

**SUBSTANTIAL OR CONTROVERSIAL DEVELOPMENT OR DEPARTURES
FROM POLICY**

App No	BH2009/01477	Ward:	Queens Park
App Type	Full Planning		
Address:	Land adjacent to Amex House fronting John Street, Carlton Hill, Mighell Street and land adjacent to 31 White Street, Brighton		
Proposal:	Demolition of existing ancillary office accommodation and erection of 5-9 storey office building plus two basement floors. Erection of 3 storey service facilities building fronting Mighell Street. New vehicular access off John Street. 106 car parking spaces and 132 cycle parking spaces and associated landscaping. (Amended plans submitted 14/09/2009)		
Officer:	Mick Anson, Tel: 292354	Received Date:	11th June 2009
Con Area:	Adjacent Carlton Hill CA	Expiry Date:	8th October 2009
Agent:	Nathaniel Lichfield and Partners, 14 Regents Wharf, All Saints Street, London		
Applicant:	American Express, Amex House, Edward Street, Brighton		

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of this report and resolves to be **Minded to Grant** planning permission subject to completion of a S.106 agreement with the following Heads of Terms and the following Conditions and Informatives:

i S.106 Heads of terms:

1. A contribution of £301,675 towards improved access and play facilities and landscaping at Carlton Hill Primary School.
2. Provision of a new flint wall on Carlton Hill at Carlton Hill Primary School.
3. Provision of a landscaping scheme around the boundary of the site on John Street, Carlton Hill and Mighell Street.
4. The applicants shall carry out off site works to the highway on John Street, Carlton Hill and Mighell Street.
5. The applicants shall provide a Construction and Environmental Management Plan prior to commencement of works on site.
6. Reinstatement of the front boundary wall to No. 35 Mighell Street.
7. The applicants shall set up a Residents Liaison Group which shall meet regularly throughout the construction period including the demolition of AMEX House.
8. The applicants shall produce an Employment Strategy aimed at employing local construction workers and for promoting education and training opportunities in conjunction with local colleges.
9. The applicants shall appoint a Travel Plan Coordinator for a minimum of 5 years from occupation of the development hereby approved and shall produce a Travel Plan for approval by the Local Planning Authority.

10. The applicants shall produce a Decanting Strategy outlining the transition of staff in both the new offices and AMEX House and to cover the interim period between the completion of the development hereby approved and the demolition of AMEX House.
11. A contribution towards Sustainable Transport provision of £48000.
12. A contribution of £14000 towards two Wayfinding maps in the vicinity of the site.
13. Financial contribution or a project to be confirmed towards a sustainable local project to off-set the carbon emissions from the proposed development.
14. An Artistic Component on the north elevation of Building A as shown on the approved plans to be jointly selected by the Local Planning Authority and the applicants and implemented by way of a competition for local artist(s).
15. Prior to the commencement of development an agreed timetable mechanism and phasing plan for the demolition of AMEX House linked to the commencement of the development hereby approved.
16. The applicants shall provide a landscaping scheme on the cleared site following demolition of AMEX House for which any approvals required by the Planning Acts shall be applied for first.
17. The applicants shall notify the Local Planning Authority in writing of the date of commencement of works to construct the development hereby approved 14 days in advance of the commencement of development.

ii. Conditions

1. 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.

2. 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. The facilities should 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.

3.

(a) Prior to the to the construction of the lower ground floor of Building A and the ground floor of Building B office building (building A), constructional detail and finishes of all external facades, including the external brise soleil and internal window blinds, shall be submitted to and approved in writing by the Local Planning Authority.

(b) Prior to the commencement of the construction of the lower ground floor of Building A office building (building A), a detailed design for the art wall fronting Carlton Hill and the entrance canopy shall be submitted to and

approved in writing by the Local Planning Authority.

(c) Prior to the commencement of construction of the lower ground floor of the office building (building A), a colour and lighting scheme for the exterior of this building shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To secure a development of the required design quality as required by policy QD1 of the Brighton & Hove Local Plan.

(d) Prior to the commencement of construction of the ground floor of the service building (building B), constructional detail and finishes of all external facades, shall be submitted to and approved in writing by the Local Planning Authority.

(e) Prior to the commencement of construction of the ground floor of the service building (building B), construction detail and finishes of the external stair to the north of building B shall be submitted and approved in writing by the LPA.

Reason: To secure a development of the required design quality as required by policy QD1 of the Brighton & Hove Local Plan.

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

Reason: To ensure the development will include the re-use of limited resources, to ensure the amount of waste for landfill is reduced and to comply with policies WLP11 of the East Sussex and Brighton & Hove Waste Local Plan and policy SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste.

5. Prior to the commencement of development a scheme for landscaping together with a management plan shall have been submitted and approved in writing by the Local Planning Authority, which shall include hard surfacing, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

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

6. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.

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

7. No development shall commence until fences for the protection of trees to be retained have been erected in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. The fences shall be retained until the completion of the development, and no vehicles, plant or materials shall be driven or placed with areas enclosed by such fences.

