event of any private rented or affordable housing being sold or taken out of the Build to Rent sector

based on values of units at that particular time (as assessed for viability)

- All units to be self-contained and let separately under unified ownership and management
- Submission of a Management and Servicing Agreement
- Submission of a Marketing Agreement
- Submission of a Tenancy Agreement, for example of at least 3 years available to all tenants (unless tenants agree a lesser period) with a break clause of 1 month after initial 6m months. No upfront fees of any kind except deposits and rent in advance
- A minimum of 6.5% of all residential units (13) to be built to wheelchair accessible standard (with at least 3 of these to be within the affordable provision initially) and evidenced before first occupation. Marketing Agreement to include provision that all reasonable endeavours will be used to ensure wheelchair units are matched with disabled tenants.

2. **Affordable housing:**

- Provision of **10% (21)** affordable housing units on site based on rent levels 75% of market level
- Provision of **6 x 1-bed, 10 x 2-bed and 5 x 3-bed** affordable housing mix. The location of these affordable units may vary over time within the scheme however the reduced rent levels and overall mix of sizes shall remain the same. At least 3 of the affordable units will be to wheelchair accessible standard (initially - as location may change over time)
- Affordable housing units to be secured in perpetuity
- Provision of Affordable Housing Management Plan and Marketing and Lettings Plan, with eligibility criteria for occupants to be agreed with council with priority for local people/essential local workers/wheelchair or disabled users
- Restriction of a set service charge for affordable tenants (for example to secure as a percentage maximum ceiling on gross income of affordable housing tenants)
- Provision of Annual Statement, confirming approach to letting of affordable units and identifying how overall 10% level, range of sizes, rent levels are maintained and other relevant information
- Viability Review mechanism (including funds for providing specialist re-assessment of viability) after a certain time period(s) with the aim of securing additional funds towards affordable housing. Review would allow for an update to costs and values initially assessed at application stage once additional details regarding actual rents and other costs have been established. This could review the proportion of affordable

private rent units, and the discount offered on them over time (but would not allow for a decrease from 10% provision, or allow higher rents than 75% of market levels).

3. Public Realm Enhancement:

- A financial contribution of **£745,907** towards enhancement of the public realm in Elder Place and associated works or changes to surrounding streets as necessary to enable this. Enhancement to include measures to secure greater priority for pedestrians and cyclists, calming of vehicular traffic, improved surfacing and introduction of street trees. Scheme to include phased approach.

4. Sustainable Transport and Highways:

- A financial contribution of **£202,894** towards sustainable transport enhancements in the wider area in particular to address deficiencies in pedestrian and cycling infrastructure to include:
 - The Preston Circus junction complex (including potentially, inter alia, the junction of New England St and New England Rd)
 - New England Street
 - NCN20 cycle route in the vicinity of the site
 - York Hill, including its junctions with London Rd, as may be necessary to complement public realm improvements on Elder Place to be funded via the separately secured section 106 contribution.
 - The Greenway and associated links to this and Brighton Station from the development site.
- Submission of Travel Plan and commitment to ensure the promotion of safe, active and sustainable forms of travel which shall include the following:
 - Separate residential and commercial travel plans.
 - Targets and their monitoring should include deliveries, and taxi/private hire vehicle (including “ride share” services such as Uber)
 - Free or subsidised availability for residents for up to 2 years of each of the following: car club membership; Brighton bike share membership; bus pass/season ticket; rail season tickets; and bicycle purchase.
 - Provision of up to two car club bays and associated vehicle service in short walking distance if required
 - Provision of Brighton and Hove Bike Share stands and cycles within a short walking distance of the site

- For occupants of the commercial development, ensuring provision of interest-free loans for the purchase of bus and rail season tickets and bicycle purchase.
 - Provision of formal cyclist training on request to all occupants.
 - The creation of a Bicycle User Group, including funded initiatives for “buddying” of less confident cyclists for a few trips, publicity, and social rides.
 - Arrangement of “doctor bike” maintenance sessions with a teaching element
 - Free cycling training for all occupants, offered on a regular basis.
 - Inclusion of sustainable transport information in marketing and sales material
- Section 278 highway works completed prior to first occupation to include:
 - Extinguishing of existing crossovers and accesses into the site
 - Creation of new access
 - Footway improvements around the site including extension of pavement widths into Elder Place
 - Introducing a half-width buildout to the southern footway of Elder Place at its junction with New England Street, as well as an associated uncontrolled pedestrian crossing (with tactile paving)
 - Relocation of the existing signalised pedestrian crossing in New England Street and associated highways works
 - Relocation and extension of loading bay on New England Street
 - New England Street highway works to allow street tree planting (see later wind mitigation section)
 - Introduction of 66 visitor cycle parking stands on the footway of New England Street immediately abutting the development. Should this not prove feasible, any shortfall against this figure to be addressed by provision within Elder Place (in addition to cost of public realm enhancement contribution here)
 - Submission of a Delivery and Servicing Management Plan and commitment to providing the measures required e.g. provision of additional loading bays at the applicant’s expense, may include arrangements to alter how vehicles turn and exit Elder Place

5. Education

- A financial contribution of **£122,086** to facilitate additional secondary school capacity at Dorothy Stringer and Varndean Schools.

6. **Public art**

- Commissioning and installation of an Artistic Component to the value of **£83,000** within the development within public view or in the immediate vicinity of the site. This could comprise an 'uplift' in the value of public realm provision to incorporate an artistic component in Elder Place/New England Street.

7. **Open space and recreation/sports:**

- Provision of a financial contribution of **£453,980** towards enhancement of outdoor/indoor sports, parks and gardens, childrens playspace, allotments and semi-natural space to include but not be limited to the following locations:
 - Dyke Road Park
 - St Nicholas Gardens
 - Turner Park
 - Preston Park
 - Blakers Park
 - New England Quarter Greenway
 - Providence Place
 - St Nicholas Rest Gardens
 - Neville Recreation ground
 - Withdean Stadium
 - Small grassed areas in the vicinity of the site and on access routes to it
 - Roedale Valley Allotments and/or Moulsecoombe Estate Allotments

8. **Wind mitigation/public realm/ecology enhancement works (Street trees)**

- Submission of a Street Tree Planting Feasibility Report with accompanying Road Safety Audit to demonstrate that the general position of the 9 street trees adjacent to the proposed building in New England Street adjacent to the development (required for wind mitigation and amenity reasons) as shown on the indicative drawings submitted can be achieved. No development (except demolition) to take place until this Feasibility Report has been submitted and approved. Should the general locations not prove feasible for highway visibility reasons, a further wind assessment to be submitted modelling the amended locations shall be submitted for assessment (at the applicant's expense) prior to construction of the development. No development shall take place until acceptable wind mitigation measures have been incorporated into the development. Should 9 trees not prove feasible for highway safety or other reasons, any shortfall in numbers shall be planted within wider New England Street at the applicants expense

- Once locations for the street trees have been agreed, a specification shall be submitted for approval, which shall make provision for:
 - Potential submission of a PAS128 level A investigation to indicate the location of underground services and a commitment that applicant will meet the full cost of relocating any underground cabling or similar
 - Provision of semi-mature trees (likely to be approx. 8m in height) of a size, species, nursery stock type, supplier and defect period to be agreed
 - Allowance for a significant rooting volume of at least 10m cubed
 - A tree pit design to include shared rooting space for the trees at an agreed spacing to maximise future rooting potential (likely to be 5m).
 - Use of guards or other protective measures
 - An agreed period of implementation – to ensure are in place before first occupation
 - Provisions for maintenance - developer to provide and maintain trees for first 5 years to an agreed specification (and replace any that are damaged or die), followed by a total commuted sum of **£11,310** for 20 years thereafter (£565.50 per yr) for the council to maintain and continue to establish the trees (and replace any if required).

9. **Employment:**

- Submission of an Employment & Training Strategy to secure the use of at least 20% local construction labour
- A financial contribution of **£57,500** towards the Local Employment Scheme

Conditions:

1. Drawings (to follow in Late List)
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, shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:
 - i. The phases of the Proposed Development including the forecasted completion date(s)

- ii. A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to Commence Development until such consent has been obtained
- iii. A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
- iv. (A scheme of how the contractors will minimise disturbance to neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site
- v. Details of hours of construction including all associated vehicular movements
- vi. Details of the construction compound
- vii. A plan showing construction traffic routes
- viii. A commitment to using all reasonable endeavours to a) promote use of minimum euro-VI emission standard HGVs for demolition and construction and b) comply with Stage IIIB of EU directive 97/68/EC for NOx emissions limits from non-mobile construction machinery in accordance with DfT's 2018 guidance Improving Air Quality Reducing Emissions from non-road mobile machinery.

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

Reason: As this matter is fundamental to the protection of amenity, air quality, highway safety and managing waste throughout development works and to comply with policies QD27, SU9, SU10 and TR7 of the Brighton & Hove Local Plan, policy CP8 of the Brighton & Hove City Plan Part One, and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03 Construction and Demolition Waste.

4. No development, including demolition and excavation, shall commence until a Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved.
Reason: To maximise the sustainable management of waste and to minimise the need for landfill capacity and to comply with policy WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan.
5. No demolition shall take place until an asbestos survey (and associated remediation strategy if required) has been submitted to the Local Planning Authority for approval. If asbestos is found, no demolition shall take place the agreed remediation measures have been implemented.
Reason: To prevent land contamination and ensure there is no risk to public health or water supplies, to comply with policies SU9, SU11 and QD27 of the Brighton and Hove Local Plan.

6. No development (excluding demolition) shall take place until the recommendations in WSP Preliminary Risk Assessment have been followed and evidence submitted that they have been carried out has been submitted to and approved in writing by the Local Planning Authority. This shall include a ground investigation compliant with BS10175 and a Phase 2 Ground Investigation Report, including a Generic Quantitative Risk Assessment (GQRA) to quantify the contamination risk and confirm the presence or absence of plausible contaminant linkage, and shall include the following:

- Provision of geo-environmental and geo-technical ground investigation;
- Provision of a detailed UXO desk study to assess, and potentially zone, the UXO hazard level on site.
- Provision of a detailed report on natural cavities/ dissolution features in chalk to assess and potentially zone level of the hazard on site;
- Characterisation of the underlying ground and groundwater conditions;
- Sampling results of soil and groundwater for contamination analysis;
- Monitoring of ground gas and groundwater;
- Provision of further assessment of risks to human health, controlled waters and building fabric
- Provision of a piling works risk assessment, if required based on the findings of site investigation;
- Provision of outline details of remediation requirements, if required, to support the proposed development.

The development shall not be constructed until any required remediation measures agreed have been carried out and evidenced to the Local Planning Authority.

Reason: To prevent land contamination and ensure there is no risk to public health or water supplies, to comply with policies SU11 and QD27 of the Brighton and Hove Local Plan.

7. If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying and assessing the risk and proposing remediation measures, together with a programme for such works, shall be submitted to the Local Planning Authority for approval in writing. The remediation measures shall be carried out as approved and in accordance with the approved programme.

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

8. The part of the premises hereby permitted to be used as B1 (a) and (b) office/research/development uses (on mid and upper ground floors) shall be used for Use Class B1(a)/(b) purposes only and for no other purpose (including any other purpose in Class B of the Schedule of 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), except in the case of the 3 smaller flexible commercial units fronting Elder Place on the lower ground floor which have flexible use to A1/A2/A3/A4 uses also. 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 of the mid and upper ground floor B1 (a) or (b) uses 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 B1 (a)/(b) floorspace in the city given the identified shortage, to comply with policy CP3 and DA4 of Brighton & Hove City Plan Part One.

9. No development above ground floor slab level (measured from Elder Place ground level to the east of the site) shall be commenced until samples of the following materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority:
- a) samples of 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
 - f) elevational treatments and/or finishes which achieve a visual break or shadow line between different elements of the building on the western facade

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

10. Prior to occupation of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved soft landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner (except in the case of the proposed street trees in the New England Street which are to be secured via S106). The agreed hard landscaping, boundaries/means of enclosure and food growing/allotment facilities shall be implemented before first occupation of the development and thereafter retained. The scheme shall include the following:
- a) details of all hard and soft surfacing to include type, position, design, dimensions and materials including on roof terraces and any sustainable drainage system used;

- b) details of all boundary treatments and means of enclosure (including any privacy/wind mitigation screens on roof terraces and balconies) to include type, position, design, dimensions and materials;
- c) details of provision of dedicated food growing facilities on the roof terraces including provision of prepared raised beds, tool/equipment storage, greenhouses/potting sheds, composting area, rainwater irrigation and water supply and a Plan for maintenance and management as shown on level 10 of the approved plans and in submitted Design and Access Statement and indicative Landscape Strategy.
- d) a schedule detailing sizes and numbers/densities of all proposed landscaping trees/plants including details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period
- e) details of how landscaping will be maintained and rainwater will be harvested for irrigation;

Any landscaping 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. The food growing facilities shall be maintained thereafter in accordance with the agreed details.

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.

11. No development (excluding demolition) shall take place until full details of existing and proposed ground levels (referenced as Ordnance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.

Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policy QD27 of the Brighton and Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

12. No development (excluding demolition) shall take place until details of the construction of the biodiverse green/brown roofs of the area as shown on the submitted plans, including the area under the photovoltaic array on roof level 8, 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, details of at least one insect boxes/'hotels' in each area of green/brown roof and a maintenance and irrigation programme. The green roofs

shall be chalk grassland and use a species that are locally native and of local provenance. The roofs shall then be constructed in accordance with the approved details before first occupation and shall be retained and maintained as agreed thereafter.

Reason: To ensure that the development contributes to sustainability and ecological enhancement on the site and in accordance with policies CP8 and CP10 of the Brighton & Hove City Plan Part One.

13. The development hereby permitted shall not be first occupied until details of the construction of the biodiverse green walls as shown on levels 8, 10 and 11 of the landscape plans submitted with the application have been submitted to and approved in writing by the Local Planning Authority. This shall include details of the construction, species, maintenance and irrigation programme. The walls shall thereafter be constructed as agreed prior to first occupation of the development and maintained and irrigated thereafter in accordance with the approved details.

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

14. Notwithstanding the submitted Sustainability and Energy Strategies and proposed use of Combined Heat and Power (CHP) within the development, no development (excluding demolition) shall take place until a further Sustainable Energy Strategy shall be submitted to the Local Planning Authority for approval which investigates a low emission (NOx and particulate) strategy and prioritises the use of alternative low or zero carbon technologies. This Strategy shall evidence the technical feasibility of use of Air or Ground Source Heat Pumps or alternatives in combination with photovoltaics, passive measures and energy storage to achieve at least a 19% reduction in regulated CO2 emissions from the development when compared to Building Regulations Part L (2013) baseline. The Strategy may also include additional information to enable further assessment of the feasibility of the use of CHP including the type, specification and location of potential CHP (and any associated flues) with associated measures to significantly reduce emissions, if no alternative technologies prove to be feasible. The final sustainable technologies and measures shall be agreed with the Local Planning Authority and shall be implemented within the development prior to first occupation.

Reason: To ensure the development is sustainable and as the site is located within an Air Quality Management Area where the use of CHP is not likely to be appropriate for reasons of health protection. CHP flues may also be unacceptable for visual reasons on such a prominent building. Alternatives to CHP should therefore be sought and prioritised, to comply with policies SU9 and QD27 of the Brighton and Hove Local Plan and policies CP12 and CP8 of the Brighton & Hove City Plan Part One.

15. Unless otherwise agreed in writing (as part of the above condition), the development hereby permitted shall not be first occupied until details, including specification, scale and appearance of the proposed 212sqm (minimum)

photovoltaic array as shown on roof level 8 of the submitted plans has been submitted to and approved in writing by the Local Planning Authority. The agreed array shall be implemented before first occupation.

Reason: To ensure the development is sustainable and reduces carbon emissions and has an acceptable appearance, to comply with policies CP8 and CP12 of the Brighton and Hove City Plan Part One.

16. Any boiler within the development shall be an ultralow NO_x boiler and shall have NO_x emission rates of <30 mg/kwh.
Reason: To safeguard the amenities of the local residents and minimise air pollution and to comply with policies SU9 and QD27 of the Brighton & Hove Local Plan and policy CP8 of the Brighton & Hove City Plan Part One.
17. Within 6 months of first occupation of the non-residential floorspace hereby permitted a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential floorspace built has achieved a minimum BREEAM New Construction rating of 'Excellent' shall be submitted to the Local Planning Authority for approval.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy CP8 of the Brighton & Hove City Plan Part One.
18. No flues shall be installed within the development without the prior written approval of the Local Planning Authority.
Reason: In the interests of public health and visual amenity, to comply with policies SU9 and with policies SU9 and QD27 of the Brighton & Hove Local Plan and CP12 of the Brighton and Hove City Plan Part One.
19. The residential part of the development shall not exceed an indoor water consumption of more than 110 litres per person, per day and the water usage scheme shall thereafter retained as such for the lifetime of the development.
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.
20. The development hereby permitted shall not be commenced (other than demolition works and works to trees) 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 WSP Flood Risk Assessment and Outline Drainage Strategy 70037413 submitted with the application has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented and maintained in perpetuity accordance with the approved detailed design.
Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policy SU3 of the Brighton & Hove Local Plan.

21. No development above basement slab level of any part of the development hereby permitted shall take place until a drainage strategy detailing the proposed means of foul water disposal and an implementation timetable, has been submitted to and approved in writing by, the Local Planning Authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.
Reason: To ensure adequate foul sewage drainage/treatment is available prior to development commencing and to comply with policy SU5 of the Brighton & Hove Local Plan.

22. Within 6 months of commencement of development (excluding demolition) evidence shall be submitted to and approved by the Local Planning Authority to demonstrate that the energy/plant areas within the development have capacity to connect to future zero carbon decentralised energy networks in the area (in particular district heat networks). Evidence should demonstrate the following:

- a) Energy centre size and location showing 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 comes onsite 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.

The future-proofing measures/space approved above shall be implemented before first occupation of the development.

Reason: In the interests of sustainability, to comply with policies CP8 and DA4 of the Brighton and Hove City Plan Part One.

23. Notwithstanding the details shown on the submitted plans, no plant or associated plant enclosures shall be placed on the roofs of the development until details have first been submitted to and approved in writing by the Local Planning Authority. The agreed details shall be implemented and retained thereafter.

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

24. Notwithstanding the car parking layout shown on the submitted drawings, further details shall be submitted to and agreed in writing by the Local Planning Authority indicating the type and location of electrical charging points (available for cars, vans and scooters and e-bikes) for at least 50% of all parking spaces on sites. The agreed layout and charging points shall be implemented ready for

use before first occupation of the development and thereafter retained for use at all times.