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

8. Details of all external lighting of the site and the exterior of the buildings hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the lower ground floor of Building A and the ground floor of Building B whichever is sooner. The lighting installation shall comply with the recommendations of the Institution of Lighting Engineers (ILE) "Guidance Notes for the Reduction of Light Pollution" (dated 2005,) for zone E or similar guidance recognised by the council. A certificate of compliance signed by a competent person (such as a member of the Institution of Lighting Engineers) shall be submitted with the details. The approved installation shall be maintained and operated in accordance with the approved details.

Reason: To safeguard the visual amenities of the area and the amenities of the occupiers of adjoining properties and to comply with policies QD1, QD25 and QD27 of the Brighton and Hove Local Plan.

9. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- (a) A site investigation scheme, based on the desk study to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- (b) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- (c) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: This site lies on the Brighton Chalk body, a principal aquifer a

valuable groundwater resource. Therefore it must be ensured that all works carried out in relation to this planning application are carried out with the up most care to ensure the protection of controlled waters (groundwater).

10. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. Unless it is to be recycled within the building, roof water shall discharge direct to soakaway via a sealed down pipes (capable of preventing accidental/unauthorised discharge of contaminated liquid into the soakaway). Open gullies should not be used. No soakaway should be sited in or discharge into land impacted by contamination or land previously identified as being contaminated. There must be no direct discharge to groundwater.

Reason: In order to protect controlled waters (groundwater) only clean uncontaminated water should drain to the surface water system and to comply with policies SU3 and SU4 of the Brighton & Hove Plan.

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

Reason: In order to protect controlled waters (groundwater) any piling constructed should be in accordance with Environment Agency guidance, *Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention and Piling into contaminated Sites*.

12. Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to and approved in writing by, the Local Planning Authority in consultation with Southern Water. The development shall be carried out in accordance with the approved details.

Reason: In order to ensure that adequate surface water and foul sewerage drainage is available prior to development commencing and to comply with policy SU5 of the Brighton and Hove Local Plan.

13. Prior to commencement of development details shall be submitted to and approved by the Local Planning Authority (in consultation with Southern Water) of the measures which will be undertaken to divert the public sewers, prior to the commencement of development. The development shall be carried out in accordance with the approved details.

Reason: In order to ensure that adequate surface water and foul sewerage drainage is available prior to development commencing and to comply with policy SU5 of the Brighton and Hove Local Plan.

14. No development shall take place within the application site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local authority and the works shall be undertaken in accordance with the approved details.

Reason: In order to provide a reasonable opportunity to record the history of the site and to comply with policy HE12 of the Brighton & Hove Local Plan.

15. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997.

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

16. Prior to the commencement of development a scheme for the fitting of odour control equipment to the buildings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU9 and QD27 of the Brighton & Hove Local Plan.

17. Prior to the commencement of development a scheme for the sound insulation of the odour control equipment referred to in the condition set out above shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in strict accordance with the approved details prior to first occupation of 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.

18. Prior to the commencement of development a scheme for the suitable treatment of plant and machinery against the transmission of sound and/or vibration shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

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

19. The vehicle parking area shown on the approved plans shall not be used

otherwise than for the parking of private motor vehicles belonging to occupiers of and visitors to the development hereby approved.

Reason: To ensure that adequate parking provision is retained and to comply with policy TR19 of the Brighton and Hove Local Plan.

20. The development hereby permitted shall not be commenced until details of secure cycle parking facilities and shower facilities for the occupants, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby approved and shall thereafter be retained for use at all times.

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

21. No open storage shall take place within the curtilage of the site without the prior written approval of the Local Planning Authority.

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

22. The development shall not be occupied until a scheme of measures proposed for the mitigation and enhancement of pedestrian level wind conditions has been submitted and approved in writing by the Local Planning Authority. The scheme must include details of any planting, structures or landscaping required. The details shall be implemented in strict accordance with the approved details prior to the occupation of the development and be retained as such thereafter.

Reason: To ensure suitable and safe pedestrian level wind conditions and to comply with policy QD27 of the Brighton & Hove Local Plan

23. Prior to the commencement of development a scheme showing details of the height and materials of any flues or chimneys on the roof of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in strict accordance with the approved plans prior to the occupation of the development and shall thereafter be retained as such.

Reason: To safeguard the amenities of the occupiers of neighbouring properties and other potential receptors to comply with policies QD27 and SU9 of the Brighton & Hove Local Plan.

24. Prior to commencement of development details (including cross section plans) of the proposed green roofs, together with construction and maintenance methodologies for the green roofs and green walls shall be submitted to and approved in writing by the Local Planning Authority. Construction and maintenance details for the green walls should include

provision for plant irrigation. The development shall be carried out in accordance with the approved details.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area, to ensure that biodiversity measures are integrated into the development and to protect the amenities of adjoining residential occupiers to comply with policies QD1, QD17 and QD27 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing nos.

9505-T-00-0100-Z00 Rev 04, 9505-T-00 - 0101-Z00 Rev 01, 9505-T-00-0106-Z00 Rev 03, 9505-T-00- 0220-Z00 Rev 03, 9505-T-00- 0221-Z01 Rev 03, 9505-T-00-0222-Z02 Rev 03, 9505-T-00-0231-Z01 Rev 03, 9505-T-00-0232-Z02 Rev 03, 9505-T-00-0420-ZXX Rev 03, 9505-T-00-0421-ZNO Rev 01, 9505-T-00-0422-ZWE Rev 01, 9505-T-00-0430-ZXX Rev 03, 9505-T-00-0431-ZNO Rev 01, 9505-T-00-0432-ZWE Rev 01 submitted on 11/07/09 and

9505-T-00-0100-Z00 Rev 044, 9505-T-00-0101-Z00 Rev 01, 9505-T-00-0104-Z00 Rev 04, 9505-T-00-0106-Z00 Rev 03, 9505-T-00-0197-ZB3 Rev 04, 9505-T-00-0198-ZB2 Rev 04, 9505-T-00-0199-ZB1 Rev 04, 9505-T-00-0200-Z00 Rev 04, 9505-T-00-0201-Z01 Rev 04, 9505-T-00-0202-Z02 Rev 04, 9505-T-00-0203-Z03 Rev 04, 9505-T-00-0204-Z04 Rev 04, 9505-T-00-0205-Z05 Rev 04, 9505-T-00-0206-Z06 Rev 04, 9505-T-00-0207-Z07 Rev 04, 9505-T-00-0208-Z08 Rev 04, 9505-T-00-0209-Z09 Rev 04, 9505-T-00-0220-Z00 Rev 03, 9505-T-00-0221-Z01 Rev 03, 9505-T-00-0222-Z02 Rev 03, 9505-T-00-0230-Z00 Rev 04, 9505-T-00-0231-Z01 Rev 03, 9505-T-00-0232-Z02 Rev 03, 9505-T-00-0400-ZNO Rev 04, 9505-T-00-0401-ZSO Rev 04, 9505-T-00-0402-ZEA Rev 04, 9505-T-00-0403-ZWE Rev 04, 9505-T-02-0410-ZEA Rev 04, 9505-T-02-0411-ZWE Rev 04, 9505-T-00-0440-ZNO Rev 02, 9505-T-00-0441-ZSO Rev 02, 9505-T-00-0442-ZEA Rev 02, 9505-T-00-0443-ZWE Rev 02, 9505-T-02-0450-ZEA Rev 02, 9505-T-02-0451-ZWE Rev 02, 9505-T-02-0452-ZSO Rev 01, 9505-T-02-0453-ZNO Rev 01, 9505-T-00-0420-ZXX Rev 03, 9505-T-00-0421-ZXX Rev 01, 9505-T-00-0422-ZXX Rev 01, 9505-T-00-0430-ZXX Rev 03, 9505-T-00-0431-ZXX Rev 01, 9505-T-00-0432-ZXX Rev 01, 9505-T-00-0503-ZDD Rev 01, 9505-T-00-0504-ZEE Rev 04, 9505-T-00-0506-ZGG Rev 04, 9505-T-00-0507-ZHH Rev 04, 9505-T-00-0508-ZJJ Rev 04, 9505-T-00-0509-ZKK Rev 01 submitted on 14/09/09.

This decision to grant Planning Permission has been taken:

- i. having regard to the policies in the Development Plan and other relevant policies and guidance as set out below and
- ii. for the reasons set out in Section 8 at the end of the report.

Planning Policy Statements (PPS's), including:

- | | |
|------|---|
| PPS1 | Delivering Sustainable Development |
| PPS4 | Planning for Sustainable Economic Development (Draft) |
| PPS9 | Biodiversity and geological conservation |

- PPS10 Planning for Sustainable Waste Management
- PPS12 Local Spatial Planning
- PPS15 Planning and the Historic Environment (Draft)
- PPS22 Renewable Energy
- PPS23 Planning and Pollution Control

Planning Policy Guidance Notes (PPG's), including:

- PPG4 Industrial, Commercial Development and small firms
- PPG13 Transport
- PPG15 Planning and the Historic Environment
- PPG16 Archaeology and Planning
- PPG24 Planning and Noise

Regional Policy:

South East Plan 2009

- CC2 Climate Change
- CC3 Resource Use
- CC4 Sustainable Construction
- CC8a Urban Focus and Urban Renaissance
- CC12 Character of the environment and quality of life
- T8 Travel Plans and advice
- NRM1 Sustainable Water Resources
- NRM4 Conservation and Improvement of Biodiversity
- NRM8 Noise
- EN6 Development Criteria
- BE7 Management of the Historic Environment
- SCT3 Management of Existing Employment Sites and premises

Local Plan Policy:

Brighton & Hove Local Plan

- TR1 Development and the demand for travel
- TR2 Public transport accessibility and parking
- TR4 Travel Plans
- TR5 Sustainable transport corridors and bus priority measures
- TR7 Safe development
- TR8 Pedestrian routes
- TR11 Safe routes to school and school safety zones
- TR12 Helping the independent movement of children
- TR13 Pedestrian network
- TR14 Cycle access and parking
- TR18 Parking for people with a mobility related disability.
- TR19 Parking standards
- SU2 Efficiency of development in the use of energy, water and materials
- SU3 Water resources and their quality
- SU4 Surface water run-off and flood risk
- SU5 Surface water and foul sewage disposal infrastructure

SU9	Pollution and nuisance control
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste.
SU14	Waste management
SU15	Infrastructure
SU16	Production of renewable energy
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD5	Design – street frontages
QD6	Public Art
QD7	Crime prevention through environmental design.
QD15	Landscape Design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features.
QD18	Species protection
QD25	External lighting
QD27	Protection of amenity
QD28	Planning obligations
EM2	Sites identified for high tech and office uses
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Documents (SPDs)

SPD 03	Construction and Demolition Waste
SPD 04	Edward Street Quarter
SPD 06	Trees and Development Sites
SPD 08	Sustainable Building Design
SPD 09	Nature Conservation and Development (Draft)

Supplementary Planning Guidance Notes (SPGs)

SPG BH4	Parking Standards
SPG BH15	Tall Buildings;

3. IN.05.08 Site Waste Management Plan
4. The phased risk assessment should be carried out also in accordance with the procedural guidance and UK policy formed under the Environmental Protection Act 1990.

The site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.

The local planning authority has determined the application on the basis of the information made available to it.

It is strongly recommended that in submitting details in accordance with the above/below conditions that the applicant has reference to CLR 11, Model Procedures for the management of land contamination. This is available online as a PDF document on both the DEFRA website (www.defra.gov.uk) and the Environment Agency (www.environment-agency.gov.uk) website.

The applicant is responsible for ensuring that all requisite consents under the Licensing Act 2003 are applied for and in place, as the grant of planning consent does not infer automatic grant of licensing consent.

5. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank or the combined capacity of interconnected tanks plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Where it is proposed to store more than 200 litres (45 gallon drum = 205litres) of any type of oil on site it must be stored in accordance with the Control of Pollution (oil storage) (England) Regulations 2001 in order to protect controlled waters (groundwater).

6. Contaminated soil that is excavated, recovered or disposed of, is controlled waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

Duty of Care Regulations 1991
Hazardous Waste (England and Wales) Regulations 2005
Waste Management Licensing Regulations 1994 (as amended)
Pollution Prevention and Control Regulations (England and Wales) 2000
Landfill (England and Wales) Regulations 2002

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed off site operations is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

7. Southern Water requires a formal application for a connection to the public sewer. The applicant is advised to contact Atkins Ltd, Winchester.
8. The applicant is obliged under the Wildlife and Countryside Act 1981 (with respect to birds) and the habitat regulations (with respect to bats) that any clearance of vegetation or buildings should avoid disturbance to nesting birds or roosting bats. If nesting birds or roosting bats are discovered during clearance/demolition then the work should stop immediately and advice must be sought from Natural England.
9. Listed Building Consent will be required from the Local Planning Authority to whom an application must be made for the reinstatement of the boundary wall at No. 35 Mighell Street required under the S.106 Heads of Terms item No.7.

2 THE SITE

The application relates to a 0.6 ha site north of AMEX House. The site is bounded by John Street to the west, Carlton Hill to the north and Mighell Street (which bisects the site) to the east. The application site also includes an existing car park bounded by Mighell Street to the west, White Street to the east and No. 35 Mighell Street and 70a Carlton Hill to the north and AMEX House and 31 White Street on its southern boundary.

The application site currently accommodates 2 No. two storey ancillary buildings used by AMEX as ancillary offices for training and a social club. The existing car parks on the site on opposite sides of Mighell Street provide 106 spaces serving AMEX House. Vehicular access to the site is currently provided through Mighell Street which is a cul de sac whilst a pedestrian entrance from John Street links to Mighell Street.

The site is on a steep hill such that there is a drop of 12 metres from the north east corner to the south west. AMEX House to the south is a 9 storey building with a 2 storey extension to the west. No 34/35 Mighell Street (known as the Farmhouse) are a pair of two storey Grade II Listed semi detached dwelling houses set back behind front gardens. No 35 is owned by the applicants. These houses are within the boundary of the Carlton Hill Conservation Area which bounds the site to the north. The existing car park is overlooked by the rear of Nos 31 and 32 White Street which are at the end of a terrace of three storey dwellings. Adjacent to the Farmhouse and opposite the site is a single storey industrial building used for car valeting.

Opposite the site to the west is Brighton Police Station, a modern 5 storey building. On the north side of Carlton Hill opposite the site is a four storey residential block of flats known as The Curve and adjacent to that up the hill is Carlton Hill School which has its playground at the front opposite the site. To the east of the school is Tilbury Place which comprises a terrace of 3 storey terraced dwellings and the Greek Orthodox Church a large Grade II Listed building set back from the Carlton Hill frontage.