Reason: To encourage travel by more sustainable means and seek measures which reduce fuel use, NOx, particulate and greenhouse gas emissions, particularly given the site's location within the Air Quality Management Area, and to comply with policy SU9 of the Brighton & Hove Local Plan, policy CP9 of the Brighton & Hove City Plan Part One and SPD14: Parking Standards.

25. The development shall not be first occupied until a Car Park Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include details of:
- a) How accessible parking is allocated to disabled residents on the basis of need and ensuring they have exclusive access
 - b) The mechanism of allocation of parking spaces according to the need for electric vehicle charging points
 - c) The mechanism for bringing into active use the passive provision for electric vehicle charging
 - d) How car club spaces will be provided to meet demand for car club use through partnership with a car club operator

Reason: in the interests of highway safety and to promote sustainable modes and ensure accessibility, to comply with policies TR7 of the Brighton and Local Plan and CP9 of the Brighton and Hove City Plan Part One.

26. Within 12 months of commencement of the development hereby permitted or prior to occupation, whichever is the sooner, 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 & QD27 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One and SPD14: Parking Standards.

27. Notwithstanding the plans submitted with the application, no development above basement slab level (excluding demolition and foundation works) shall commence until details of on and off-site cycle parking facilities for residents, workers and visitors have been submitted to and approved in writing by the Local Planning Authority. Such details are required to show that all cycle parking places are secure, convenient and accessible both in relation to access to stands and the type of stand proposed. The agreed cycle parking facilities shall be made available on first occupation of the development and thereafter be retained for use by the occupants of, and visitors to, the development at all times and without charge.

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 SPD14 and with policy TR14 of the Brighton & Hove Local Plan and policy CP9 of the Brighton and Hove City Plan Part One.

28. The non-residential parts of the development hereby permitted shall not be first occupied until the showers and associated changing/locker areas in the lower ground level have been provided and fitted out ready for use.

Reason: To promote the use of sustainable modes of transport to comply with policy CP9 of the Brighton and Hove City Plan Part One.

29. The residential units hereby permitted shall not be occupied until an internal noise survey has been carried out and evidence submitted to the Local Planning Authority to demonstrate that British Standard 8233:2014 has been met.

Reason: In the interests of the amenity of occupiers of the development, to comply to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

30. The submitted Acoustic Report by Hoare Lea and the recommendations on fixed plant selection and fenestration standards shall be followed within the development. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. The Rating Level and existing background noise levels are to be determined as per the guidance provided in BS 4142:2014. In addition, there should be no significant low frequency tones present.

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

31. No customers of any A3 and A4 uses hereby approved within the development shall remain on the premises outside the hours of 07:00 to 23:00 on Mondays to Saturdays (excluding Bank Holidays) and 08:00 to 22.00 hours on Sundays and Bank or Public Holidays.

Reason: To safeguard the amenities of the locality and occupiers of the development and nearby residential properties, to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

32. No odour control equipment associated with any A3 and A4 uses hereby permitted shall be fitted to the building until a scheme has first been submitted to and approved in writing by the Local Planning Authority. The odour control measures and associated sound insulation of such equipment shall be implemented in strict accordance with the approved details prior to the first occupation of any A3 and A4 uses within the development and shall thereafter be retained as such.

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

33. The development hereby permitted shall not be first occupied until:
- i. details of external lighting, which shall include details of; levels of luminance, hours of use, 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 part i) are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed in part i).

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 and to comply with policies QD25 and QD27 of the Brighton & Hove Local Plan.

34. The development hereby permitted shall not be first occupied until a Scheme for Crime Prevention Measures has been submitted to and approved in writing by the Local Planning Authority. The agreed crime prevention measures shall be implemented and retained within the development thereafter.

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

35. Unless otherwise agreed, the development hereby permitted shall not be occupied until details showing the type and location of 6 swift nesting boxes, 6 sparrow boxes and 6 starling boxes have been submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall then be carried out in strict accordance with the approved details before first occupation and thereafter retained.

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

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

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

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

Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policy HE6 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & 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. With reference to condition 34 above, crime prevention measures could be evidenced by a Secure By Design Developers Award Certificate or equivalent Informative: Parking Permits
3. The applicant is advised that the scheme required to be submitted by condition 26 above should include the registered address of the completed development; an invitation to the Council as Highway Authority (copied to the Council's Parking Team) to amend the Traffic Regulation Order; and details of arrangements to notify potential purchasers, purchasers and occupiers of the restrictions upon the issuing of resident parking permits.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The site is located between London Road and Brighton Station. The area is mixed in character, with commercial and residential properties of varying architectural styles.
- 2.2. The site currently comprises a flat roofed brick and metal clad building on the east side of New England Street, between New England House and Vantage Point. The building has a total floor area of approx. 3000sqm. The building is the equivalent of about three domestic storeys high on New England Street (and appears as two-storeys due to being set down in site) and about four storeys high on Elder Place. The site is fully occupied for light industrial (B1c) and warehousing (B8) uses.
- 2.3. There is vehicular access from Elder Place to the east and New England Street to the west, with parking forecourts. Immediately to the south is the New England House car park and servicing area. There are some residential properties to the rear of London Road fronting Elder Place opposite the site to the east. There are residential properties set back to the rear of Circus Parade to the north, and Vantage Point car park. To the west are commercial properties including the Clarendon Centre, a church/conference centre and

Samurai recreation centre. The land levels rise up from east to west, and also from north to south.

2.4. The site is located within the DA4 New England Quarter and London Road Development Area as defined in the Brighton & Hove City Plan Part One.

2.5. The application proposes demolition and redevelopment of the site to provide:

- 3,270sqm of office/research/development floorspace (B1 (a)/(b) use) on mid and upper ground levels
- 308sqm of flexible commercial/retail floorspace fronting Elder Place (B1 (a)/(b) and A1-A4 use)
- 201 'Build to Rent' residential units (C3 use) including 10% affordable housing provision and supporting facilities incl gym and communal spaces
- Buildings ranging between 3 and 18 storeys plus roof plant level
- Outdoor courtyard and roof terraces and balconies
- Sustainable features including green roofs and photovoltaic array
- Associated car and cycle parking
- Plant at lower ground level
- Highways works to immediate pavement
- Submission of indicative landscape strategy which shows commitment to off-site public realm enhancement and street planting

2.6. The application has been amended since first submitted, the main changes being:

- Reduction in footprint of building by setting façade back from New England Street 2.5m
- Reduced massing of tallest tower
- Removal of pavement build-out into New England Street
- Reduced kerb build outs in Elder Place
- Reduction in overall residential units (from 208 to 201)
- Different housing mix (was 18 studios/96 1-bed/72 2-bed/22 3-bed and now 36 studios/102 1-bed/41 2-bed/22 3-bed)
- Reduction in commercial B1 floorspace (from 3,333sqm to 3,270sqm)
- Reconfiguration of internal cycle parking
- Revised servicing options
- Revised sustainability measures

3. RELEVANT HISTORY

OFFRPT

Pre-Application History and Design South East Review Panel:

3.1. Design Review Panel and Officer feedback:

Initial written pre-application advice was given by officers in March last year. Officers welcomed redevelopment of the site in principle. A mixed use was welcomed and considered policy-compliant in principle, although some concern was expressed that the opportunity to incorporate more commercial floorspace was not taken given this is the priority for the DA4 area. Build to Rent was welcomed in principle, although more information and examples were requested. Redevelopment of an unattractive building was welcomed in principle. A u-shaped footprint was agreed to be the most appropriate option. A tall building (defined as 6+ storeys) was considered acceptable in principle as SPG15 identifies the site as a tall buildings corridor. Advice in SPD10 however suggests heights should respect topography and step down the valley from the west to London Rd and it suggests an 8-15 storey range here, and therefore it was advised that testing of the scheme in wider views would be needed to justify this departure. Impacts to heritage assets needed to be tested. On the limited information, initial concern was expressed by officers regarding the overall scale, bulk and mass of the development and that this could result in an overly dominant scheme. Officers advised that the overall bulk and mass needed to be simplified and the tower given greater definition and made more elegant. Significant public realm enhancement of Elder Place and to wider walking/cycling network was encouraged given the aspiration of SPD10 in this regard.

- 3.2. The design and scale/bulk/mass of the scheme has evolved significantly since first presented to the council in March last year. The scheme has been presented at Design Panel twice. Initial Panel advice was that a masterplan approach for the wider areas was welcomed. Initially, they felt they had insufficient information to fully assess the scheme. On the initial information, concern was expressed that the tall height and deep plan resulted in a bulky building which could be difficult to resolve elegantly. Subsequently they advised the shoulder blocks should be reduced in height. They suggested slightly staggering the floorplan. They advised the internal arrangements and layouts needed further work and single aspect flats facing north or west should be avoided. They suggested the gym should be relocated. Public realm improvements needed to be resolved and options for linking through to New England House. Sunlight/daylight needed to be considered as courtyard will be overshadowed. They advised the commercial units fronting Elder Place should be given more prominence and a proposed substation relocated. They advised sustainability should be integral to the design. Note: A comprehensive Heritage and Townscape Visual Impact Assessment was since submitted.

3.3. Following officer's and the Panel's advice the scheme evolved. Officers still however raised concern regarding the dominance of the scheme in the streetscene and in terms of building lines and relationship to existing development, and regarding the pedestrian experience at its base. Officer's sought more breathing space to the boundaries of the site, and New England Street in particular. Some concern was also expressed regarding the height of the shoulders of the building and the relationship to development on the horizon to the west. Also concern was expressed regarding the width of the main tower element. Concern was expressed regarding the relationship across Elder Place to Vantage Point, as officers advised it would be important this scheme does not prejudice any future redevelopment opportunities for that site and the wider area. The Highways Authority (HA) welcomed the commitment to enhanced public realm in principle however expressed concern regarding the principle of creating build outs into New England Street given this could prejudice future plans for the strategic road network. The HA raised no objection with the proposed new access, on-site parking levels or general configuration but did highlight potential issues with cycle parking and loading.

Note: The scheme has been amended and evolved further in response to some of the issues raised by the Panel and officers.

3.4. Members Briefing Feedback 8/5/18:

Councillors welcomed that the proposal would make effective use of this unattractive and underused site and could help regenerate the area.

3.5. Build to Rent was welcomed in principle however further information was needed, and some concerns were expressed around provision of affordable housing and how this could work for local people and be at truly affordable rent levels.

3.6. Whilst it was welcomed that the minimum B1 floorspace stated in DA4 was being met some concern was expressed that the opportunity for business floorspace had not been maximised in an area identified as a business quarter primarily.

3.7. Some councillors wished to see general on-site parking. Promotion of sustainable modes was felt important in this busy area.

3.8. Councillors expressed concern about the scale and density of the scheme base on the limited information provided at that stage. Some felt the scheme was too tall and inappropriate in its context. Councillors advised more work was needed to reduce the bulk and mass of the schemes, and testing it in viewpoints.

3.9. Some councillors expressed concern about potential daylight/sunlight impacts to prospective occupiers and neighbours and regarding the limited on-site amenity space and size of main courtyard.

3.10. Councillors welcomed proposals for public realm enhancement and agreed there are opportunities in Elder Place in particular to achieve this. Street trees should be considered.

Note: The scheme has since evolved and been amended. #

3.11. Other (non-planning) background including council resolutions:

3.12. Brighton & Hove City Council owns New England House (NEH) - which is located immediately adjacent to the Longley site. NEH is a major business centre, accommodating over 100 small to medium enterprises (SMEs) with a focus on the Creative, Digital and IT (CDIT) sector. The council has been seeking a viable delivery route to meet its Greater Brighton City Deal outputs in respect of NEH with the purpose of consolidating and strengthening the building's role as a flagship hub for CDIT businesses. Under City Deal the council has already received a grant of £4.9 million towards delivering the building's refurbishment and expansion with a minimum net additional 7,090 square metres of new employment floorspace.

3.13. The council is also the freeholder of the Longley site. For the last few years it has been engaged in discussions with Maplebright (holder of the long lease on Longley) and Legal & General (L&G), in working towards a land deal that would help secure its City Deal outputs for NEH. The Longley land deal would assist City Deal outputs for NEH in the following ways:

- The employment floorspace element of the current planning application for Longley would help provide part of the 7,090 City Deal output for NEH, thereby reducing the amount of floorspace to be delivered on the NEH site. This would reduce building costs for the NEH project, along with the level of disruption to existing businesses in the building.
- The council would also secure a premium from L&G which would be combined with the City Deal funding already secured from government towards the expansion and refurbishment of NEH.

3.14. The Longley land deal was approved by the council's Policy, Resources & Growth Committee at its meeting on 14 June 2018. As well as approving the heads of terms for an agreement for lease and new lease (to L&G) the committee agreed to 'ring-fence' the premium received from L&G for the extension and refurbishment of NEH. All aspects of the Longley land deal are conditional on L&G receiving planning permission for its Longley proposal.

- 3.15. It should be noted the above is included for information only, and that such matters are not material planning considerations and cannot be given planning weight, as there is no planning mechanism to secure delivery of the City Deal aspirations (for example through a S106) and the NEH site does not form part of the application proposals and is not within the red line of the application site.

Planning Applications:

- 3.16. **BH2015/04474** Change of use of all units from light industrial (B1c) and warehousing (B8) to offices (B1a) together with external alterations and refurbishment including increase in height of building, installation of curtain walling system, metal faced cladding and glazed panelling, revised vehicular and pedestrian access, new cycle and motor cycle storage and disabled parking bays. Granted at Appeal 14/6/16.
- 3.17. **BN80/2161** Erection of building comprising 2 warehouses and 4 factory units on two floors with associated office accommodation. Approved 6/5/81.

4. REPRESENTATIONS

- 4.1. **Fifty (50)** letters have been received supporting the proposed development for the following reasons:
- Redevelopment welcomed as area is very run down and in need of improvement
 - Good design, is in keeping
 - Will be interesting landmark
 - Is well thought out and makes exceptional use of land
 - Height appropriate in context of other towers
 - There are numerous examples of cities where high rise is a prevalent and good feature
 - Will help shield views of New England House which is positive
 - Will improve safety of the area and discourage drug users and rough sleepers
 - Will help meet city's housing shortage and given constraints of sea and Downs, building taller is only option to meet this need
 - Will provide long-term secure tenancies
 - Area is perfect for big developments, close to London Rd and station
 - The more business space the better, and will help overall affordability in city
 - Will provide jobs
 - The city needs investment such as this

- Landscaping is attractive

4.2. **Seventy (70)** letters have been received objecting to the proposed development for the following reasons:

- Wholly inappropriate height of development, is massive and will tower over everything, is double the height of anything else, should be no taller than New England House, should be 3 or 5 storeys lower
- Height should not be justified against buildings that do not have permission
- Not in keeping with Brighton's architectural/townscape culture and appearance, ignores heritage of city. Will become Croydon
- Wider area needs to be properly masterplanned as seems little consideration of how this part of town will 'look like'
- Is bulky/monolithic
- Landmark not needed here
- Poor design, not worthy of landmark
- Overdevelopment, excessive density
- Too close to boundaries, needs to spill into pavement and road to fit
- A degree of openness is needed, is important for mental health
- Will cause additional traffic, congestion and air pollution, rush hour already at a stand still, junctions and road network cannot cope
- Inadequate provision for deliveries and loading
- Adverse impact to highway safety
- Will hamper emergency vehicles due to congestion
- Adverse impact to existing businesses in area
- Will result in overspill car parking
- Insufficient infrastructure/local amenities/services. Area already intensively developed
- Poor layout, small accommodation
- Will create wind tunnels
- Should re-use empty buildings in city first
- Loss of existing jobs on site and loss of valuable B1(c)/B8 Light industrial/storage distribution site
- Overshadowing including of north-facing creative workspaces in New England House which rely on good light, will lead to higher fuel bills
- Will result in businesses leaving New England House
- New England House visitors will find it hard to visit and deliver/load
- Loss of privacy
- No need for more retail space
- Should meet 40% affordable housing not 10%
- Affordable housing wont be 'affordable' to most local residents
- Loss of hard to find affordable commercial space for luxury flats

- City will lose its soul, character and creativity
 - Poor cycling access
 - Restriction of views
 - Adverse effect on property value
 - Concern regarding construction impact (noise/dust/disruption)
- 4.3. **One** letter of comment has been received stating:
- Would support if incorporates biodiversity enhancement including swift boxes
 - Will need to be maintained and of good quality (unlike rest of NEQ)
- 4.4. **London Road Area Local Action Team:** Comment as follows:
- Mixed views were expressed.
 - Potential for crime reduction positive and regeneration welcomed
 - Public realm enhancements positive
 - Good quality responsible rented accommodation welcomed in principle
 - The 3,000sqm commercial floorspace welcomed
 - Concerns about the height of the building and wide visual impacts (more visual information needed)
- 4.5. **The Brighton Society:** Objection on the following grounds:
- Too prominently visible from all over the city (including Conservation Areas, heritage assets and listed buildings including Grade I St Bartholomew Church),
 - Is bulky and intrudes obstructively above horizons defined by surrounding hills and tops of buildings surrounding site
 - Will be overbearing and act as a precedent, will adversely affect character of city, its landscape setting and urban scale
 - Is the harm caused by tower element worth only the 19 flats provided within tower? The adverse impact should not be balanced against any perceived public benefit of the whole development
 - Viewpoints from the Downs should be tested
- 4.6. **The North Laine Community Association:** Objection on the following grounds:
- Excessive height, will be very prominent from the many surrounding conservation areas
 - More views form Downs needed
 - The harmful 6 storey tower element houses only 19 units
 - Will set precedent
 - Will be obtrusive landmark. The listed station, St Barts Church and Viaduct are our landmarks in this part of the city

- The mistake of 19-storey Theobald house should not be repeated

4.7. **The Rosehill Residents Association: Objection** on the following grounds:

- Inappropriate height, will dwarf surrounding area
- Tower too bland a landmark
- Density of population of London Rd area has been increasing with recent developments without incremental increase in services and infrastructure
- We need social housing, should be 40% and range of properties.

4.8. **The West Hill Community Association: Objection** on following grounds:

- Height, design and massing of main tower would harm views from within West Hill Conservation Area and harm setting of heritage assets
- 18 storeys plus roof plant is wholly inconsistent with the existing roof lines viewed from within West Hill CA, which begin with listed station, will interrupt horizon beyond
- Square tower unwelcome intrusion into Brighton Greenway
- The top 6 storeys only provide an additional 19 dwellings (and these are unlikely to be affordable) so public benefit should not outweigh the harm

5. CONSULTATIONS

External:

5.1. **Building Research Establishment (BRE) (Daylight/Sunlight microclimate):**
Comment:

5.1.1. Original scheme (summary):

The applicant's daylight/sunlight report has been assessed and is considered generally robust.