3 RELEVANT HISTORY

BN87/520/F: Erection of 2 storey extension on north side fronting John Street to form services area.

BN75/1483: New office and landscaped plaza.

BN72/2240: Erection of office building comprised of basement, car park, plant room, loading dock and offices. This appears to be in addition to the outline application and could relate to the extension on John Street although it is not clear.

18.7.72: Outline application for office.

4 THE APPLICATION

The proposal is to construct a new office building (Building A) between 5 and 9 storeys in height with three underground floors on the main part of the site bounded by John Street, Carlton Hill and Mighell Street. This will become the new Headquarters for AMEX in Brighton. The existing buildings on site will be demolished to make way for the new offices. On the opposite (East) side of Mighell Street on the existing car park is proposed the new three storey Data Building (Building B). Building A will have a total floorspace of 33,000 sq m on a site of 0.45 ha. Whilst Building B will be 2900 sq m on a site of 0.14 ha.

Building A

The lowest floor (Basement 2) comprises plant rooms and the floor above, Basement 1 will provide 106 underground car parking spaces as well as showers for cyclists.

The lower ground floor provides vehicular access off John Street to the underground parking spaces as well as a loading dock at lower ground floor level for deliveries. This floor also provides the main entrance to the offices from John Street and the remainder of the floor will be used as meeting rooms and storage as it is not appropriate for open plan offices being below street level on the Carlton Hill and Mighell Street sides. The central core of the building features ten lifts plus two goods lifts and wc facilities replicated through the building.

The ground floor is the lowest floor to feature open plan offices although again due to the topography, the north and east sides will be windowless.

At first floor level which is street level on Mighell Street, there is a secondary staff entrance on the east elevation. Open plan offices are located at second and third floor levels but at fourth floor level is where the floor noticeably tapers back away from the Carlton Hill street frontage. At fifth floor level the floor is set back between 7 -11 metres along its whole frontage in a curved shape. At sixth floor level, there is the staff café and dining areas which are located on the southern half of the building with aspects facing south. There is an external terrace as well facing south. The north side of this floor features plant rooms. The 6th floor is set back 12 metres from the north elevation. The seventh floor comprises plant rooms only sited on the southern half of the roof

set well back from Carlton Hill and on the northern half of the roof are located solar panels. The eighth floor has a very modest area of roof plant on the south side.

South (Carlton Hill) Elevation – The Carlton Hill elevation has been designed to minimise the impact on buildings opposite namely, The Curve and the Primary School. Each floor level of this building has a floor to ceiling height of 4 metres. Carlton Hill slopes steeply down to the west hence the façade will appear as a three to five storey building in the street scene as it steps down the hill but with a 4th and 5th floor set back from the facade. The elevation is set back almost 2m from back edge of pavement and will also gently curve away from the street frontage as it rises up the hill. Due to the ground levels, what appears to be the upper ground floor is actually the 1st floor of the development. The parapet of the 3rd floor will be 13 metres above street level. The 4th floor is then set back a further 2.5 metres from the floors below and the 5th floor a further 2.5m setback, 22 metres above pavement level. The 6th floor has a parapet wall set back a further 6 metres to screen an open plant area and the plant area at 7th floor level is set back 25 metres from the Carlton Hill elevation and the 8th floor plant is on the south side of the building.

At the corner with John Street the Carlton Hill elevation rises again to 21 metres (5 storeys).

South Elevation – This south facing elevation is a sheer vertical façade which under the indicative masterplan will become the front of the building facing into a square. It is on this side that the middle of the elevation at its highest will appear as a 8/9 storey building, with a façade of 35 metres in height and 40m to the highest point at the top of the roof plant on the 8th floor. The plant at 8th floor level is set back 3 metres from the façade. The south elevation varies in height from 20 metres (5 storeys) at the corner with John Street stepping up to 27 metres (7 storeys) then 35 metres (8 storeys) before dropping to 27 metres (7 storeys). The ground rises eastwards such that at the eastern end of the elevation the height of the visible façade is less than in the middle.

West (John St) Elevation – The West elevation has a flat façade but is broken up into 4 sections as viewed from John Street. At the corner with Carlton Hill the building is 22 metres in height (5 storeys), then rising to 27 – 29 metres in height in the middle section or 7 storeys. John Street slopes gently towards the sea so that the façade correspondingly appears higher at the southern end. The façade above the main staff entrance on John Street rises again to 8 storeys at its highest point, 33 metres above pavement level for a stretch of 12 metres and then the building height drops to 22 metres (5 storeys) as it meets the corner. The roof plant is set back 8 metres at 6th and 7th floors and 16 metres at 8th floor from the West façade.

East (Mighell St) Elevation – The East Elevation faces onto Mighell Street and has been broken up into 5 distinctive elements of varying height. Mighell

Street slopes down to the south initially before levelling out in front of the current AMEX House. At the corner with Carlton Hill the façade will be 11 metres (3 storeys) in height. The next section where the secondary staff entrance is will be 19 – 22 metres (5 storeys) above pavement level. The next section where the ground is level will be 31 metres above pavement level and then at the corner drops to 23 metres in height. The East elevation is generally a flat façade but opposite the Farmhouse, the façade protrudes two metres out above the entrance at 2nd and 3rd floors only for an extent of 19 metres.

The building materials comprise mainly double glazed curtain walling with aluminium brise soleil on the south, west and east elevations. Some elements of the elevations have twin walled glazing. On some elevations the brise soleil has a vertical emphasis and on other elevations a horizontal emphasis.

Building B

This building will be located on the south side of the Farmhouse. It comprises a three storey building fronting Mighell Street and will have a secondary frontage fronting White Street. The entrance to the building is at street level, opposite the first floor secondary staff entrance to Building A. There is a delivery entrance as well. A four storey building was proposed but this has now been reduced to three storey by creating a basement level. Viewed from Mighell Street the building is three storeys with a pitched roof. The right hand side of the front façade is set back 7 metres from the back edge of pavement. In profile, the building will be seen to have a series of 3 pitched roofs over the front half of the building. The elevations and side of the building are a two tone of painted white brick and timber façade with vertical battens. The East elevation facing onto White Street has the appearance of an extension to the existing terraced houses. The building appears as two pairs of two storey terraced houses with projecting gables and pitched roofs which follow the step up the hill of White Street. The building will have dummy windows on this elevation.

Amendments to the planning application were received on 14.09.09.

Environmental Statement

Environmental Statement (ES) has been submitted with the application, in accordance with the requirements of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, which provides a description of the scheme and alternatives, and an assessment of the likely environmental impacts of the development: Scoping and consultation, Townscape and Visual effects, Socio Economic Effects, Traffic and Transportation, Soils and Contamination, Hydrology and Hydrogeology, Noise and Vibration, Air Quality, Ecology and Nature Conservation, Built Heritage, Waste, Wind Micro-climate effects, Daylight Micro-climate effects, Archaeology, Arboriculture, Interrelationships and Cumulative Effects. The ES discusses the potential environmental impacts of the proposals and the means by which these should be mitigated.

An addendum to the ES was received on 14.09.09.

5 CONSULTATIONS

External:

Neighbours: A total of 142 letters have been received. A full list appears in the appendices. Eighty (**80**) of these letters are standard. They have been sent by parents of children who attend Carlton Hill Primary School and raise the following concerns.

“Would like to express concern about overshadowing of the playground, possible increase in traffic, road safety on Carlton Hill and noise and dust during construction. Unless the school playground is rearranged and redesigned then the new building will cause harm to the children’s health and education. Ask that if planning permission is only accepted with firm assurances from AMEX and the Council to do everything possible to minimise disruption to the school. We are proud of our outstanding school please work with us to keep it that way. “

Sixty One (**61**) letters have been received which raise the following objections:

Unsympathetic design and architecture, out of character with surroundings

- Will have adverse impact on our quality of life
- Towering, environmentally unfriendly buildings will do nothing to enhance Brighton’s reputation or add to the sum of the town’s splendours, making it far less attractive
- Scale of the development is out of keeping with small but charming surrounding houses and modest streets
- The proposed building needs to be of a much-reduced height. To be enjoyable it will have to be beautiful as well as environmentally friendly
- The architects have not considered the character of Brighton. The quaint terraced housing, the regency style properties and the pebble walls, not faceless glass and concrete edifices, draw tourists and people who want to live here
- Brighton’s character is being damaged by the allowance of high rise buildings in residential areas
- Building should be consistent with the appearance of the surroundings and not become a future eyesore
- The impact on the skyline is not acceptable.
- Last 4 houses on White Street will fall directly under the shadow of the proposal

Adverse impact on residential amenity and amenity value of other uses

- Overshadowing the school taking away light from the playground
- Overshadow residences (White Street) after 3pm

- 5 – 9 storeys will cut out light, air and view to neighbouring residences
- Air conditioning and generators will be closer than existing noise sources
- Existing building likely to fall into disrepair and become unsightly
- Loss of privacy as the new building will have windows which stare directly into the rear rooms of houses on White Street
- New building will loom over us and dominate the local area and views unless looking north.
- Mental and physical health of residents will be affected by road congestion, dust and noise.
- Size of the proposal will decrease the comfort of living in the area
- Houses will have privacy invaded 24 hours a day

Adverse impact on listed buildings and nearby conservation areas

- Farmhouse on Mighell Street will be encroached upon and over-shadowed by the proposal
- Site on the edge of a conservation area and will blight an otherwise peaceful and attractive area
- As the plans stand there is no recognition of the need to respect the historic farmhouse and those around it
- Not in keeping with the local area and its history