5.1.2. The main concern is the major adverse impact to dwellings at 7-12 Elder Place as they would have a substantial loss of daylight. Dwellings at 8-10 Elder Place would also have major losses of sunlight. In addition there would be moderate impacts to 5 Elder Place, 64-69 London Road and first floor flat at Pullman Haul. Offices and workshops in New England House would also lose substantial amounts of daylight. The nature of the impact will depend on the types of businesses and their requirements for light - some occupiers include arts and craft businesses for which loss of daylight could be an issue.

- 5.1.3. Daylight provision within the new development itself appears reasonable, however, further information is required with regard to kitchens in some deep Lounge/kitchen/diners which may not meet guidelines.
- 5.1.4. The proposed courtyard would be marginally below the BRE guidelines for sunlight. The roof gardens would be sunlit. The overall sunlight provision would be good if every resident has access to at least one roof garden. Potential redevelopment of Vantage Point/Circus Parade site in the future could adversely impact the light to both existing and proposed properties.
- 5.1.5. Update following additional information:
The applicant's consultants have included new tables giving average daylight factors in all the proposed living/kitchen/diners, including the kitchen areas in every case. These tables are not specifically labelled, but are dated December 2018, whereas the table labelled June 2018 omitted some kitchen areas. According to the applicant, this results in 53 of the living/kitchen/diners not meeting the BS recommendation of 2% for such a room. 19 of these would not meet the lower recommendation of 1.5% for a living room.
- 5.1.6. Most of the poorly lit rooms look into the internal courtyard and therefore are heavily obstructed by their own development as well as by New England House. Although there are other developments in city centres with a similar overall proportion of rooms not meeting the guidelines, the layout of these rooms could be reviewed to see if there could be better daylight provision.
- 5.1.7. The applicant's consultants have now produced sunlight data for the proposed flats. As expected, sunlight provision is poor, with 62 out of 190 living rooms/studios (33%) meeting the BS recommendations of 25% annual probable sunlight hours and 5% in the winter. Another 20 living rooms would meet the winter recommendation but not the annual one.
- 5.1.8. The applicant identifies a number of rooms with more than 20% annual probable sunlight hours. This has no basis in published guidance, but does indicate that there would be a proportion of units that only just fail the guideline. However this includes those facing north east towards the low rise Elder Place, which would only receive sunlight in the early morning.
- 5.1.9. The site is constrained by the high rise New England House to the south, so a significantly better level of sunlight provision would be difficult to achieve without a drastic redesign.
- 5.1.10. Update on amended scheme Jan 2019:

The changes might give a marginal improvement for Pullman Haul and part of New England House, but do not affect the other existing dwellings. It is also agreed that the changes to layout might improve some of the average daylight factors slightly where rooms have been reduced in size, the layout could be further improved if the internal divisions for the courtyard facing flats were changed as they tend to have poorer light than the flats facing New England Square.

5.2. BRE (Wind microclimate): Comment:

- 5.2.1. Background – The original wind microclimate study undertaken by WSP was reviewed by the BRE, and the main BRE recommendation was that WSP work through the details of the review and its methodology, and answer additional questions. The BRE also carried out their own independent desk-based assessment. Further information has since been submitted and was again reviewed by the BRE.
- 5.2.2. Consideration - The further information submitted by WSP did explain and justify a number of concerns originally raised by the BRE. Some issues with the methodology do however remain. Whilst the ‘binning’ approach taken is not considered to represent best practice, the BRE consider that in the overall scheme of things, it is likely to give sensible and believable assessments of wind microclimate. A properly conducted wind tunnel test would have addressed all of the BRE issues of concern, and for wind microclimate studies wind tunnel testing is generally recognised as being best practice. There remains one area (contour plots) where WSP should provide the LPA with an appropriate explanation.
- 5.2.3. The WSP study states that after mitigation, “the results of the wind assessment indicate that the site and surrounding area with the proposed development in place with the wind mitigation adopted will result in a wind environment that remains within the recommended criteria for safety and comfort and thereby being suitable for all pedestrians.”
- 5.2.4. The BRE’s own desk-based study identified only one location of concern (the new pedestrian crossing), and advised that areas of the roof terraces near to adjacent tall buildings were not likely to be suitable for the most wind-sensitive activities (long-term sitting and entrance doors). It was judged that apart from these identified areas, that the remainder of the site and surroundings were likely to be suitable for the intended pedestrian activities.
- 5.2.5. Comparing the findings of the BRE desk-study and the WSP findings, they are for all practical purposes the same. The WSP approach shows that the wind conditions at the new pedestrian

crossing are less windy than predicted by the BRE in their desk-study. Desk studies should however be conservative, and the BRE is happy to agree with the WSP findings that the wind conditions at this location will be suitable for its intended purpose.

5.2.6. Conclusion: In the opinion of the BRE, WSP have not used best practice in their assessment of the wind microclimate which is the basis of the report submitted by the applicant. Notwithstanding these concerns, the assessment approach used by WSP gives findings that are consistent with the BRE's own assessment and expectations about the wind microclimate.

5.2.7. Notwithstanding the limitations of the WSP assessment procedure, the BRE do agree with the conclusions they reached. If the findings of the assessment provided by the applicant are accepted, then based upon wind microclimate considerations there is no reason that planning permission should be refused.

5.3. NHS CCG: No response.

5.4. Southern Water: Comment:

5.4.1. There should be no development within 6m of a public water main without consent from Southern Water.

5.4.2. Our initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. This requires a formal application to Southern Water for a connection to the public sewer to be made by the applicant or developer and an appropriate Informative is recommended.

5.4.3. Southern Water has undertaken a desk study of the impact that the additional surface water sewerage flows from the proposed development will have on the existing public sewer network. This initial study indicates that there is an increased risk of flooding unless any required network reinforcement is provided by Southern Water. Southern Water and the developer will need to work together in order to review if the delivery of our network reinforcement aligns with the proposed occupation of the development, as it will take time to design and deliver any such reinforcement. An appropriate condition to secure phasing of the development to align with any sewage network reinforcement is therefore recommended. *Note: Evidence has since been submitted to demonstrate that there is adequate capacity (a letter from Southern Water to the applicant).*

5.4.4. The application makes reference to drainage using Sustainable Urban Drainage Systems (SUDS). Under current legislation and guidance SUDS rely upon facilities which are not adoptable by

sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SUDS scheme
- Specify a timetable for implementation
- Provide a management and maintenance plan for the lifetime of the development.
- This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme
- Specify a timetable for implementation
- Provide a management and maintenance plan for the lifetime of the development.

5.4.5. This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

5.4.6. Following initial investigations, Southern Water can provide a water supply to the site.

5.5. **Sussex Police:** The area is within the parameter of the late night economy of the City centre and as such it experiences large amounts of footfall, noise, litter and acts of anti-social behaviour, in fact the level of crime and anti-social behaviour here is high when compared to the rest of England and Wales. A number of crime prevention measures are recommended and the applicant is directed towards Secure by Design. Security measures, good management, casual surveillance and CCTV will help overcome issues identified, e.g. with steps and colonnade.

5.6. **UK Power Networks:** (Comment)

5.6.1. On the mains record it may be seen that there are low/medium/intermediate pressure gas main near the site. There should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system. The developer should, where required confirm the position using hand dug trial holes. The Company is the owner/occupier of the electricity substation located

within 6m of the proposed works and it is believed that the proposed works are notifiable under the Party Wall etc. Act 1996. The Company objects to the planning application for the Development, as the Applicant has neither served Notice in accordance with the Party Wall etc. Act 1996 nor satisfied the Company that the works are not notifiable.

Internal:

5.7. **Arboriculture:** Comment:

5.7.1. Original comment:

Objection on grounds of loss of valuable highways trees with no guarantee that new trees can be planted.

5.7.2. The area is a very development heavy location with little in the way tree or shrub planting and the few trees that grow around this site are extremely important in providing some amenity and textural diversity to the site. The arboricultural team would expect the applicant to explore the possibility of planting trees all around the site, and not just on the western and north western corner at the junction of Elder Place and New England Street, to soften the development in future years. Any trees planted would be semi-mature specimens with a robust aftercare and watering schedule.

5.7.3. Given the significance of trees within this area, the council would require a significant feasibility study to explore the possibility of planting replacement trees in this location. As the planting of trees is proposed within the existing highway, the council would expect the survey of the highway area to a high standard such as PAS 128 Quality Level A to include excavation of it. Until this survey is carried out and its results prove that trees can be successfully planted at this location, the arboricultural team recommend refusal for the current proposal due to the loss of important highway trees.

5.7.4. Further comments following submission of further information: The council preference would be a PAS 128 level A survey is carried out for new tree planting as this requires excavation to actually see what is underneath the footway. However, in this case the request of the most thorough survey methodology for level B (M4P to quality level B1P) was requested. Unfortunately, the applicant was unable to confirm which level of the level B survey was carried out, and it can only be assumed at this stage that it is the lowest of the four level B qualities without evidence at this time. Due to this being a busy urban situation there will be many services under the footway and the most detailed level B survey will enable services to be detected to within 150mm, rather than the least

detailed survey within level B which detects services to within 500mm. This is quite a difference within a confined space between a road and a building and why it is recommended that the top level PAS 128 level B survey as a minimum in this instance.

- 5.7.5. The applicant has an updated cost plan of around £500K as required by the council as part of the revisions to the scheme. However, it is challenging to estimate what the full cost will be for re-routing services to allow for the planting of nine mature trees on highway land to the south west of the proposed development. We do not know the type of services involved or to what extent that the services will have to be moved. There does not appear to be a detailed design based on a high accuracy utility survey to PAS128 standard, and a quote from the statutory undertakers for any diversion works required.
- 5.7.6. Whilst the arboricultural team object to the proposal to remove the healthy hornbeam tree to the south west of the existing development, the applicant has been looking at suitable species for the site and nine new trees have been proposed. There is a conflict between the wind mitigation required at the site by the planting of trees and large trees near buildings. Due to the close proximity of the proposed trees to the building, a right-tree-right place approach should be used and the form of tree should be one that will not require frequent pruning, columnar or fastigiated trees are useful in these cases. However, narrow trees will provide less wind mitigation compared to wide spreading trees. The original proposal of nine *Carpinus* 'Frans Fontaine' was considered too narrow to have a substantial effect on wind speed if this species were planted alone. The landscape architect has proposed some tree species for the site that will mitigate both concerns. The proposed trees include three *Corylus colurna* 'Obelisk', *Acer campestre* 'Elsrijk' and the original *Carpinus betulus* 'Frans Fontaine' are both tolerant of chalk soils and are also of a fastigiated upright form. These species would be acceptable to the arboricultural team at this location.
- 5.7.7. Tree pit details should include shared a rooting space for the nine trees, and not individual tree pits, to maximise future rooting potential. The Longley Place tree trench diagram states that each tree will have over 10m cubed rooting volume, with trees at 5m spacing's. The nine proposed trees will be planted at 8-9 m in height and will provide an instant impact at these dimensions; this is to be welcomed by the arboricultural team. It is satisfactory that a recessed grille has been proposed as this can be removed in sections as the tree stem grows. If silva cells are used, the footway design must restrict vehicles from driving upon the footway. Highways may prefer a structural CU soil is used rather than a

cellular system but they should be consulted in these matters. Due to the size of the trees proposed, a maintenance period of at least five years by the applicant is required to ensure that these trees fully establish before the highway department take on the responsibility of these. This must include a robust irrigation programme especially in Spring and Summer months. It is suggested that a sum of money is acquired for the maintenance for the following 20 years (total cost for 9 trees over 20 years= £11,310 which includes potential replacements for 3 trees if required, which equates to £565.50 per year).

5.8. **County Archaeology:** Although this application is situated within an Archaeological Notification Area, based on the information supplied, it is not believed that any significant archaeological remains are likely to be affected by these proposals. For this reason there are no further recommendations to make in this instance.

5.9. **County Ecology:** No objection subject to appropriate mitigation and enhancement.

5.9.1. Potential impacts on biodiversity:

The nearest sites designated for their nature conservation interest are Brighton Station Local Wildlife Site (LWS or Site of Nature Conservation Importance) which lies c. 70m to the west and London Road Station LWS which lies c. 370m to the north. Given the nature, scale and location of the proposed development, there are unlikely to be any significant impacts on either of these sites.

5.9.2. The site currently comprises buildings and hardstanding within an urban setting and is of low ecological value. There are currently four trees on site, two of which would be lost to the development. As the proposed development will lead to a net gain of seven street trees, with additional tree planting within the public realm areas and on the roof, this is acceptable.

5.9.3. There is the potential that the building due for demolition is used by nesting birds. Under Section 1 of the Wildlife and Countryside Act 1981, as amended, wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken. To avoid disturbance to nesting birds, any demolition of buildings or removal of trees that could provide nesting habitat should be carried out outside the breeding season (generally March to August). If this is not reasonably practicable within the timescales, a nesting bird check should be carried out prior to any demolition/clearance works by an appropriately trained, qualified and experienced ecologist, and if

- any nesting birds are found, advice should be sought on appropriate mitigation.
- 5.9.4. The site is unlikely to support any other protected species. If protected species are encountered during development, work should stop and advice should be sought on how to proceed from a suitably qualified and experienced ecologist.
- 5.9.5. Mitigation Measures/Enhancement Opportunities:
In addition to the mitigation measures recommended above, the site offers potential for enhancements for biodiversity that will help the Council meet its duties and responsibilities under the NERC Act and NPPF. Opportunities include, but are not limited to, the provision of green (biodiverse) roofs and walls, the use of species of known wildlife value within the landscape scheme and the provision of bird, bat and insect boxes.
- 5.9.6. It is noted that green and brown roofs are proposed, although the areas have significantly reduced from those stated in the sustainability checklist. The roof layout plans and the Living Roof Strategy received 13/02/19 state that the green roof will use a special cornfield mix. Whilst the provision of a green roof is supported, the species mix should be chalk grassland to help meet Biosphere targets. It is recommended that green roofs are also provided in the areas proposed for PV arrays to increase the biodiversity benefits. Green roofs also increase the efficiency of PV panels. The sustainability checklist states that the brown roof will create a vegetated shingle habitat. However, the aforementioned roof plans and living roof strategy state that the brown roof will be made up of excavated site spoils and Icopal Habitat Zone Packs. Whilst this is acceptable and will be beneficial to biodiversity, it is not vegetated shingle, nor will the proposed materials encourage that habitat to develop. It is stated that the habitat zones on the brown roof will be augmented with bug hotels to be constructed using materials from site construction. The green (chalk grassland) roof should also include insect boxes to encourage pollinators; at least one box should be provided in every area of green roof.
- 5.9.7. It is noted that green walls are proposed. This is supported. Advice on appropriate species for the green walls and the wider landscape scheme is available in Annex 7 of SPD11 Nature Conservation and Development. Wherever possible, seed mixes and plants used in the landscaping scheme should be locally native and of local provenance.
- 5.9.8. It is noted that six swift boxes will be provided. This is supported. Additional boxes for house sparrows and starlings should also be

provided. Given the site's location, bat boxes are not considered to be appropriate.

5.10. **Economic Development:** Support the proposal.

- 5.10.1. The Longley Industrial Estate is within the New England Quarter to the north of Brighton Station and this area is the Council's preferred location for new office space. The brownfield site currently facilitates (B1c/B8 uses) within a key commercial area of the city. The current use of the site, as specified on the application form, is six light industrial /warehousing units (Use Classes B1c/B8) with a GIA of approximately 3,000 sqm and associated hardstanding and car parking. However the existing buildings are dated and the site at present underperforms given its location.
- 5.10.2. The proposals are for the comprehensive redevelopment of the site.
- B1(C) – Light Industrial, gross internal floorspace to be lost is 1,525 sqm
 - B8 – Storage or distribution, gross internal floorspace to be lost is 1,534 sqm
 - Other – Total gross new internal floorspace is (revised) 3,270 sqm.
- 5.10.3. This would result in a total (revised) net additional gross internal commercial floorspace of 211 sqm.
- 5.10.4. The Planning Statement (paragraph 4.11) says that most of the employment floorspace will be located at mid and upper ground floor levels. The area will allow for two large and flexible floorplates which will accommodate a variety of future businesses but equally could accommodate a single occupier. Permission will be sought for B1a / B1b uses for these levels (revised) (3,270 sqm) which would offer space for offices, start-ups of SMEs to compliment the provision at New England House.
- 5.10.5. In addition the plans propose three smaller commercial units (308sqm GIA) at lower ground floor which will be utilized as flexible uses (Use Classes B1a/B1b, A1-A4) and allow for some ancillary retail provision to support the new offices.
- 5.10.6. City Regeneration welcomes LGIM's proposals for a major new business quarter at Longley Industrial Estate which will revitalize the area and provide the opportunity to deliver a mix of high quality office/R&D floorspace. City Regeneration notes that LGIM's proposals exceeds the minimum employment floorspace, albeit marginally, as stated in City Plan Part One (Part C of Policy DA4).

- 5.10.7. The development of the right type and mix of new high quality employment space is fundamental to the economic wellbeing of the city, to ensure provision meet the demands of our existing businesses and optimizing inward investment. Move-on space is also in high demand locally and we welcome the proposals for move on space for SMEs who have outgrown first incubator premises e.g. companies with approx. 10 staff that have outgrown New England House. The proposed floorplates are large but can be used flexibility to create smaller spaces. The city also needs to provide premises for businesses to prosper and grow by ensuring the number of medium-sized (50-250 employees) and large employers (250+ employees) are at a level that reduces the risk of reliance on a small number of key employers operating in the city. City Regeneration therefore endorses the approach suggested in the Planning Statement (paragraph 4.11) which proposes flexible floorplates which can be utilized for either a single occupier or multiple occupiers.
- 5.10.8. In addition, City Regeneration welcomes the proposed ancillary space (retail, restaurants / cafe floorspace) proposed for the site which equates to 8.5% of the employment floorspace and endorse the proposals for flexible use of these units on the basis they are safeguarded for commercial purposes only.
- 5.10.9. City Plan Part One says there is a need to increase density on brownfield sites and that the New England Quarter/Brighton Station area is a prime location. City Regeneration endorses this approach, as set out in the London Road Central Masterplan SPD10, in order to maximise the opportunities for business growth and inward investment and thereby support the employment opportunities for the city's residents.
- 5.10.10. The Planning Statement says the site currently provides for the following jobs (based on the Homes & Communities Agency's Employment Density Guide, November 2015):
- 1,525 sqm GIA of B1c floorspace attracting 28 FTE jobs;
 - 1,534 sqm GIA of B8 floorspace attracting 23 FTE jobs;
 - This equates to a total of 51 FTE jobs.
- 5.10.11. The proposed development could create between 55 to 411 FTE jobs which is equivalent to a net increase of between 4 and 360 existing FTE jobs. The Planning Statement says 'in reality however it is considered likely that the net increase in FTE jobs will be in the region of 250 based on the type of occupiers'. City Regeneration welcomes this net increase in employment provision in the proposed new business quarter which, in turn, could reduce the need for our residents to commute out of the city for work.

- 5.10.12. There are sensitivities to consider in relation to development aspirations specifically for the council-owned New England House which sits alongside this site. It is important that this application is viewed with the wider synergistic implications in mind with the CDIT businesses located at New England House. City Regeneration welcomes this application which will benefit the two universities in the city with the inclusion of R&D space and with the inclusion of CDIT floorspace, will afford opportunities to synergize and complement with the neighbouring creative/tech hub at New England House (NEH).
- 5.10.13. City Deal's target is for 7,090 sqm of net additional employment floorspace at New England House. The provision of over 3,000 sqm of employment floorspace at Longley Industrial Estate will in turn help to ensure the workspace at New England House remains competitively priced.
- 5.10.14. Developer Contributions:
Should this application be successful, due to the size of the development and in accordance with the council's Technical Guidance for Developer Contributions, a sum of £57,500 is requested towards the Employment Scheme as a condition of any S106 agreement and paid prior to formal site commencement. Also, should this application be approved, there will be a requirement, detailed through a S106 agreement, for the developer or designated contractors to submit an Employment & Training Strategy to the Council in writing for approval, at least one month before the intended date of Commencement of Development.
- 5.10.15. In summary, City Regeneration welcomes the proposals at Longley Industrial Estate which will help alleviate and benefit the City's demand for high quality commercial accommodation.

5.11. **Education: Comment:**

- 5.11.1. 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 is as follows. 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 £122,086.40 towards the cost of secondary provision. With regard to the secondary provision, the development is in the catchment area for Varndean and Dorothy Stringer 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, any funding secured for secondary education in the city will be spent at either Varndean and Dorothy Stringer Schools.

5.12. Environmental Health: Comment

- 5.12.1. Noise/vibration/odours/land contamination/lighting/air quality:
The Acoustic Report by Messrs Hoare Lea Acoustics and the recommendations on fixed plant selection and fenestration standards shall be followed. All permanent plant, when running cumulatively must meet the City Council's noise standard which is 5dB below background noise (with reference to BS4142). It is important too that any external plant is free from any low frequency tones which are likely to attract complaints.
- 5.12.2. Prior to occupation an additional noise survey should be carried out to measure noise levels internally to demonstrate that the levels in British Standard 8233:2014 are met. The results shall be communicated to the local planning authority in writing and if the standard is not met, a report shall demonstrate what additional measures are needed and when these will be implemented and a further test carried out to demonstrate compliance. There is no reference in the Hoare Lea report showing how a satisfactory internal noise environment will be verified.
- 5.12.3. A Construction Environmental Management Plan should be submitted to reduce noise levels from the construction in the interests or protecting amenity.
- 5.12.4. A scheme for odour control is required for any odour-producing uses.
- 5.12.5. WSP recommendations that a ground investigation compliant with BS10175 and a Phase 2 Ground Investigation Report, including a Generic Quantitative Risk Assessment (GQRA) is carried out to quantify the contamination risk and confirm the presence or absence of plausible contaminant linkages shall be followed.
- 5.12.6. This will also allow for the design of a remediation strategy, if required, to enable the safe and sustainable redevelopment of the site. this can be appropriately conditioned.
- 5.12.7. External Lighting should be controlled by condition.
- 5.12.8. With regard to air quality, approval is recommended however without a CHP plant due to the risk of NO₂ impacts and cumulative pollution contribution to the London Road corridor (an Air Quality Management Area). Conditions can mitigate air quality impacts during construction. The following aspects are welcomed from an air quality point of view:

- Residential units to be located where air quality is clean and easily complies with all Air Quality Assessment Levels set out in the (national) Air Quality Strategy
- Provision of housing at a central location with excellent services and public transport links
- Low allocation to car parking in combination with secure cycle storage
- At the time of residential occupancy a reduction in heavy and light vehicle trips to and from the site compared to the extant planning use
- A reduction in road traffic emissions to and from the site compared to the current land use

5.13. **Heritage:** Comment

5.13.1. Original comments:

Summary: This is a very substantial high-density development proposal, of exceptional scale in its local context, and it would have a quite profound impact on the townscape and skyline of central Brighton due to its scale and massing, particularly in views from the surrounding streets but also in some cases in longer views. It would have no direct impacts on any heritage assets and, whilst it would visually impact on the settings of a number of designated and non-designated heritage assets, in the majority of cases there would be no notable harm caused. The exceptions to this are that it would cause varying degrees of harm to the settings of: St Bartholomews Church (grade I); the London Road Railway Viaduct (grade II*); and the Arundel Building at Brighton General Hospital (grade II). The harm to the setting of the Arundel Building is the most demonstrable, though in each case the harm is 'less than substantial' under the terms of the NPPF and must be weighed against the public benefits of the development whilst having special regard to the desirability of preserving the listed building's setting as per the statutory duty.

5.13.2. Statement of Significance:

The site contains no designated or locally listed heritage assets. The site sits roughly westwards of the foot of the central valley in Brighton, on the beginning of steeply rising ground. The scale of the proposed development potentially impacts on the settings of a significant number of heritage assets over a wide (180o) area. These have been identified as follows:

- 5.13.3. The site is roughly equidistant (c350m) between two nearest conservation areas: West Hill to the south west and Valley Gardens to the south east. A little further away are a further four conservation areas: Preston Park and Preston Village to the north; Round Hill to the north east; and North laine to the south. Preston Village Conservation area contains the grade II registered park and garden of Preston Park. The greatest potential impacts of the development fall on the West Hill and Valley Gardens conservation areas.
- 5.13.4. Closer to the site and outside conservation areas are the listed buildings of St Bartholomew's Church (grade I); London Road Railway Viaduct (grade II*); The Duke of Yorks cinema (grade II); Number 87 London Road (grade II); the Brighton Business Centre (and boundary walls) in Ditchling Road (grade II); Stanford County Junior School in Stanford Road (grade II); the New England Viaduct (grade II) and the New England Road Railway Bridge (grade II).
- 5.13.5. In addition, all of the nearby conservation areas contain listed buildings and the most notable in terms of potential impacts on settings are Brighton Station (grade II*) within West Hill; St Peter's Church (grade II*); 33-48 Park Crescent (grade II*); and 1-9 St Peter's Place (grade II) within Valley Gardens.
- 5.13.6. Much further away from the site, at the top of the valley side to the east, is the grade II listed Arundel Building at Brighton General Hospital in Elm Grove, the former workhouse and infirmary building dating from 1867. This is a local landmark at the top of the hill, with its long massing and distinctive tower, and is a focal point in views from the west side of the valley across the application site.
- 5.13.7. There are a number of locally listed heritage assets within the vicinity of the site whose settings are likely to be impacted. These are 87 Preston Road (former late Victorian school); Preston Circus Fire station of 1938 in 'moderne' style; The Joker PH at 2 Preston Road (mid-to-late 19th century); the 1930s former Co-operative store frontage in London Road; and The Level open space.
- 5.13.8. Most of the designated heritage assets identified above are assessed further in the submitted Heritage, Townscape and Visual Impact Assessment (HTVIA). The locally listed heritage assets referred to above are mapped in the HTVIA and some are included within the verified views.
- 5.13.9. Relevant Design & Conservation Policies and Documents:
The NPPF and NPPG. Historic England GPA Note 3. City Plan Part One policies CP12, CP13, CP14 and CP15. Local Plan policies QD5, HE3 and HE6. SPD10 London Road Central Masterplan. SPGBH15 on Tall Buildings.

- 5.13.10. The Proposal and Potential Impacts:
Scale, Massing and Design:
The site falls within a tall building area under policy CP12 and SPGBH15, but it must be noted that sites within such areas are considered to have the potential for building over 18m in height (6 storeys). The supporting text to policy CP12 makes clear that particular regard must be had any potential impact on heritage assets or their settings. SPD10 London Road Masterplan provides more detailed guidance on the potential for taller buildings and sets an upper limit of 15 storeys for development in this area whilst the development proposed, at up to 18 storeys, falls within the 'very tall' category set out in SPGBH15. This additional height requires careful consideration and justification. The site is just east of the valley floor in an area of very mixed townscape and poor public realm, contains no heritage assets and is c350m outside the nearest conservation area. These factors limit the sensitivity of the site and the development provides an opportunity for public realm improvements to benefit the surrounding streets, including Elder Place as an approach to St Bartholomew's Church. Nevertheless, this proposal is a very high density development and is of scale and massing that would be substantially greater than its surroundings, even including the New England Quarter. It would be very much the dominant building in local views from all around the site, dwarfing New England House, and would impact on the wider townscape and skyline of the city from many viewpoints.
- 5.13.11. The design and massing of the development has evolved positively since the initial pre-application submission. The massing of the scheme responds to the topography of the site by stepping up the valley side from east to west, whilst the east and west 'shoulders' of the development relate to the height of New England House and the taller 'tower' element extends up to six storeys above the shoulders to give it some clear distinction. Given the scale of the development it will be especially important the way in which it meets the ground and works at pedestrian level. Whilst the proposal has sought to address this with the double height 'podium' level, active ground floor frontage and legible colonnaded corner entrance, there is some concern that the development footprint is very tight to the boundary of the site and leaves little 'breathing space'.
- 5.13.12. With regard to design and materials, it is noted that the surrounding area is architecturally very mixed with significant examples of poor quality buildings. The design proposals, in terms of elevational proportions and detailing and how this reads at distance as well as close up, would represent a significant step up in quality in this

respect and the indicated materials are considered appropriate in this context.

5.13.13. The proposed public realm works would be considered a clear urban design benefit in this area. As shown on the 'public realm plan' these improvements are however very limited in scope and extent to the immediate vicinity of the site around the corner entrance. Whilst welcome, the wider public realm improvements outlined in the Design and Access Statement would be much more positive.

5.13.14. Views and Heritage Assets:

The Heritage, Townscape and Visual Impact Assessment (HTVIA) includes the view from the scheduled monument at Hollingbury Hillfort (View 27). It is agreed that the development would have a negligible impact on the setting of the scheduled monument in this view and would cause no harm.

5.13.15. The HTVIA has considered the impact of the proposed development on the settings of the West Hill, Valley Gardens, Preston Park and Preston Village conservation areas and has concluded that, where there is some impact on the way that these conservation areas are experienced, that impact would not be harmful and that their settings would be preserved. This assessment is generally considered to be sound. There would be comparatively limited visual inter-visibility between these heritage assets and the development (despite its scale) and whilst there would be some visual impact it would not be harmful. In the light of the generally busy urban context of these conservation areas, no other significant impacts on the way these areas are experienced have been identified. Potential impacts on the settings of the North Laine and Round Hill conservation areas have not been considered but, in the light of the assessment of the other conservation areas and the verified views, it is not considered that any harm to their settings would result from the development.

5.13.16. As part of the assessment of the impact on the setting of the Preston Village conservation area the HTVIA has included assessment of the impact on the registered park and garden and concluded that there would be no harm. Again this conclusion is considered to be sound. The tall 'tower' element would form a new focal point, above the horizontal line of the viaduct, in views south-westwards from the Rose Garden but the context of this view is already one of modern later 20th century development.

5.13.17. The HTVIA has considered the impact of the proposal on the settings of the listed building within 750m of the site and in addition on the setting of the Arundel Building at Brighton General Hospital.

Again the HTVIA has concluded that, where there would be some impact on the settings but that the impact would not be harmful. In the majority of cases this conclusion is considered to be sound but there are notable exceptions where the visual impact on the settings of the buildings (taking account how setting contributes to the significance) would cause harm, as follows:

- 5.13.18. The most notable harm would be caused to the setting of the Arundel Building at the Brighton General Hospital, originally built as the Elm Gove workhouse in 1867, replacing the old and overcrowded workhouse at Church Hill (in the West Hill CA). This large building was the main element of the workhouse complex, which deliberately occupies a site on high ground at the ridge of the eastern valley side. It is a city-wide landmark that is visible on the ridgeline from a number of locations in the city, silhouetted against the sky. This planned scale and prominence is part of the building's architectural and historic interest and therefore part of its significance. View 4 from Old Shoreham Road is one of the key long views of the hospital site, an enclosed view (or vista) looking across the valley. Whilst the previous development on the New England Quarter has impacted on this view it is largely below the ridgeline and the Arundel Building remains the focal point on the ridgeline. The proposed 'tower' element of the development rises substantially above the ridgeline immediately adjacent to the listed building; it dwarfs the scale of the listed building and greatly diminishes its prominence. The Arundel Building would no longer be the landmark in this view. Moreover, the tower in this view displays both its north and west elevations (either side of a splayed corner) and so cannot, in this context, be considered slender or elegant despite careful detailing that emphasises its verticality. Therefore it is considered that the proposals cause very clear harm to the setting of the listed building, though the harm is 'less than substantial' under the terms of the NPPF.
- 5.13.19. In View 14 some harm would be caused to the setting of the grade I listed St Bartholomew's Church. The HTVIA notes that this is an incidental rather than planned view of the Church. However, the assessment also notes how the sheer scale of the church – emphasised by its austere design – is a key element of its significance. The church was deliberately designed, in general terms, to be visible from distance and to stand out proudly amongst smaller-scale residential and commercial development. By rising up directly alongside the church – and by breaking the skyline – the proposed development would supersede the church as the primary structure in this view. This would to some degree erode the historic visual supremacy of the church and challenge its scale. The

development would therefore cause some harm to the setting of the church; this harm would be clear but 'less than substantial'.

- 5.13.20. In View 1 some minor harm would be caused the setting of the London Road Railway Viaduct where it crosses Beaconsfield Road, as the 'tower' element of the development would impact on the very distinctive arched silhouette of the viaduct where it straddles the road above roofs on a main approach into the city centre. This harm would be at the low end of 'less than substantial'.
- 5.13.21. The HTVIA has omitted detailed consideration of impacts on the locally listed heritage assets but some are included in the verified views (87 Preston Road in View 2, The Joker PH in View 18, and The Level in View 20). The impact on the setting of the locally listed heritage assets is considered to be largely minor and not harmful. The exception is in the case of The Joker PH, where the impact would be quite substantial. This mid-to-late Victorian pub sits in a carefully-designed manner at one of the corner sites of the busy, commercial Preston Circus. Seen from Beaconsfield Road in the foreground of the development site, the pub's hipped roof and tall chimneys are distinctive features. The proposed development would dramatically change this view and impact on the silhouette of the pub roof. However, this is not the primary view of the pub (which is from London Road to the south) and the pub (like the Duke of Yorks cinema and the Fire Station) is currently experienced as part of a very busy vehicular junction with predominantly commercial uses in the vicinity in various architectural forms. Therefore it is considered that whilst the impact on the pub's setting would be quite substantial it would not be harmful.
- 5.13.22. Conclusion:
In conclusion, the proposed development would cause varying degrees of harm to the settings of: St Bartholomews Church (grade I); the London Road Railway Viaduct (grade II*); and the Arundel Building at Brighton General Hospital (grade II). The harm to the setting of the Arundel Building is the most demonstrable, though in each case the harm is 'less than substantial' under the terms of the NPPF and must be weighed against the public benefits of the development. The NPPF makes clear that great weight should be given to a heritage asset's conservation "irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance".
- 5.13.23. There are no heritage benefits that may be weighed against that harm. The proposed public realm works would be considered a clear urban design benefit in this area but the wider public realm

improvements outlined in the Design and Access Statement would be much more positive.

5.13.24. Mitigations and Conditions:

The harm identified above to the settings of the three listed buildings could, in each case, be mitigated to some degree by a reduction in the floorplate of the upper 6 storeys of the tall 'tower' element, so that it would have a more slender and elegant profile. This would especially be the case in respect of View 4 and the adverse impact on the setting of the listed Arundel Building.

5.13.25. Updated comments following amended scheme:

The narrowing of the 'tower' element by one bay as a result of the 2.5m set back on the west side, so that it would now be square on plan, is welcomed. It would make the 'tower' notably more slender in profile from viewpoints north-west and south-east of the site, particularly in the shorter views such as views 3, 18, 22 and 25. View 25 has been amended to illustrate this and it may be beneficial to provide revised views of these other relevant viewpoints, especially view 18 from Preston Circus. It is noted that, in setting the building line of the 'tower' element back on the west side, the previously slight set-back that provided a visual break to the lower part of the building on this face has been lost and the building line would be on a continuous plane here. This is regrettable and the possibility of reinstating this slight set-back should be explored or, failing that, the elevational treatment and/or finishes should seek to form a visual break or shadow line here.

5.13.26. With regard to the three viewpoints where harm to the settings of heritage assets was identified in the previous comments, the amendment to a more slender 'tower' would however make no difference to view 1 and only a negligible improvement to views 4 and 14. It therefore remains the case that the proposal would cause some harm the settings of the listed buildings in these views. In each case the harm is 'less than substantial' under the terms of the NPPF and must be weighed against the public benefits of the development. In this respect it is noted that the development would now be financially contributing to the wider public realm improvements outlined in the Design and Access Statement, which is welcomed.

5.14. **Housing Strategy:** Comment:

5.14.1. The scheme is the first large scale 'Build to Rent' development in the city. Build to Rent means that all the units provided will be

rented out for or on behalf of the owner from completion of the building. Such schemes can offer good quality accommodation as well as longer tenancies of up to five years. Good quality private rented accommodation and longer tenancies are welcomed by Housing Strategy.

- 5.14.2. The council's policy CP20 requires 40% of housing to be affordable at schemes that develop more than 15 homes, where viable. Affordable housing has previously been provided through an agreed Registered Provider (RP) as a mix of affordable rent and low cost home ownership with a preferred 55%/45% tenure split. Rent levels for affordable rent homes are currently capped at Local Housing Allowance (LHA) levels by our RP partners.
- 5.14.3. A new form of tenure has been created for Build to Rent schemes. This is Affordable Private Rent and was introduced in the updated National Planning Policy Framework (NPPF) 2018. This requires a minimum rent discount of 20% relative to local market rents and does not require the owner/developer to accept direct nominations from the council to the homes provided. Who will be housed in these homes will be set via criteria agreed between the owner and the council.
- 5.14.4. Council policy requires 5% of all homes across the whole development and 10% within the affordable housing element to be provided as fully wheelchair accessible homes in accordance with Building Regulation requirement Part M4 (3), and it is hoped these can be target marketed at suitable households. The developer has confirmed that all units will meet the national space standards.
- 5.14.5. 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, and the affordable housing brief sets out a scheme mix based on this, requiring a balance of unit sizes stated as : 30% 1 beds, 45% 2 beds and 25% 3 beds where possible. This development overall has a higher proportion of smaller units with only 11% of homes overall being provided as three beds. The affordable housing element can be adjusted to reflect the scheme mix and so the projected mix containing a higher proportion of 1 and 2 beds is acceptable at this scheme.
- 5.14.6. This scheme currently offers 21 homes to let as Affordable Private Rent at a rent level of 75% of the local market rent. 21 homes represents 10% of the overall units. Any additional provision or lower rent level has been assessed as not viable as confirmed by an independent viability assessment commissioned by the council in line with Policy CP20. A Review Mechanism based on actual

rather than projected rental income will be used to re-assess the viability after completion of the scheme.