Impact on parking and traffic congestion

- Residents of Hanover regularly have to put up with Amex employees using this area daily (weekdays) making it impossible to park here. The problem will get worse if this scheme goes ahead
- Air quality will be under attack from petrol fumes as Amex employees accelerate up the steep hill and circling the narrow streets as they look for parking which is already a problem in the area and bound to get worse
- Almost impossible to park at home (Albion Hill area) due to the excessive number of spaces already taken up by American Express workers. Not enough parking with this application
- No more pressure on local parking. Make Amex have a park and ride
- Narrow streets will cause congestion and difficulties with traffic
- Increase traffic on Carlton Hill will make it dangerous for pedestrians and families accessing the school
- Where will everyone park if both buildings are filled with workers?
- Amex should fund a residents only parking scheme
- Sensitive uses coming off Carlton Hill such as the school, church, deaf centre, and unemployed centre. Any increase in traffic around these buildings will be dangerous and chaotic.
- Siting of this development is insensitive resulting in extra traffic using John Street will cause nuisance and disruption
- Resident's parking in Hanover only to counteract the adverse effects of American Express employees taking up all the spaces
- Carlton Hill not wide enough to allow two cars to pass and traffic levels will make development unsustainable.

- Increased traffic on Edward Street will make it harder for residents to access facilities on St James's Street
- Currently congestion on Carlton Hill during the school run and also when there are social gatherings at the Greek Orthodox Church

Insufficient infrastructure

- Does not conform with masterplan (SDP04) principles and including provision of housing and generous public space.

Environmental impacts and insufficient sustainability measures

- Will it be ecologically sound? Judging by current building, power is left on all over the building, blasting out light and air conditioning noise 24 hours a day.

Noise and pollution

- Cause light pollution
- Prolonged noise pollution during building work with added disruption of lorries and cranes and extra traffic created
- Endless disturbance day, night and at weekends
- Air pollution from diesel fumes and other toxic materials
- 24 hour operation – light pollution into houses
- Dust, dirt etc during build will be hazardous especially those that work at home or the children in Carton Hill Primary School
- Concerns over noise of plant and vibration on residential properties. Suggest planning conditions to protect residents

Other issues

- Models should be made available as residents have difficulty in relating plans to the impact on their houses
- Social cohesion which exists in the area will be lost during the construction and demolition phase.
- Unlikely that those residents affected by the proposal will be employed by Amex.
- Resentment by local community which could exacerbate social problems and lead community to feel disenfranchised especially if there is a long-lasting recession
- Maintain the right of way consisting of steps leading from John Street to Mighell Street during the construction work
- Inadequate public consultation
- Inconsistency between information given at public consultation events and proposal details
- Regrettable innuendos in the local press regarding the impact upon jobs in the city if Amex left due to local opposition which is likely to influence planning committee's decision

Service facilities building

- The plans do not easily illustrate what is being built around 31 White Street

- No formal access has been gained to assess the loss of light caused by Building B on houses in White Street
- Unacceptable loss of sunlight to habitable rooms at rear of 31 White Street.
- Loss of tree to rear of 31 White street will impact upon outlook
- Suggestion to ensure that the building is finished to look like the existing terrace buildings in the street, enabling it to blend with the existing environment and reduce its visual impact
- No information about whether the new building will be noisy. Extraction or machinery noise will impact on the living and sleeping residents in all the neighbouring houses

One (1) letter has been received expressing support of the proposal:

- The development seems to be well thought out and consider the local environment and enhance the area considerably by providing more open access and green space
- Replaces the existing building which adds little to the area from an urban landscape perspective
- Proposed plans will appear to open up the area, provide quiet spaces, improve access and enhance the farmhouse
- It is a positive move that American Express area looking to invest in the area which to a certain degree, must indicate their continued commitment to remain in Brighton for the foreseeable future

Councillor Fryer - objects to the application. Copies of these letters are attached to the report.

Sussex Deaf Association, Carlton Hill.

Object to the planning application.

- Road is too narrow for such a large building. It is close to the edge and makes visibility dangerous for pedestrians.
- Centre provides services for the profoundly deaf and deafblind who require access to the centre on foot, car or minibus. Danger of vehicles mounting the kerb to make turn into Mighell Street.
- Proposal will alter residential nature of street and become bleak and dangerous at night
- Size and appearance of the building is out of scale and keeping with the surrounding area
- 106 parking spaces will result in increased traffic at peak times of the day
- Concerned that access to the centre will be disrupted and affect activities during the construction period.
- Concerned about loss of communication caused by interference of aerials etc on Amex building

Carlton Hill Primary School (Head Teacher)

- Have been involved in consultation process. Whilst the school does not

object to the proposals, there are some concerns regarding child safety and welfare.

- Increased works traffic during construction.
- Dust
- Noise levels disrupting lessons.
- Loss of sunlight on playground during winter months.
- New building will overlook the playground.