- 5.14.7. The number of units is disappointing in the context of the council's 40% requirement, however, as is the first scheme of this type in the city it is being viewed as a learning process to inform the council's policy on this emerging housing sector. Similarly the rents are higher than the usual affordable rent which is capped at LHA. The council has commissioned a Build to Rent Study to assist in formulating detailed policy relating to such schemes including rent levels and need for this tenure type.
- 5.14.8. Proposal is supported by Housing in the context of an emerging procedure around Build to rent / affordable private rent schemes.

5.15. **Planning Policy: Comment**

- 5.15.1. Employment Provision:
The proposal would contribute positively towards the 20,000 sq. m of new office floorspace identified for the DA4 area in the City Plan Part 1 and provide an uplift of job generation on the site which is welcomed.
- 5.15.2. However given the shortage of employment sites to meet forecast employment needs in the city over the plan period and current demand and supply of office floorspace in the city it was considered appropriate for the policy comments to consider the role the site could play in addressing the shortfall given the emphasis in the overarching Development Area priority to create a major new business quarter. It is noted that the revised scheme January 2019 sees a reduction of the GIA B1a/B1b floorspace from 3,330 sqm to 3,270 sq m. Whilst the proposal has not optimised the potential of the site to deliver employment floorspace it is acknowledged that the proposal provides the minimum requirements of the policy.
- 5.15.3. The policy comments did acknowledge the relationship of the proposed scheme at Longley Industrial Estate with the City Deal programme for New England House which has the potential to bring forward net additional employment floorspace – a net gain not envisaged in the adopted DA4 Policy. However whilst some weight could be given to wider corporate aspirations for delivering additional office floorspace across the wider Development Area this can only be given limited weight as the proposed scheme for New England House is not within the red line for this application.
- 5.15.4. Clarification from the applicant is required on the marketing strategy that would be employed to secure the successful take up of employment floorspace and level of fit out that will be provided.

5.15.5. Housing Provision:

There is recognition that the proposals for 208 housing units (now amended to 201 housing units following January 2019 revisions) would contribute positively to the city's adopted housing target for 13,200 new homes as set out in Policy CP1 Housing Delivery.

5.15.6. With respect to housing land supply, the Council's most recent land supply position was published in the 2017 SHLAA Update (February 2018) which showed a marginal surplus (5.0 years supply). However it is acknowledged that the Inspector for a recent planning appeal (land south of Ovingdean Road APP/Q1445/17/3177606) concluded that there is a potential five year housing land supply shortfall of at least 200 dwellings. The appropriateness of delivering more housing units on the site will therefore need to be considered against:

- The five year housing land supply position.
- The requirements of Policy DA4 to create a major new business quarter for the city;
- The need for high quality design; and to consider the impact of the proposal on the character and appearance of the locality (Policy CP12 Urban Design, CP14 Housing Density and the impact on amenity (QD27 Amenity).
- The need for the proposal to address other priorities for the strategic allocation including an improved public realm and connectivity to the wider development area for the pedestrians and cyclists.
- In light of the five year housing land supply position, when considering the planning balance in the determination of planning applications increased weight should be given to housing delivery in line with the presumption in favour of sustainable development set out in the NPPF.

5.15.7. Housing Mix:

Policy CP14 allows for higher density where this would include a mix of dwelling types, tenures and sizes that reflect identified local needs and Policies CP19 and SA4 seek that there is an appropriate mix. The supporting text to Policy CP19 at 4.213 and within the latest objective assessment of housing need for Brighton & Hove (Objectively Assessed Need for Housing:

5.15.8. Brighton & Hove, GL Hearn (June 2015) indicates that for market housing, most demand is likely to be for 2 and 3 bedroom properties (35% each) - although the analysis also suggests a notable need for both 1-bedroom and 4 or more bedroom homes. 70% of future needs are for 2 and 3 bedroom homes. This reflects

continuing demand for housing from younger persons and young families. There may also be some demand for medium-sized properties (2 and 3 beds) from older households downsizing and looking to release equity in existing homes, but still retain flexibility for friends and family to come and stay. Studio flats offer limited flexibility to changing household circumstances.

5.15.9. The council gives high priority to the importance of achieving a good housing mix that responds to the city's assessed local needs and which will contribute to mixed and balanced communities (Policies SA6.8 and CP19). The applicant considers that the proposed unit mix supports the most effective use of the site and with Build to Rent; the mix of unit sizes enables existing residents to up or down size within the development in response to their circumstances at that point in time. With the January 2019 scheme revisions the overall number of 2 bedroom units have been reduced from 72 units to 41 units and the number of 1 bed and studio flats have increased from 96 and 18 units to 120 and 36 units. For those market build to rent units the mix is:

- 132 x studio and 1 bed units; 31 x 2 bed units and 11 x 3 bed units.

5.15.10. It is considered that given the balance of dwelling mix with 73% of the market units are studio and 1 bed units there would be limited opportunities to up size within the development. Whilst it is recognised that there has been a reconfiguration of units following changes to the New England Street wing to reduce the footprint of the building at New England Street, it is disappointing that the opportunity was not taken to improve the dwelling mix with a higher proportion of 2 and 3 bed units overall to accord with CP19 Housing Mix.

5.15.11. Affordable Housing:

Given the substantial need for affordable housing in the city it is important that build to rent schemes provide a proportion of homes at genuinely affordable rental cost for households in need. In accordance with Policy CP20 Affordable Housing the council will seek the provision of 40% affordable housing, with the provision made to maintain the affordability in perpetuity. It is recognised that the Build to Rent model differs from build for sale in that it is based on a long term income stream and does not generate an early capital sum and this may create difficulties in assessing affordable housing contributions and viability at the outset. It is noted that the National Planning Practice Guidance (NPPG) sets out a typical expectation of 20% affordable housing provision for BTR schemes.

- 5.15.12. The applicant submitted a Housing & Viability study which concluded that the scheme was unable to provide affordable housing. However it was noted the applicant offered to provide 10% affordable housing at Discounted Market Rents at a range of discounts (Local Housing Allowance to 20% discount market rents).
- 5.15.13. This was reviewed by the District Valuer (DVS) who concluded in December 2018 that the 10% affordable housing offer was marginally viable and that the 10% affordable housing level was the maximum reasonable for the scheme. The applicants addendum to the Housing & Viability Study (January 2019) suggests the scheme amendments have impacted negatively on viability but notwithstanding this the applicant's offer of 10% will be maintained. A further DVS report is awaited.
- 5.15.14. Affordable housing mix is provided 6 x 1 bed units, 10 x 2 bed and 5x 3bed units. The views of the Council's Housing officers should be sought on the suitability of the proposed size and tenure mix and the proposed distribution of the APR units within the development.
- 5.15.15. Should the scheme be approved, provision will need to be made in the S106 agreement for a review mechanism (or re-appraisal of scheme viability) to ensure that any uplift in development value is shared with the Council in the form of an improved affordable housing contribution. As this is a build to rent development where it is proposed that the affordable units will remain in the ownership of the developer/operator in the long term, specific mechanisms will need to be set out in the S106 to ensure that any future uplift in value is identified and to ensure the retention of the affordable housing in perpetuity.
- 5.15.16. Any S106 should therefore include a requirement for a marketing and lettings plan and make provision for annual statements setting out the tenancy details and rental levels charged for all units being let as APR. Provision should also be made for a full viability re-appraisal to be undertaken after 15 years (or period defined by the covenant), and also in the event that any part of the development is sold or converted to another tenure within this year period. In any circumstances where it is not possible to retain the affordable housing onsite, provision should be made for equivalent provision on a different site or for a financial contribution equivalent to the value of the affordable housing lost.
- 5.15.17. Private amenity space:
Policy HO5 requires the provision of private useable amenity space appropriate to the scale and character of the development. The applicant argues that the Build to Rent developments are designed to provide less private amenity space in favour of more communal

amenity space – to allow for social interaction and shared experience of residents with the range of managed and maintained internal and external community space providing an approximate 9.4 sq m per unit. The applicant has also set out in the balcony strategy provided that there are specific site constraints and design consideration which precludes more balconies being provided by the scheme and this should be assessed by the case officer alongside the advice from the Design Review Panel.

5.15.18. Open space and sports provision:

It is welcomed that the applicant has agreed in principle to an off-site financial contribution for open space and sport provision to meet the requirements of CP16 and CP17. The ready reckoner previously provided an indication of the space requirement by type of open space and offsite contribution where this cannot be provided on site (and a figure of £516,916 with reductions in the number of residential units and unit mix following revisions to the scheme in January 2019 the figure is £453,980). It is also recognised that the nature of this ‘urban block’ site it may not be suitable or practical to provide a fully equipped play space.

5.15.19. Public Realm:

It is welcomed that to further address the requirements of Policy DA4 and SPD10 that the applicant has committed in principle to a financial contribution towards public realm enhancements across the wider area.

5.15.20. Other Proposed Uses:

It is acknowledged that a flexible use of the 3 ground floor units for a wider range of retail uses A1 – A4 although not envisaged in the policy would potentially help to activate and enliven the ground floor fronting Elder Place. However there remains concern that if all three units were to be in B1a/B1B use this would provide not an active ground floor frontage in the evenings or weekend as envisaged by the policy. The case officer should consider limiting the number of units that could potentially be in B1a/B1b use.

5.15.21. Public Art:

Adopted City Plan Policy CP5 supports investment in public realm spaces suitable for outdoor events and cultural activities and the enhancement and retention of existing public art works; CP7 seeks development to contribute to necessary social, environmental and physical infrastructure including public art and public realm; and CP13 seeks to improve the quality and legibility of the city’s public

realm by incorporating an appropriate and integral public art element.

5.15.22. To safeguard the implementation of these policies, it is important that instances in which approval/sign off from the council is needed is clearly identified and secured. The level of contribution is arrived at after the internal gross area of the development (in this instance approximately 16512 sqm) is multiplied by a baseline value per square metre of construction arrived at from past records of Artistic Component contributions for this type of development in this area. This includes average construction values taking into account relative infrastructure costs. It is suggested that the Artistic Component element for this application is to the value of £83,000.

5.16. Private Sector Housing: There are concerns that from the first floor upwards there are a number of flats on each level that have inner bedrooms, with a means of escape through the living area and kitchen.

5.17. Sustainable Drainage: No objection subject to condition.

5.17.1. In principle, the Lead Local Flood Authority (LLFA) have no objections to this development. The applicant will also need to provide a comprehensive maintenance plan for the drainage system in a formal maintenance plan. This should describe who will maintain the drainage, how it should be maintained and the frequency needed to monitor and maintain the system for the lifetime of the development.

5.18. Sustainable Transport: Objection:

5.18.1. Summary of updated comments:
Several rounds of revisions have been made to originally submitted proposals in response to our comments. These resolve major concerns about the impact of a proposed footway buildout on New England St which compromised strategic highway planning (which has now been removed) and the quality of cycle parking provision (which has been revised) to the extent that these can now be managed through appropriate conditions and planning obligations. Other concerns about the impact of an unrealistically low mode share for single occupancy car trips have also been resolved by assessing trips generated by a more appropriate share.

5.18.2. However, concerns about the proposed delivery and service arrangements have not been satisfied. These continue to rely entirely on on-street facilities, with no facilities proposed within the development itself. In particular:

- Providing some loading facilities on Elder Place is essential as bin stores etc... are only accessible from here. Unfortunately a Road Safety Audit has found the applicant's preferred location for a bay to be unsafe. Whilst they have since looked at some alternatives, all carry clear safety risks and none have been put through a Road Safety Audit. We therefore cannot be confident that these or any other are feasible such that we can recommend a section 106 scheme to secure an alternative. It should also be noted that introducing on-street loading facilities in this general location is likely to prejudice delivering a suitable s106 public realm scheme on Elder Place to satisfy DA4 and SPD10 requirements.
 - The applicant's analysis shows that the capacity of the proposed on-street facilities will be substantially below that necessary to accommodate predicted demand during peak periods. This remains true even without deducting the unfeasible bays on Elder Place. It is not considered that a Delivery & Service Management Plan could remedy this.
- 5.18.3. Given the sensitivity of this location, the result is that the proposals would result in formal loading that would compromise highway safety and, because of the inadequate capacity, sporadic loading in locations that would obstruct traffic and/or impact on highway safety. Unfortunately they are therefore deemed to fail Local Plan policy TR7 (safety) and the requirements for safe access for servicing in NPPF para 108. By turns they are deemed to meet the test for refusing development on transport grounds that is set out in NPPF para 109. Unfortunately, because of the likely severity of impact on the highway we must object and recommend refusal.
- 5.18.4. Notwithstanding the objection and recommendation to refuse, if the application is minded to be approved, a number of conditions and section 106 obligations are recommended. These include securing –
- a section 106 contribution of £746K towards implementing a public realm scheme for Elder Place;
 - a further £202,894 sustainable transport contribution towards other improvements; and
 - a scheme of highway works for the immediate development frontage, including repaving of footways, minor kerb-line adjustments, the introduction of street trees on New England St, and relocating/extending the existing loading bay and signalised pedestrian crossing on New England St.

- 5.18.5. Sustainability:
The residential parts of the proposals are expected to meet energy efficiency standards of a 19% reduction in CO2 emissions over Part L Building Regulations requirements and Water efficiency standards of 110litres/person/day. The non-residential parts of the scheme are expected to meet BREEAM Excellent as part of a major development. The scheme as a whole should also incorporate infrastructure to support low and zero carbon decentralised energy networks (in particular heat networks).
- 5.18.6. The proposal addresses all parts of CP8 via the following documents:
- Energy strategy
 - Sustainability strategy
 - Sustainability checklist
- 5.18.7. A BREEAM pre-assessment has been submitted which indicates that the application indicates that the development will achieve BREEAM Excellent standard.
- 5.18.8. The energy solution for the building utilises a Low Temperature Hot Water system delivered from a CHP unit and gas-fired boilers, MVHR units, an AHU with heat exchanger and solar PV panels. The size of the modelled CHP/boilers is unclear.
- 5.18.9. No potential pathways have been identified in order to connect the development to a future district heating network. It is not clear whether the location of the existing would preclude this from happening. Aside from this, the proposed solution meets the emerging CPP2 policy for heat networks (DM46).
- 5.18.10. The Energy Strategy notes that an Air Source Heat Pump solution is being explored. It also notes that this solution is best placed to take advantage of future grid decarbonisation and would also benefit the local environment in terms of improved air quality over any of the alternative options. It is strongly recommended that this option be explored further.
- 5.18.11. The proposed development achieves a 100l/p/day water consumption, exceeding the requirement in CPP1.

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 and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only - site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.

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
CP1	Housing delivery
CP2	Sustainable economic development
CP3	Employment land
CP4	Retail provision
CP5	Culture and tourism
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP13	Public streets and spaces
CP14	Housing density
CP15	Heritage
CP16	Open space
CP17	Sports provision
CP18	Healthy city
CP19	Housing mix
CP20	Affordable housing

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

TR4	Travel plans
TR7	Safe Development
TR14	Cycle access and parking
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD5	Design - street frontages
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
SR5	Town and district shopping centres
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas
HE10	Buildings of local interest
HE12	Scheduled ancient monuments and other important archaeological sites

Supplementary Planning Guidance:

SPGBH15 Tall Buildings

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD11	Nature Conservation & Development
SPD14	Parking Standards
SPD10	London Road Central Masterplan

8. CONSIDERATIONS & ASSESSMENT

8.1. The main considerations in the determination of this application relate to:

- The principle of re-development of the site, and type and scale of uses proposed in this location
- Housing: layout, mix, viability and affordable housing provision
- Impact on the amenity of existing nearby occupiers and proposed occupiers
- Design including scale and density and impact on character and appearance of the locality, including the setting of heritage assets
- Sustainable transport, parking and highway safety
- Sustainability, biodiversity and flood risk
- Accessibility

- Infrastructure and developer contributions

8.2. Planning Policy Context:

The site is located within the New England Quarter and London Road Development Area as identified in Policy DA4 of the Brighton & Hove City Plan Part One. This area is located along the Preston Park and London Road corridor between the Park, Brighton Station, The Level and the North Laine area of the city. Development Areas in the City Plan Part One are identified as offering significant capacity for new development.

8.3. The supporting text to Policy DA4 states that opportunities for further development within this area arise from it being in close proximity to the retail and commercial core of the city and the area is well placed to capitalise on excellent transportation links provided by Brighton Station, London Road and Preston Road Stations. To the south, Trafalgar Street provides a link to the vibrant North Laine shopping and conservation area. There is real potential to invigorate this part of the city and create a high quality public realm which improves the arrival experience of those coming to the city by train.

8.4. The overarching strategy for the DA4 Development Area is to:

‘... revitalise the London Road shopping area, create a major new business quarter connecting London Road to the New England Quarter, and to maintain and enhance a green gateway to the city to the west of Preston Road.’

8.5. Part A.1. of Policy DA4 states that the provision of 20,000sqm of additional new office floorspace post 2016 is a priority.

8.6. Part B of Policy DA4 allocates the Development Area for the following minimum amounts: 1185 residential units; 20,000sqm B1a and B1b floorspace; and 300 student housing beds.

8.7. Part C of Policy DA4 identifies the Strategic Allocations in this area (including Longley) and states provision is made for 20,000 s.q. m net additional B1a, B1 b floorspace and 165 residential units through the implementation of extant commitments for B1 floorspace and the mixed use development of the following 5 sites:

- Vantage Point, Elder Place (including Circus Parade) - no net loss of B1a floorspace;
- Trade Warehousing (Longley Industrial Estate) 4-6 New England Street - 3,000 sqm;
- Richardson's Scrapyard and Brewers Paint Merchant Site, New England Street - 3,000 sqm;

- d) Cheapside (south between Blackman Street and Whitecross Street) - 2,000 sqm;
 - e) Blackman Street Site (land adjacent to Britannia House) - 2,000 sqm
- 8.8. DA4 states that an appropriate mix of uses including ground floor ancillary retail (A1) and restaurants and cafes (A3) will be permitted.
- 8.9. The most up to date Strategic Housing Land Availability Assessment (SHLAA) for the city is a material consideration and it identifies the Longley site as having potential for 45 residential units.
- 8.10. The Urban Capacity Site Assessments (2012) is a background document to the City Plan and is a material consideration, and this recommends a 90 unit residential allocation is spread across the Longley and Vantage Pt/Circus Parade two sites to reduce the massing on Vantage Point and enliven Elder Place. This latter Assessment identifies Longley Industrial Estate as having capacity to accommodate 10 residential units, with the remaining 80 at Vantage Point. It identifies the site as having potential for 6000sqm of B1 floorspace and underground car parking within a development of between 3-6 storeys high.
- 8.11. The site lies within the area covered by Supplementary Planning Document 10: London Road Central Masterplan, which was adopted in December 2009. It is a material consideration in the assessment of this application, and seeks the provision of an economically and environmentally healthy town centre and proposes a series of enhancements and opportunities for redevelopment for the area. The document outlines masterplan principles and proposals and provides detailed guidance for potential developers bringing forward individual development proposals in the masterplan area. SPD10 identifies the Longley site as being within a development zone and as having potential as part of a wider comprehensive redevelopment with Vantage Point/Elder Place or redevelopment with business units. SPD10 identifies sites close to the valley floor and London Road as the preferred location for 'tall' buildings. These are expected to fall within the range an 8-15 storey 'Tall' building as set out in the in Tall Building Study (see SPGBH15) and to form a distinct cluster.
- 8.12. SPD10 identifies the adjacent site, New England House, for refurbishment, or replacement within a wider comprehensive development with Longley Industrial Estate and Vantage Point. SPD10 identifies Elder Place and York Hill as having poor streetscape and maintenance and identifies urban design priorities such as introduction of active frontages, greenery and enhanced public realm, together with significantly improved pedestrian and cycling

linkages. Vantage Point / Elder Place are identified as having the opportunity to improve and/or relocate existing open space.

- 8.13. In addition to the above key policies and material considerations, a number of other local planning policies are relevant to this proposals, as outlined in the Planning Policy Team's response. These shall be discussed in more detail under the relevant sections below.
- 8.14. Principle of mixed use redevelopment on this site and loss of existing uses: The principle of mixed use is accepted in this location given the policy context outlined above. The site is well located to take advantage of sustainable transport provision and local services. Mixed uses contribute towards a sustainable and vibrant community. The provision of B1 (a) and (b) floorspace, housing and retail units is in accordance with the aims of policy DA4.
- 8.15. There is some concern regarding the loss of the existing B1(c) light industrial and B8 warehousing uses and associated employment given the shortage and need in the city of such uses. Policy DA4 does not however seek to retain such uses on the site and its primary aim is the provision of modern B1 (a) and (b) floorspace. In this context DA4 is considered to outweigh policy CP3, which seeks to safeguard existing employment sites and premises. The council's Economic Development Team confirm that the site is currently underperforming economically given its location, and the proposed redevelopment would make a much more effective use of this central city site, with uses more appropriate to its location. In addition, the proposed redevelopment would remove an unattractive utilitarian building, which is welcomed in principle. Industrial and warehouse uses can require significant vehicular movements and this is discouraged within as designated Air Quality Management Area as is the case here. The development of the right type and mix of new high quality employment space is fundamental to the economic wellbeing of the city, to ensure provision meets the demands of existing businesses and optimizing inward investment. The provision of B1 (a) and (b) floorspace will provide significantly greater number of jobs than the current use, creating between approx. 55-411 full time equivalent (FTE) jobs compared to approx. 51 FTE jobs at present (see Economic Development comments).
- 8.16. The Planning Policy Team raise no objection to the loss of the existing uses and proposed redevelopment of the site for mixed use purposes in principle, and the Economic Development Team similarly support the proposal.
- 8.17. Employment provision:

The main aim of Policy DA4 is the provision of a new business quarter, and securing B1 floorspace is therefore a priority.

- 8.18. In this context it is disappointing that the opportunity to maximise the potential of the Longley site for business uses has not been taken, particularly as the site has now been identified to have the potential to deliver significantly more floorspace than was originally envisaged in the policy allocation and background documents to it. The proposal does however meet and indeed slightly exceed the minimum B1 floorspace requirement stated in Policy DA4, which is very welcome. DA4 requires a minimum of 3,000sqm and the proposal is providing 3,270sqm of B1 (a)/(b) use, plus an additional 308sqm of flexible commercial uses which include B1 uses.
- 8.19. As has been stated above, mixed uses are encouraged in this location and therefore there is no objection to an element of housing as part of the development, albeit a much more substantial element than was originally envisaged. The council is giving increased weight to housing provision given para 11 of the NPPF (see Housing Provision section below). The commercial floorspace proposed will provide a significant net increase in jobs at the site and deliver higher quality employment floorspace than existing. The proposed amount of B1 floorspace is still considered significant and will help regenerate the wider area and could act as a catalyst for further jobs in the area.
- 8.20. In addition to the above, the amounts of B1 floorspace and housing proposed for Longley should be viewed in the context of that currently being delivered on the Blackman Street Site adjacent to Britannia House where a 5,445 sqm B1 office development is being built (3,445sqm above the minimum strategic allocation of 2,000sqm), with no housing. Overall, it is considered the aims of Policy DA4 and the amounts of B1 floorspace and housing it seeks to provide across the 5 strategically allocated sites would not be compromised by the current scheme.
- 8.21. Whilst not a material planning consideration, it should be noted that the scheme could help deliver Greater Brighton City Deal outputs in respect of New England House (NEH) as part of the land deal with the council as freehold owner of the site (see History section above). The Longley scheme could provide employment floorspace that counts towards the City Deal requirement of 7,090sqm for NEH which would help facilitate a significant upgrade of NEH and consolidation and strengthening of that building's role as a flagship hub for creative, digital and IT sector businesses. Longley could provide 'move on' employment floorspace for those businesses that have outgrown NEH but who wish to retain links with other businesses there. This would accord with policy DA4 which seeks to maintain and strengthen NEH

and the significant creative digital and information technology cluster in the area.

- 8.22. In accordance with policies CP7 and DA4, and the Developer Contributions Technical Guidance, it is welcomed that the applicant will enter into a training place agreement to secure construction training for local people under the Local Employment Scheme and commit to use of 20% local labour, and provide an appropriate financial contribution towards implementation of this.
- 8.23. Housing provision:
The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually.
- 8.24. The Council's most recent housing land supply position is published in the SHLAA Update 2018 (February 2019). The figures presented in the SHLAA reflect the results of the Government's 2018 Housing Delivery Test which was published in February 2019. The Housing Delivery Test shows that housing delivery in Brighton & Hove over the past three years (2015-2018) has totalled only 77% of the City Plan annualised housing target. Since housing delivery has been below 85%, the NPPF requires that a 20% buffer is applied to the five year housing supply figures. This results in a five year housing shortfall of 576 net dwellings (4.5 years supply). In this situation, when considering the planning balance in the determination of planning applications, increased weight is given to housing delivery in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 8.25. Given the policy context outlined previously, mixed uses are encouraged in principle and the site has been identified as being suitable for an element of housing provision. There is no objection to a significant element of housing provision on this site given that this would not compromise the required B1 floorspace in this case, and indeed, given paragraph 11 of the NPPF, increased weight is given to the benefits of housing delivery.
- 8.26. Build to Rent:
This application proposes the city's first ever large scale 'Build to Rent' (BTR) housing scheme. Build to rent is an emerging sector in the housing market, comprising large purpose-built developments for private rent. This type of housing is associated with long term institutional funding/investment and is a growing sector in major urban areas. The Government is promoting BTR as a means of improving the supply, choice and quality of private rented

accommodation. BTR has been defined as a distinct housing category in the NPPF (July 2018) and is referred to in the NPPF Planning Practice Guidance (NPPG). The NPPF defines build to rent as:

- 8.27. Purpose built housing that is typically 100% rented out. It can form part of a wider multi-tenure development comprising either flats or houses, but should be on the same site and/or contiguous with the main development. Schemes will usually offer longer tenancy agreements of three years or more, and will typically be professionally managed stock in single ownership and management control.
- 8.28. Given the above, the council is in the process of formulating a local policy for BTR in City Plan Part Two (draft policy DM6). The initial wording for DM6 is outlined below for information, however, this is an evolving policy and the council is in the process of commissioning further evidence looking at the viability and deliverability of BTR in the city, so the policy may change as planning policy and practice with regard to BTR evolve further. The wording is largely based on current advice in the NPPF/NPPG:
- 8.29. Draft Policy DM6
Proposals for the development of Build to Rent housing will be required to meet all of the following criteria:
- a) the development will improve housing choice and make a positive contribution to the achievement of mixed and sustainable communities in accordance with City Plan Part One Policy CP19 Housing Mix;
 - b) the development will not lead to an over-concentration of build to rent within sites designated as Strategic Allocations in the City Plan;
 - c) all of the dwellings are self-contained and let separately;
 - d) the homes are held as build to rent under a covenant for at least 15 years;
 - e) the build to rent housing is under unified ownership and will be subject to common management;
 - f) the development will provide professional and on-site management;
 - g) the development will offer tenancies of at least 3 years available to all tenants with defined in-tenancy rent reviews;
 - h) the development provides a high standard of accommodation that complies with the requirements in Policy DM1 Housing Quality, Choice and Mix; and
 - i) the provision of affordable housing complies with the requirements in City Plan Part One Policy CP20 Affordable Housing, subject to the criteria set out in part 2 of this policy.

- 8.30. Build to rent developments will be expected to contribute towards meeting the city's identified need for affordable housing. The council will negotiate to achieve the following requirements:
- a) a proportion of affordable housing based on the requirements of Policy CP20 (40% on sites of 15 or more (net) dwellings), normally in the form of affordable private rent;
 - b) the affordable homes to be offered at discounted rent levels to be agreed with the council;
 - c) eligibility criteria for the occupants of the affordable homes to be agreed with the council and included in the S106 agreement;
 - d) the size mix of affordable housing units to be agreed with the council in accordance with Policy CP20; and
 - e) the affordable homes to be secured in perpetuity - the council will seek inclusion within the S106 agreement of a 'clawback' arrangement in the event of affordable units being sold or taken out of the build to rent sector.
- 8.31. Whilst emerging policy DM6 holds limited weight at this stage, it does give the direction of travel of local policy and does broadly accord with national policy guidance, which is a material consideration of some weight.
- 8.32. In view of the above national policy context and emerging local policy, the provision of BTR housing is welcomed in principle. Policy CP20 promotes mixed tenure as the most effective way of ensuring a balanced community. The council considers that BTR can help to boost the supply of housing to rent in the city by providing more choice of good quality rented accommodation and secure longer term tenancies. The council's Housing Strategy Team welcome the proposals in principle. The emerging policy aims to facilitate the delivery of high quality BTR schemes that will contribute towards meeting identified housing needs in the city. Provided appropriate Heads of Terms are secured via S106 to accord with emerging policy DM6, and the scheme is covenanted as a BTR tenure, the proposal is considered acceptable in principle.
- 8.33. Affordable Housing and Viability:
City Plan Policy CP20 requires housing development of over 15 units to provide 40% affordable housing. The 40% target may be applied more flexibly where the council considers this to be justified, as set out in the policy. Of consideration in particular is the financial viability of developing the site (as demonstrated through the use of an approved viability model).
- 8.34. The NPPG recognises that the economics of BTR schemes differ from build for sale in that they are based on a long term income stream and do not generate an early capital sum. As a consequence, viability assessment

requires a different approach. The NPPG states that 20% affordable housing is generally a suitable benchmark for the level of affordable private rent homes to be provided (and maintained in perpetuity) in any BTR scheme. Local authorities wishing to set a different proportion should justify this using the evidence emerging from their local housing need assessment and set the policy out in their local plan. Currently emerging policy DM6 in the City Plan Part Two cites a 40% target.

- 8.35. In this regard, the applicant has provided a Viability Assessment (and subsequent revision) which concludes that the overall costs of the scheme mean it is not viable to provide any affordable housing. Notwithstanding this, the applicant has offered 10% affordable rented (21 units) at 75% discounted rent from market rates.
- 8.36. The council commissioned the District Valuer Service to assess the applicant's viability case. The DVS disagreed with the applicant with regard to the conclusion of the original 208 unit scheme, as the DVS concluded 10% would be indeed be viable. Despite some differences in inputs, they did reach a common position that the previous scheme could not provide any more than 10% and the S106 payments proposed at the time.
- 8.37. The DVS has subsequently appraised the amended 201 unit scheme with a different housing mix and reduction in commercial floorspace. Whilst there remain some areas of debate regarding approach and costs, they do essentially agree, and the DVS considers the figures are generally reasonable. The revised Gross Development Value (GDV) provided by the applicant only marginally differs from DVS. The appraisal results in a Profit on Cost of 10.16%, which is below the minimum target profit on cost of 15%. This suggests that no additional affordable housing could be viably provided. A number of scenarios were tested (e.g. at different affordable rent levels and unit numbers), and the DVS is of the opinion that the reduction of the total number of units from 208 to 201 makes the scheme unviable regardless of the number and mix of affordable housing. It should be noted the Housing Strategy Team advise that it is not appropriate to secure lower local housing rent allowance levels in BTR cases as council nominations are not a legal requirement for BTR schemes where the developer would intend to remain the owner/landlord of the building/homes.
- 8.38. Given the DVS conclusions it is therefore considered that a robust case has been made to accept a lower affordable housing percentage than is targeted by policy. The provision of 10% is welcomed as it would make a valuable contribution towards the housing need in the city and would help provide balanced mix of housing provision in the scheme, in accordance with policy. Whilst not formally nominating, the council will still be involved in setting

eligibility criteria for tenants (secured by S106). Affordable rent levels of 75% of market rate are welcomed particularly given that the NPPG suggest levels should be 80%. Whilst the BTR tenure would be covenanted for 15 years only (as per policy advice) affordable units would still be provided in perpetuity. The NPPG does indicate that both the proportion of affordable private rent units, and the discount offered on them can be varied across a development, over time. This can potentially be addressed through provision for viability review mechanisms to be included in the S106 agreement. A clawback mechanism can also be secured should any of the units be taken out of the BTR tenure.

- 8.39. At the request of the LPA, the DVS also carried out an alternative appraisal based on the scheme being carried out on Private Market sale basis as opposed to a BTR scheme. Whilst an alternative scheme is not an option, this was requested to help inform the direction of council policy. This concluded that, with the information available, it is not possible to provide a good comparison to the BTR scheme. A full and accurate appraisal would require a complete reassessment of cost inputs and would very likely result in a change of design and unit numbers. The DVS advises that BTR developments are a very different product, offering different options to investors and operators and cannot truly be compared like with like with a traditional residential development, which are very much a single instance income generator and have different risks associated with them. This is demonstrated by them being treated differently by the NPPF and PPG. They advise it should be expected that the unit mix and costs would change significantly were the scheme to be converted to a private sale development. With all of this in mind, and taking on very broad assumptions and a simplistic approach, the DVS did however provide an appraisal of the scheme. It could result in a profit level of 18.23% on GDV which is 0.73% above a target of 17.5% of GDV that the DVS would expect to provide a reasonable return to the investor. This suggests that 10% Affordable Housing on a 60:40 split of Affordable Rent and Shared Ownership in a private sale scheme would be considered viable, with a marginal additional surplus.
- 8.40. The size and type of the affordable units is considered acceptable and can be secured in perpetuity via S106. See below for more detail regarding mix. It should be noted that the location of the affordable units may vary over time.
- 8.41. Housing Density, Layout and Mix:
National and local planning policies seek to secure the delivery of a wide choice of high quality homes which will contribute to the creation of mixed, balanced, inclusive and sustainable communities. Proposals for new residential development are expected to incorporate a range of dwelling types, tenures and sizes that reflect and respond to the city's identified

housing needs (City Plan Part One policies SA4, SA6, CP14, CP19, CP20, Local Plan Policy HO13 and emerging policy DM1 of the City Plan Part Two.).

- 8.42. Policy CP14 states that residential development should be of a density that is appropriate to the identified positive character of the neighbourhood and be determined on a case by case basis. It states development will be permitted at higher densities than those typically found in the locality where it can be adequately demonstrated that the proposal:
1. Would be of a high standard of design and would help to maintain or create a coherent townscape;
 2. Would respect, reinforce or repair the character of the neighbourhood and contribute positively to its sense of place;
 3. Would include a mix of dwelling types, tenures and sizes that reflect identified local needs;
 4. Is easily accessible by sustainable transport or has the potential to be easily accessible;
 5. Is well served by local services and community facilities; and
 6. Provides for outdoor recreation space appropriate to the demand it would generate and contributes towards the 'green network' where an identified gap exists.
- 8.43. CP14 states that to make full, efficient and sustainable use of the land available, new residential development within the Development Areas, such as DA4, the density of new residential development will be expected to achieve a minimum of 100 dwellings per hectare on major development sites, provided that all of the above criteria can be satisfactorily met.
- 8.44. As stated above, there is no objection to a build to rent tenure. This is the first such scheme in the city and it would not lead to an over-concentration of one particular housing tenure in this particular development area. It will widen housing choice and is considered well suited to this highly sustainable location.
- 8.45. The scheme is undoubtedly a very high density development (approx. 905 dwellings per hectare). The proposal is however considered to make effective and efficient use of an underused site, which is located in a central and very sustainable location close to services and good transport links, therefore it is considered particularly appropriate for a high density scheme. The site is a constrained urban block in a central area with limited capacity for on-site landscaping or open areas for example, and in townscape terms it is appropriate not to significantly diverge from the established urban grain here. The City Plan Development Areas were allocated as it was recognised they offer capacity for significant levels of new development and opportunities for

change, welcomed in areas in need of regeneration. The City Plan encourages development to come forward across the city on suitable brownfield site opportunities in accessible locations and promotes the efficient use and development of land/sites across the city including higher densities in appropriate locations. Such development will help to secure the growth of, or maintain, sustainable neighbourhoods and communities and can also help to protect valuable open spaces

- 8.46. With very high density schemes it can be challenging to provide satisfactory layouts and living conditions. In this case the applicant has ensured that all units meet or exceed nationally described internal space standards as set out by the government, and in emerging policy DM1, which is welcomed. A total of 6.5% wheelchair accessible homes would be provided (13 units, comprising 7 x 1-bedroom and 6 x 2-bedroom units) which is considered acceptable given policy HO13 and emerging policy DM1, which seek 5% provision overall. These policies seek 10% within the affordable housing (10% of 21 = 2.1, so 3) and these 3 wheelchair units can be secured via S106 initially. Given the nature and flexibility of the build to rent model, however, the location of the affordable units may change over time therefore it is not possible to ensure a 10% provision within the affordable is secured in perpetuity. The S106 will however seek evidence that these units have been targeted and prioritised for disabled people. There are no significant concerns with regard to the level of daylight/sunlight the units would receive (see later section on amenity for further information).
- 8.47. Policy HO5 requires the provision of private useable amenity space appropriate to the scale and character of the development. Weight is given to the fact this is a central and constrained location however it is disappointing that dedicated private amenity space eg balconies or terraces cannot be provided for every unit, given how such areas can benefit the quality of life of residents. The applicant argues however that the Build to Rent developments are designed to provide less private amenity space in favour of more communal amenity space – to allow for social interaction and shared experience of residents with the range of managed and maintained internal and external community space, providing an approximate 9.4 sq m per unit. The applicant has also set out a balcony strategy which demonstrates there are specific site constraints and design consideration which precludes more balconies being provided by the scheme. In addition significant areas of outdoor communal amenity space is proposed, such as roof terraces. The proposed roof terraces are multi-functional, which is positive and can be secured by condition. The proposed amenity space provided is therefore, on balance, considered acceptable.

- 8.48. In terms of the demand created for outdoor recreation space, sports and childrens play, it is recognised that the nature of this 'urban block' site it may not be suitable or practical to provide a fully equipped play space. In addition weight is given to the fact that a high proportion of smaller, non-family-sized units proposed. It is welcomed that the applicant has agreed to fully meet the financial contribution of £453,980 for enhancement of off-site open space, sport and play provision, in accordance with the requirements of policies CP7, CP16 and CP17 and the Developer Contributions Technical Guidance. It is also welcomed that BTR schemes such as this do provide relatively large areas dedicated to communal space internally, and this scheme includes several multi-purpose rooms and a gym. Such areas can help address the need for community facilities generated by development of this scale.
- 8.49. City Plan Policy CP19 seeks an appropriate mix of housing which is informed by local assessments of housing demand and need. In this regard, it can be seen from the Planning Policy comments there are some reservations regarding the proposed mix, given the large proportion of studio and 1-bed flats proposed versus the fact that 70% of future needs are for 2 and 3 bedroom homes. The proposed mix (73% of the market scheme being studio or 1-bed) is disappointing. Studio and 1-bed flats also offer limited flexibility to changing household circumstances. It is however recognised that this mix proposed is largely as a result of design changes required to make the development acceptable in townscape and highways terms. It is disappointing the opportunity was not taken to improve the mix when the scheme was revised, however, on balance, given the marginal viability of the scheme and the need to provide income, the need for general housing delivery (and para 11 of the NPPF) and the benefits of the development as a whole, the mix is considered acceptable in this particular case. Importantly, the affordable housing mix did not change as a result of the amendments and is considered to represent a mix which does appropriately meets identified needs (6 x 1-bed, 10 x 2-bed and 5 x 3-bed, equating to approx 29% 1-bed, 47% 2-bed and 24% 3-bed). Assessment of affordable 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, and the council's Affordable Housing Brief sets out a balance of unit sizes stated as: 30% 1 beds, 45% 2 beds and 25% 3 beds where possible. The council's Housing Strategy Team support the proposed mix.
- 8.50. Other commercial uses proposed:
Ancillary retail (A1 shops and A3 café/restaurant) uses and active frontages are encouraged in the policy DA4 allocation, given the benefits such a mixed of uses can bring. Active frontages are encouraged in Elder Place in particular to help animate and regenerate that street (SPD10).

- 8.51. The proposed introduction of flexible uses and a wider range of ancillary commercial uses (including A2 financial and professional services, A4 pubs and B1 office) is considered, on balance, to be acceptable. Whilst such uses would not be as 'active' as A1 and A3, they would nevertheless provide some activity and have a degree of presence with a 'shop' window, and would complement the wider shopping area. The flexible uses proposed do not preclude A1/A3 here. Weight is also given to the fact this is a secondary retail location and to policy DA4 where the primary emphasis is the provision of new B1 floorspace. Of consideration also is the changing nature of the shopping high street and town centres and less reliance on A1 retail uses. Any A4 (pub) or A3 (restaurant/café) uses here can be adequately controlled by condition to ensure there is no loss of amenity.
- 8.52. Design, scale and appearance and impact to wider townscape:
National and local policies seek to secure good quality design which respects general townscape and the setting of heritage assets. Taller and higher density development than that typically found in a locality is considered appropriate in the right location. Policies DA4, CP12, SPGBH15 and SPD10 identify the New England Street/London Road area as an area for change, with potential for high density, tall (greater than 6 storeys) development.
- 8.53. SPD10 provides more detailed guidance and identifies sites close to the valley floor and London Road as the preferred location for tall buildings and these are expected to fall within the 8-15 storey range of 'tall' building as set out in SPGBH15, and to form a distinct cluster. SPD10 advises that height lines should slope down towards New England Rd and London Rd to the height and scale of buildings in these roads. It identifies the Longley site as having potential for a tall building of about 11 storeys high.
- 8.54. In the context of SPD10, the proposed scale and height of the development (at 19 storeys including roof plant level) would initially appear excessive. Such a height would clearly be significantly taller than surrounding development and would project above the height of existing development on the horizon to the west and above London Road to the east. The proposal is undoubtedly a substantial development, of a significant scale in its local context and therefore requires very careful consideration and justification.
- 8.55. The advice in SPD10 is based on an initial assessment and it has not been subject to a detailed townscape assessment. If a development is to depart from the advice in SPD10 a strong and robust case needs to be made. Each application must be judged on its own merits against the supporting information submitted. In this regard, the applicant has submitted a detailed Heritage Townscape and Visual Impact Assessment (HTVIA). The key viewpoints were agreed with the Heritage Team and it is considered the

document has robustly assessed the visual impact of the proposal in both wider and closer views.

- 8.56. The Heritage Team have assessed the HTVIA and generally consider it to be sound. They comment that this is a very substantial high-density development proposal, of exceptional scale in its local context, and it would have a quite profound impact on the townscape and skyline of central Brighton due to its scale and massing, particularly in views from the surrounding streets but also in some cases in longer views. The proposal would very much be the dominant building in local views, and would be much higher than New England House and the rest of the New England Quarter. In the respect of impact to general townscape therefore, there are some reservations given the substantial impact of the scheme. The Heritage Team do however confirm that the sensitivity of the site is limited given it is just east of the valley floor in an area of very mixed townscape and poor public realm, contains no heritage assets and is c350m outside the nearest conservation area. Despite the scale of the scheme, they confirm that it would have no direct impacts on any heritage assets and, whilst it would visually impact on the settings of a number of designated and non-designated heritage assets, in the majority of cases there would be no notable harm caused. The exceptions to this are that the proposal would cause varying degrees of harm to the settings of: St Bartholomews Church (grade I); the London Road Railway Viaduct (grade II*); and the Arundel Building at Brighton General Hospital (grade II). The harm to the setting of the Arundel Building is the most demonstrable (from the Old Shoreham Road), though in each case the harm is 'less than substantial'. Some concerns were expressed regarding the width of the taller 'tower' element in some views and the Heritage Team advised that this could be improved if it had a more slender and elegant profile.
- 8.57. Given the scale of the development it is considered especially important the way in which it meets the ground and works at street and pedestrian level. There were previous concerns with how the proposal sought to address this (with a colonnade) as the development footprint was still very tight to the boundary of the site and left little 'breathing space' or pavement width and would have felt oppressive and overly dominant. There were also concerns in streetscene terms about how the building line related to that of New England House and the transition to that of Vantage Point. Also, there were some concerns that the footprint proposed may prejudice the redevelopment potential of adjacent sites. In addition there were highways concerns about extending the pavement into surrounding streets in principle to help achieve an appropriate setting for the building given this could prejudice future plans for the strategic road network.

- 8.58. The design and massing of the development has evolved positively since the initial pre-application submission and also during submission as a result of discussions with the Design Panel and officers. The massing of the scheme responds to the topography of the site by stepping up the valley side from east to west, whilst the east and west ‘shoulders’ of the development relate to the height of New England House and the taller ‘tower’ element extends up to six storeys above the shoulders to give its some clear distinction. The shoulder to the west, fronting New England Street is two storeys higher than New England House however this would relate to future roof extensions that are likely to come forward for that building, and in addition corresponds to the height of existing development on the horizon to the west.
- 8.59. The amended proposal now incorporates a 2.5m set back from the west side adjacent to New England Street. This narrows the ‘tower’ element by one bay as a result, so that it would now be square on plan, which is welcomed. It would make the ‘tower’ notably more slender in profile from viewpoints north-west and south-east of the site. The proposal will clearly become a new local landmark and this is considered appropriate in this location at the start of what is in effect the central part of the city. In setting the building line of the ‘tower’ element back on the west side, the previously slight set-back that provided a visual break to the lower part of the building on this face has been lost and the building line would be on a continuous plane here. This is regrettable and a condition is recommended to ensure the elevational treatment and/or finishes achieve a visual break or shadow line here.
- 8.60. The set back introduced helps give the proposal more breathing space at its base and the building is now considered to relate better to NEH and Vantage Point and to the general streetscene. Taller buildings in this location have generally been set back a little, with wider pavements. Whilst the site can be seen as part of an urban block with NEH, there does need to be some transition between that building and Vantage Point, which is set some way back from New England Street and also NEH is set back at its lower levels, lessening its presence. A colonnade also helps achieve a sense of space at the base of the building. On balance, the lack of a set back to the north (originally also requested) is considered acceptable as it should not unduly compromise any future schemes on the Vantage Point/Circus Parade site – the distance between the sites and pavement widths here in Elder Place are considered appropriate (and pavements can be widened potentially). Siting buildings relatively close to their boundaries is part of the wider urban grain here. It is considered that the proposed siting actually on its site boundaries to the north and east does however mean that pavements at the north-east and north-west corners should be extended to help give the building a better setting – and there is no highways objection in principle to this. In addition new street trees and cycle spaces would need to be carefully positioned to

limit unduly narrowing the pavement. Elder Place to the east is a wide road and the proposed building line would match that of New England House here.

- 8.61. With regard to the three viewpoints where harm to the settings of heritage assets were previously identified, the amendment to a more slender 'tower' would either make no, or only negligible, improvement to views. It therefore remains the case that the proposal would cause some harm the settings of the listed buildings in these views. As the harm found is 'less than substantial', under the terms of the NPPF this must be weighed against the public benefits of the development whilst having special regard to the desirability of preserving the listed building's setting as per the statutory duty. In this respect it is noted that the development would be financially contributing to significant wider public realm improvements, which is a welcome benefit and weight is given to the public benefits of regenerating the site and wider area, and provision of much needed housing and employment floorspace. There do remain some reservations regarding the overall scale and siting and the impact to the general townscape, however, the amended proposal is considered a significant improvement and the scheme is on balance considered acceptable. This site is identified in area in need of change and regeneration and in this context it is considered a substantial building would be appropriate.
- 8.62. With regard to overall design and materials, it is noted that the surrounding area is architecturally very mixed with significant examples of poor quality buildings. The Heritage Team advise that the design proposals, in terms of elevational proportions and detailing and how this reads at distance as well as close up, would represent a significant step up in quality in this respect and the indicated materials are considered appropriate in this context, which is welcomed.
- 8.63. Public Realm and Landscaping:
National and local plan policies place great emphasis on securing good design and placemaking. City Plan Policy CP13 requires the quality, legibility and accessibility of the city's public urban realm to be improved in a comprehensive manner through new development schemes, transport schemes and regeneration schemes. Such proposals are required to produce attractive and adaptable streets and public spaces that enrich people's quality of life and provide for the needs of all users by:
1. Positively contributing to the network of public streets and spaces in the city;
 2. Enhancing the local distinctiveness of the city's neighbourhoods;
 3. Conserving or enhancing the setting of the city's built heritage;
 4. Reducing the adverse impact of vehicular traffic and car parking;

5. Utilising high quality, robust and sustainable materials for all elements of the street scene;
 6. Incorporating street trees and biodiversity wherever possible;
 7. Encouraging active living and healthier lifestyles;
 8. Helping to create safe and inclusive public spaces;
 9. Incorporating an appropriate and integral public art element; and
 10. Reducing the clutter of street furniture and signage
- 8.64. The Longley site is located in an area with poor streetscape which has been identified as in need of significant regeneration and public realm enhancement (SPD10). Existing pedestrian and cycling infrastructure and connectivity is poor. Policy DA4 expects development to contribute towards an improved and high quality public realm and improved connectivity in the area. It also states development will be expected to contribute to green infrastructure improvements to increase green space connectivity and enhance biodiversity. The area is clearly in need of greenery, being a rather densely developed, hard urban environment and such provision could significantly benefit visual amenity and biodiversity, and general wellbeing. SPD10 identifies opportunities to 'repair' the deficiencies in the area and the Elder Place Zone suggests there are opportunities to change the character of this street with areas of new public realm and opportunities for longer use stay.
- 8.65. In this context and due to the fact two mature street trees will be removed, the proposals include significant public realm enhancement including new street trees. Indicative plans show proposals that could make Elder Place more pedestrian and cycling friendly and the introduction of commercial uses directly fronting the street will help animate and change the character of this street. Widening of pavements and traffic calming measures are welcomed in principle. The key principles shown in the indicative landscape plans are welcomed and the precise detail can be secured by S106. It will be important to secure a scheme which can adapt over time should further contributions be secured from redevelopment of adjacent sites like Vantage Point and New England House. In addition to works to the pavements immediately around the site, a substantial financial contribution of £746k is offered towards wider public realm enhancement, reflecting the importance of this to the success of the scheme. Such proposals can help kick start much needed regeneration of the area and attract further investment. See also Sustainable Transport section below.
- 8.66. The council's Arboriculturalist raises concerns regarding the loss of the 2 street trees in the public highway required as a result of the siting of the building close to the site boundaries, as these have significant amenity value. Their loss is regrettable however if opportunities to maximise the density of

the site are to be taken they are unable to be retained. The Arboriculturalist considers significant mitigation would be required to compensate for this loss in accordance with policies QD15 and QD16 of the Local Plan. Nine new semi-mature street trees are therefore proposed in New England Street (also partly for wind mitigation reasons), and opportunities for further street tree planting in Elder Place are identified in indicative landscape plans and will be secured by S106. On this basis the Arboriculturalist raises no further objection. The applicant has agreed to meet the costs of moving any underground services required to facilitate the trees to ensure they are delivered, and this is secured via S106. The proposals are therefore considered to comply with policy.

- 8.67. Given the above, it is considered the development would make a significant and valuable contribution towards much needed enhancement of the public realm, which will aid regeneration of the area. This is a considerable public benefit and is given significant weight.
- 8.68. Sustainable Transport:
City Plan policy CP9 seeks to promote sustainable modes of transport and cycling and walking in particular, to reduce reliance on the private car. Local plan policy TR4 promotes the use of Travel Plans. Policy TR7 seeks to ensure highway safety. Development is expected to meet vehicular and cycle parking standards set out in SPD14.
- 8.69. The site is in a sustainable location close to services and is well located to take advantage of existing public transport links. Pedestrian and cycling links are however poor and the area would benefit from significant public realm enhancement and better connectivity from London Road/Preston Circus and the station, as identified in SPD10.
- 8.70. The area is a designated Air Quality Management Area and therefore there is additional emphasis on promoting sustainable modes and reducing vehicular movements here. The limited onsite car parking (and allocation for disabled users only) is therefore welcomed in this regard. As is the inclusion of a high proportion of electric vehicle charging points in the car park. The slight shortfall in disabled spaces compared to SPD14 standards is considered acceptable. Sustainable modes will be promoted via a strong Travel Plan, which is welcomed, in accordance with policy. This will be secured by S106 and should it prove necessary, further measures can be secured such as provision of car club vehicles and bays. Residents will not have access to parking permits, as per policy. A Car Park Management Plan can be secured by condition. A financial contribution towards improvement of sustainable modes in the locality will be secured by S106. It is considered that all these measures should ensure that there will be strong incentives to use

sustainable modes and that there should be no undue overspill parking pressure in the locality.

- 8.71. The proposed layout and level of cycle parking has been amended and improved since first submitted and on balance is considered acceptable. Final details can be secured by condition. The provision of showers and changing areas and lockers is also welcomed, in accordance with policy. On and off-site visitor cycle parking is secured by condition.
- 8.72. The total net vehicular trip generation for the development would be relatively modest compared to the existing uses, however there would be a significant increase in the number of people arriving by foot (in some cases as part of a rail or bus trip), justifying contributions toward pedestrian route improvements, and in line with SPD10 and CP13 the development is expected to make a contribution towards works over a wider area. The proposed financial contribution of £746k towards enhancement of the public realm and Elder Place is therefore welcomed and considered necessary for the reasons previously outlined. While a 'masterplan' for the area is proposed by the applicant, it is indicative only and is not costed although there is agreement with the general principles of promoting pedestrian and cycling priority. Shared surfaces may be explored however the council will need to ensure it meets its Equality Duty and ensure this does not disadvantage particular sectors of the population. It is expected that other development sites in the area may contribute towards a public realm enhancement scheme also and therefore a phased approach will be required to ensure that acceptable solutions can be delivered under various scenarios, including one in combination with other adjacent sites and one by this development alone.
- 8.73. There is some reservation about the colonnade at the base of the building in terms of accessibility (given it incorporates steps and is within the site's 'private' demise) however the pavement is considered to be wide enough here and further widening is considered acceptable in principle on corner with Elder Place, as an alternative to using the colonnade. Proposed street trees and cycle stands will need careful siting to ensure the footway is not unduly narrowed. A Section 278 can secure the relevant highways works required eg extinguishing of existing accesses and creation of new one, pavement widening/improvement etc.
- 8.74. The Transport Team does raise an objection with regard to loading capacity and safety. A clear case in terms of servicing demand and supply has not been put forward, and trends indicate that demand for home shopping and deliveries is rising. The Transport Team consider the scheme could compromise highway safety given there could be insufficient dedicated loading space, which could lead to haphazard opportunistic loading on street.

- 8.75. Whilst a reduction in floorspace and residential unit numbers would overcome servicing concerns, given the marginal viability of the scheme this is not possible. The council encourages effective and efficient use of sites to maximise their potential. Given the concerns raised, the applicants have proposed a larger extended loading bay in New England Street and whilst this will not meet all the demand it will however go some way towards this. The applicant was been asked to explore options for further provision e.g. on Elder Place however to date suitable locations have not been found. There are concerns about the principle of locating loading bays either side of the new access on Elder Place for reasons of restricted highway visibility. In addition loading bays need to be carefully located to ensure the aims of wider public realm enhancements including in Elder Place are not undermined. A Servicing and Deliveries Management Plan is therefore recommended by condition so that the applicant can further explore options with the council. The Transport Team's reservations that such a Plan will not overcome their concerns is noted however it maybe that further options arise as more detailed plans emerge for public realm enhancement. A balance will need to be struck between enhancement and functionality. In addition, the shared use of New England House car park or the car park within the site may be explored. As a Build to Rent scheme the building will be closely managed and the Delivery and Servicing Management Plan can include measures to encourage frequent delivery vehicles to use the New England Street bay.
- 8.76. It should also be noted that currently there are no loading restrictions in Elder Place and that this is one of city's wider roads so should informal loading happen on the occasions the New England Street bay is occupied it should not lead to undue congestion. Also refuse vehicles currently load here. Such scenarios are not uncommon in the city centre where opportunities for formal on and off-street loading are limited. It is appreciated this situation is not ideal from highway safety point of view but in such central constrained areas it is acknowledged that this might be the case and this approach is considered a reasonable compromise on balance. Whilst the concerns of the Transport Team are noted, the many positives of the scheme overall including redevelopment of this important city centre site in an area in need of regeneration are considered to outweigh the concern, along with adherence to conditions.
- 8.77. A Construction Environmental Management Plan (CEMP) can ensure temporary loading areas and routes to and from the construction site are controlled by the planning process in the interests of the environment and highway safety
- 8.78. Impact on Amenity including microclimate:

Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health. Policies SU9, SU10 and SU11 of the Local Plan seek to protect amenity and human health from air pollution, noise, nuisance and polluted land and buildings. SPGBH15 Tall Buildings states that proposals will be expected to be well designed and consider their climatic effects on their surroundings including overshadowing and wind speeds, to ensure the environmental quality of the locality.

8.79. Air Quality:

The site is strategically allocated for significant development therefore there is no objection in principle to a more intensive use of the site. The site is however located within a designated Air Quality Management Area (AQMA) and therefore the introduction of significant new development needs careful consideration. In accordance with policy SU9, planning permission will only be granted for development within an air quality 'hot spot' where a) the effect on the proposed development, its occupiers and users will not be detrimental, b) the proposal will not make the pollution situation worse and c) the development helps to alleviate the existing problem. Policy DA4 seeks to ensure improvements to local air and noise quality through the implementation of the council's Air Quality Action Plan, through improvements to bus, pedestrian and cycle routes to achieve a modal shift and help reduce the impact of traffic and through the implementation of the council's Air Quality Action Plan. It seeks to ensure new development proposals take into account impact on local air quality and that improvements and/ or mitigation are sought wherever possible.

8.80. The applicant has submitted an Air Quality Assessment which concludes that the air quality impacts from the development would be insignificant. The council's Air Quality Officer generally concurs with this conclusion (except with regard to the proposed use of combined heat and power plant. It is considered that the types of uses proposed, office and residential, would have a different impact in terms of type and frequency of vehicles compared to existing, which should represent an improvement. The proposal is largely car-free with only disabled car parking spaces on site and it is considered that this, together with significant promotion of sustainable modes of transport, will address the aims of policy. In addition the proposal will increase the amount of greenery in this the dense urban area, which is a welcome air quality benefit.

8.81. There is some concern regarding the proposed incorporation of CHP in an AQMA in principle. Whilst such sustainable measures are usually welcomed

in accordance with policy CP8, in this particular location this benefit needs to be balanced against the need to reduce emissions and protect health. Therefore a condition is recommended to ensure 'cleaner' alternatives such as photovoltaics together with air or ground source heat pumps are explored or further evidence submitted to demonstrate that the particular CHP specification will not produce undue emissions. Note: There could also be concerns regarding the visual impact of any CHP flues.

- 8.82. Demolition and construction could generate undue dust and therefore a Construction Environmental Management Plan (CEMP) is recommended to control this by condition.
- 8.83. On the above basis, the council Air Quality Officer raises no objection.
- 8.84. Sunlight/Daylight microclimate:
The BRE has independently assessed the applicant's case with regard to daylight/sunlight and considers it generally robust. In terms of impact to the light of existing properties nearby it does highlight a number of issues, which is not unexpected in such a central urban location. The most significant loss of light would be to dwellings at 7-12 Elder Place where the impact is described as 'major adverse' and also nos 8-10 would also have major losses. Other impacts to residential properties would be moderate. Offices and workshops in New England House would also lose substantial amounts of daylight.
- 8.85. Whilst such impacts are a concern they are, on balance, considered acceptable in this particular context. Consideration has been given to the fact the site is centrally located in a densely built up urban area. The site is unusual in that it currently has a relatively low rise building on it and BRE do confirm that a significantly better level of sunlight provision would be difficult to achieve without a drastic redesign ie a much lower building. This is not pursued given the DA4 allocation and need to make the most effective and efficient use of the site. The Elder Place properties are unusual in the locality in that they are small scale residential additions in a predominantly commercial location to the rear of London Road. They currently benefit from quite an open aspect, across Elder Place which is a wider than average road. The numbers of residential properties in question are small and this needs to be balanced against the wider public benefits of the scheme. This is an area of regeneration and change, in the centre of the city, where light conditions may be compromised.
- 8.86. With regard to New England House (NEH) there are concerns given the significant impact the scheme could have, which will be more marked for

those businesses that rely on natural light, eg arts and craft businesses. It would however be difficult to redevelop the Longley site with a building of any significant scale without there being some adverse impact. Of benefit is the fact Longley is due north, so impact in terms of loss of sunlight is more limited, although it is recognised that general northern light is beneficial for creative businesses. Weight is given to BRE guidance, which states that commercial occupiers are considered less sensitive than to residential occupiers. Whilst not a planning consideration, it should also be noted that redevelopment of the Longley site could benefit NEH and its occupiers in the long term given it could facilitate significant City Deal enhancements to that building.

- 8.87. With regard to the outdoor amenity spaces, the proposed courtyard would be only marginally below the BRE guidelines for sunlight, which is considered acceptable. The roof gardens would be sunlit. The BRE consider the overall sunlight provision would be good if every resident has access to at least one roof garden.
- 8.88. The BRE confirm that daylight provision within the new development itself appears reasonable, however, some deep plan lounge/kitchen/diners do not fully meet guidelines, which is a concern. The applicant's report states that 53 of these rooms do not meet the recommendation of 2% for such a room and 19 of these would not meet the lower recommendation of 1.5% for a living room. Most of the poorly lit rooms look into the internal courtyard and therefore are heavily obstructed by their own development as well as by New England House. The BRE states the subsequent amendments to the scheme and changes to layout might improve some of the average daylight factors slightly where rooms have been reduced in size. Also sunlight data for the proposed flats is quite poor with 62 out of 190 living rooms/studios (33%) meeting the BS recommendations of 25% annual probable sunlight hours and 5% in the winter. Another 20 living rooms would meet the winter recommendation but not the annual one.
- 8.89. The above is a concern however it is accepted that in this central location, living conditions may not be ideal. The BRE advise there are other developments in city centres with a similar overall proportion of rooms not meeting the guidelines. The applicant does identify a number of rooms with more than 20% annual probable sunlight hours and whilst this has no basis in published guidance, it does indicate that there would be a proportion of units that only just fail the guideline. The site is constrained and there are limitations to significantly alter the layout and maintain the same number flats. Any further reduction in numbers would affect the already very marginal viability of the scheme. The proposal is considered to make the most

effective and efficient use of the site and on balance is considered acceptable.

8.90. In addition to all the considerations above with regard to impact to existing and prospective occupiers, weight is given to current NPPF advice in para 123 which states that authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site.

8.91. Wind Microclimate:

It is considered that the impact of the development in terms of wind speeds has been robustly assessed. The BRE have independently assessed the applicant's Wind Assessment (and subsequent update to it) and also the BRE have carried out their own desk based assessment. The BRE do raise some questions regarding some of the applicant's methodology and consider that wind tunnel testing would have been the most robust approach, in line with best practice, as desk-based studies tend to be conservative.

8.92. Both desk-based studies identified only one location of concern (the new pedestrian crossing), and advised that areas of the roof terraces near to adjacent tall buildings were not likely to be suitable for the most wind-sensitive activities (long-term sitting and entrance doors). It was judged that apart from these identified areas, that the remainder of the site and surroundings were likely to be suitable for the intended pedestrian activities. The applicant's study states that after mitigation (planting of 9 street trees along New England Street and roof terrace screens), the results of the wind assessment indicate that the site and surrounding area with the development in place with the wind mitigation adopted will result in a wind environment that remains within the recommended criteria for safety and comfort and thereby being suitable for all pedestrians. These mitigation measures can be secured by condition/S106.

8.93. Comparing the findings of the BRE desk-study and the applicant's findings, they are for all practical purposes the same. The applicant's approach shows that the wind conditions at the new pedestrian crossing are less windy than the BRE predicted in their desk-study however the BRE are happy to agree with the applicant's findings that the wind conditions at this location will be suitable for its intended purpose. Notwithstanding the BRE concerns regarding parts of the applicant's methodology, the findings that are consistent with BRE expectations about the wind microclimate and they agree with the conclusions reached. The BRE consider there is no reason that planning permission should be refused.

8.94. Noise, external lighting, odour and land contamination:

OFFRPT

The site is located in a busy central location with surrounding commercial uses where there could potentially be adverse impact in terms of noise, odour etc. The specialist reports submitted with the application however do not predict any potential significant issues in respect of the above. The council's Environmental Health team generally concur with these conclusions and they confirm that any potential for nuisance or pollution arising from and to the development in terms of noise, lighting, odour or contamination can be satisfactorily dealt with by condition. A CEMP would protect amenity during the construction phase. The proposal would therefore accord with relevant policies.

- 8.95. Sustainability, ecology and flood risk:
City Plan Policy CP8 expects all new development to incorporate sustainable design features to avoid expansion of the city's ecological footprint, help deliver the principles of the One Planet approach, and seeks radical reductions in greenhouse gas emissions, particularly CO2 emissions. Residential new build is expected to energy and water performance standards as set out in the policy and a commercial office is expected to meet BREEAM 'excellent' standard. Policy DA4 expects development to incorporate infrastructure to support low and zero carbon decentralised energy and in particular heat networks subject to viability. DA4 also seeks to extend and strengthen green infrastructure in the area and secure enhancements to open space and biodiversity. Policy CP10 expects development to conserve and enhance biodiversity.
- 8.96. In this context, it is considered particularly important for substantial, high density developments to be as sustainable as possible. SPHBH15 states all tall buildings must be integrated into the public realm, be responsive to environmental conditions and embrace principles of sustainability. SPGBH15 requires submission of a sustainability statement outlining how the proposal will apply best sustainable practices.
- 8.97. In this regard, the application includes a Sustainability Checklist, a Sustainability Strategy and a Sustainable Energy Strategy and commits to incorporating various sustainable measures within the development, in accordance with policy. One Planet Living principles have been applied which help ensure the scheme as a whole is as environmentally and socially sustainable as possible, which is a considerable benefit and is welcomed.
- 8.98. The development seeks to incorporate good thermal performance, solar control and efficient building services. An initial feasibility study of low and zero carbon energy including photovoltaics (PVs), Combined Heat and Power (CHP) and air source heat pumps (ASHP) has been provided. All could prove feasible, and this Strategy indicates that CHP would save 29.1%

(compared to Part L of Building Regulations baseline), CHP plus PV's a 34.9% saving or an alternative strategy of ASHP + PVs a 42.5% saving. These savings include passive design measures. These savings would be substantially greater than the 19% saving required in policy CP8, however this policy applies to developments of all scales, and for such substantial major developments such as this there is an expectation that the optimum sustainable practices are adopted (SPGBH15). These measures are therefore welcomed and a final strategy shall be conditioned, and they are given significant weight. The current proposal includes a photovoltaic array and use of CHP, which is welcomed from a sustainability point of view however there are concerns regarding CHP emissions and impact to air quality. Given the site is located within an AQMA a condition is recommended to ensure the feasibility of ASHP is fully explored alongside submission of a CHP specification (and PVs and passive measures), so the most appropriate provision can be made. There could also be visual concerns regarding flues associated with CHP.

- 8.99. A BREEAM Pre-Assessment has been submitted indicating the scheme is on target to meet 'excellent' standard which is welcomed and accords with policy.
- 8.100. A condition can ensure the development is satisfactorily future-proofed for connection to any district heating networks.
- 8.101. On the basis of all of the above the council's Sustainability officer considers the proposal would comply with policy and welcomes the carbon savings indicated.
- 8.102. Food growing is proposed within the communal landscaped areas, including raised beds, greenhouses and composting facilities, which is welcomed in accordance with policy and Planning Advice Note 6.
- 8.103. The proposal is considered to make sufficient provision for refuse and recycling. The application commits to a Site Waste Management Plan which aims for zero-construction waste to landfill and an operational waste strategy that makes recycling and composting easy for residents.
- 8.104. The existing site has very low biodiversity value (except for the street trees). In accordance with policy biodiversity enhancement is required. In this regard, green living roofs and green living walls are proposed at roof terrace level, which are welcomed. Other landscaping is proposed on and off site, which is also beneficial. A condition is also recommended to ensure incorporation of bird boxes. On this basis the County Ecologist raises no objection.

- 8.105. The proposal seeks to use sustainable drainage practices within the development (SUDs) and would collect rainwater for irrigation, which is welcomed. A standard condition requiring a water efficiency standard of not more than 110 litres per person per day maximum indoor water consumption is proposed. In principle, the Lead Local Flood Authority (LLFA) have no objections to this development. A condition is recommended to ensure submission and implementation of a comprehensive maintenance plan for the drainage system in a formal maintenance plan. Southern Water raise no objection in principle subject to submission of satisfactory drainage details.
- 8.106. Other Considerations:
Archaeology:
The County Archaeologist raises no particular heritage sensitivities with developing the site and raises no objection, therefore the proposal considered to accord with policy HE12 of the Local Plan and CP15 of the City Plan Part One.
- 8.107. Crime Prevention:
Sussex Police raise no objection to the proposal provided crime prevention measures are incorporated. This is supported by policy and an appropriate condition is recommended. Redevelopment of the site should help prevent crime as it will help regenerate the area, introduce more active frontages and more general activity outside of usual commercial hours. It would also provide less opportunities for rough sleeping than at present and it will be a closely managed Build to Rent scheme.
- 8.108. Fire escape:
The comments of the Private Sector Housing Team are noted and have been passed to the applicant who has stated they can be addressed. Means of escape issues are covered by Building Regulations, separate to planning.
- 8.109. Conclusions & Planning Balance:
The proposal undoubtedly is a substantial development proposal, of a significant scale in its local context. There do remain some reservations regarding the proposed overall scale and height, however, on balance, for the reasons outlined in this report, the proposal is considered acceptable. The site is an area identified as having capacity for significant development and the proposals make effective use of an underused site. Evidence submitted with the application demonstrates that the height and massing of the proposal would not have an unduly harmful impact in wider views. It would have no direct impacts on any heritage assets and would have limited impact to their setting. It is considered that any harm caused to the setting of

heritage assets is less than substantial, and can in this instance be outweighed by the public benefits.

- 8.110. Whilst a very high density scheme, it has been demonstrated the living conditions for prospective residents will generally be satisfactory and whilst internal light levels would not be ideal they would be characteristic of a densely built up central location. There are some other aspects of the scheme that are not ideal - the proposed market housing mix, limited private amenity space provision, significant loss of light to some neighbouring properties and limited dedicated servicing provision – however for the reasons outlined in the report, they are not considered to justify refusal of the application and do not outweigh the positive aspects of the scheme. The concerns of the Transport Team regarding on-street loading are given weight, however, given the constrained city centre location it is accepted that servicing arrangements may not be ideal and the positive aspects of the scheme are considered to outweigh the concerns in this instance. The limited 10% provision of affordable housing has been fully justified via a viability exercise. Other potential impacts can be mitigated by condition/S106.
- 8.111. The proposal is considered to deliver substantial public benefit and these are given significant weight. Notably the proposal makes effective and efficient use of an underused brownfield site in a central location, and whilst the employment opportunities have not been maximised as per the aims of policy DA4, the scheme would deliver 201 much needed housing units, including affordable housing, and it would exceed the strategic allocation for new modern B1 floorspace and would create a significant number of jobs. The scheme would deliver significant public realm enhancement in area of poor streetscape and pedestrian/cycling connectivity which is in need of regeneration with and it would introduce more much needed greenery to the area, and this is given considerable weight. The proposals would promote sustainable modes of transport. The proposals will act as a catalyst for further much needed regeneration of the locality. The proposals would incorporate One Planet Living sustainable principles and deliver significant carbon emission savings and this is given significant weight. The proposal would meet its infrastructure requirements and associated S106 financial contributions in full. Increased weight has also been given to the significant amount of housing that would be delivered (201 units), as per para 11 of the NPPF which emphasises housing delivery in line with the presumption in favour of sustainable development.
- 8.112. Redevelopment of sites such as Longley are needed if the city is to move forward and continue to grow and successfully deliver the employment floorspace and housing units and greater densities required.

8.113. S106 Agreement

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

1. The viability of the scheme and subsequent level of affordable housing has been based on the scheme being Build To Rent and in the absence of any Section 106 Agreement mechanisms which covenant the housing as Build to Rent only, and which secure an element of affordable housing, the development fails to satisfactorily meet the identified housing needs in the city or provide satisfactorily mixed balanced housing scheme, contrary to policies CP7, CP19 and CP20 of the Brighton and Hove City Plan Part One.
2. The proposed development fails to provide appropriate mitigation of the transport impacts of the development or promote sustainable transport modes contrary to policies TR7 of the Brighton & Hove Local Plan and DA4, CP7 and CP9 of the Brighton and Hove City Plan Part One.
3. The development fails to provide appropriate enhancement of the public realm and Elder Place in particular, or compensatory street tree planting to mitigate the loss of two existing street trees with amenity value, contrary to policies QD15, QD16 and QD27 of the Brighton and Hove Local Plan and CP7, CP13 and DA4 of the Brighton and Hove City Plan Part One and SPD10 London Road Central Masterplan.
4. The proposed development does not include an appropriate artistic element commensurate to the scale of the scheme and therefore fails to address the requirements of CP5, CP7 and CP13 of the Brighton and Hove City Plan Part One.
5. The proposed development fails to provide an Employment and Training Strategy specifying how the developer or their main contractors will provide opportunities for local people to gain employment or training on the construction phase of the proposed development contrary to policies DA4 and CP7 of the Brighton and Hove City Plan Part 1 and the City Council's Developer Contributions Technical Guidance.
6. The proposed development fails provide a financial contribution towards the City Council's Local Employment Scheme secured via Section 106 Agreement to support local people to employment within the construction industry contrary to policies DA4 and CP7 of the Brighton and Hove City Plan Part 1 and the City Council's Developer Contributions Technical Guidance.
7. The proposed development fails to provide a financial contribution towards the improvement and expansion of capacity of local schools required to meet the demand for education created by the development,

contrary to policy CP7 of the Brighton and Hove City Plan Part 1 and the City Council's Developer Contributions Technical Guidance.

8. The proposed development fails to provide a financial contribution towards the enhancement of open space to meet the demand created by the development contrary to policies CP7 and CP16 of the Brighton and Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
9. The proposal fails to provide for measures including street tree planting to satisfactorily mitigate the impacts that would be created by wind as a result of the development, contrary to policies QD27 of the Brighton and Hove Local Plan and CP7 and CP12 of the Brighton and Hove City Plan Part One and SPGBH15 Tall Buildings.

9. EQUALITIES

- 9.1. Lift access is provided. Wheelchair accessible housing (6.5%) and disabled car parking is to be incorporated.