Further neighbour representations following re-consultation of revised plans

Adverse impact on residential amenity and amenity value of other uses

- Proposal will over look and overshadow playground spoiling and important resource for the children at the school. American Express should pay for the reorganisation of the school's playground and play equipment – request that planning application only be permitted with S106 agreed between school, developers and Council
- White Street residents will suffer from loss of natural light, overshadowing and loss of privacy
- Amex employees will be able to stare at the children putting them at risk

Unsympathetic design and architecture, out of character with surroundings

- A building of this scale is completely unsuited to the proposed site. Carlton Hill is made up of mostly low level buildings such as housing, the Greek Church and the school and the proposal will dominate the area in an unacceptable and unpleasant manner for local people
- The appearance and size of the new building is inappropriate for the area which is primarily residential
- The design of the proposed building will not enhance the appearance, appeal or character of the immediate area and will dominate the landscape
- The design of the proposed development does not complement the architectural heritage of the city
- Modified scheme still out of scale with neighbourhood and bears little relation to SPD04
- Footprint and height of the proposal dominates even the existing Amex House

Impact on parking and traffic congestion

- Proposal will lead to an increase of traffic in and around Carlton Hill as the many employees try to find parking in the local area
- The increase of vehicle accessing the development via Carlton Hill will create a dangerous area for pedestrians as the pavements are narrow and the road is not wide enough in some places for cars to pass
- There is still not enough parking. There will be the usual daily overspill parking in Albion Hill and residents will not be able to park
- Bike racks not a good idea as Amex employees drive rather than ride bikes

Adverse impact on listed buildings and nearby conservation areas

- The listed building in front of the proposal will be dominated by the new structure
- Too much emphasis by English Heritage on views from Palace Pier and the Pavilion. Views for residents on Blaker and White Streets are just as important.

Noise and pollution

- Increase in noise and disturbance for residents from electrical equipment and lighting
- Noise from heavy machinery and construction will increase with vehicles coming and going day and night
- Air pollution from diesel fumes and toxic materials during construction destroying air quality
- Additional traffic will adversely affect air quality

Environmental Impact

- The proposal does not incorporate enough green space or natural features

Existing Amex House

- Concerns over continued presence of existing building and the noise it creates
- Time scale for demolition could mean that residents will be living on a building site for up to 7 years or longer. This is outrageous and completely unacceptable from every point of view.
- Living in the shadow of two buildings affecting health, wellbeing and detrimental effect on homes whilst two buildings exist side by side

Other issues

- No guarantee that subsequent development on site of existing Amex House will be smaller scale therefore planning guidance needs to be updated.

Sussex Police Authority, John Street:

Occupy John Street Police Station policing Brighton & Hove. No objection in principle but have concerns over design and relationship with Police Station. Apparent lack of consultation by AMEX and the Council. Scale, height and bulk will introduce a dominant presence to the local neighbourhood and a departure from low rise form of development currently on the site. The design appears to respond to similar concerns on north and east side. Concerns about security and operational ability are primary. Require reassurance on these areas: overlooking particularly from roof terraces, communication systems on the SPA site, continuity of utilities infrastructure, continuity of emergency vehicle movements. Barriers to public accessibility even if temporary should not be created. Significant loss of skyline and loss of sunlight and daylight. Clarification of use of new building. Wish to explore

incorporation of police resources resulting from approved scheme within any S.106 agreement. Any CEMP should be developed in consultation with the SPA.

English Heritage:

The proposals for the New Amex House scheme are set out as part of an overall master plan which includes the removal of the existing Amex House building at a later date. However, this is not certain and it appears is not a commitment of the submitted plan, nor is the eventual replacement on the site restricted by the submission in terms of its form, scale, height or massing. That said, the reinstatement of the north - south Mighell Street is a much welcomed part of the plan as a re 'stitching together' of this part of the street pattern.

Key points of concern for English Heritage centre upon the impact of the scheme on views from key historic areas of the city, these include; from Valley Gardens and the Pavilion grounds gardens area, the wider views of the building from the south and around Palace Pier, the relationship of the site in close proximity to the listed buildings and Carlton Hill CA, including the terraces in White Street.

The new Amex House is taller than the existing and located further up the gradient. We consider the overall massing of the development poses some concerns for several views; from Valley Gardens, the background of views south towards St Peters Church area and the background setting around the Pavilion from the garden approaches. While finding the accent of a stepped deferral of elevations to the north of the site towards Carlton Hill broadly acceptable, the combined effect of the existing Amex building and the proposed provide an unwelcome bulk to the skyline from various points from Valley Gardens south, including from the Palace Pier. The bulk is not sufficiently broken at the roof level and combined will appear rather slab like.

The back ground view from across and approaching the Pavilion Gardens towards the site it appears will provide more of a sense of a continuous bulk. We believe much more consideration should be given to roof plant, and the services such as lifts and stair areas and how these might be altered and treated to visually improve the roof articulation from views around the site, including from views in closer proximity - St Johns Place and the area around the St Johns Church/ Greek Orthodox Church, Tilbury Place towards Mighell Street and south westerly, Dorset Gardens and down Carlton Hill towards Valley Gardens across the Carlton Hill CA. From various such points, the roofscape has a bland over homogeneity rather than architectural coherence and interest. The exception is the stepped elevation to Carlton Hill and the corner of Mighell Street.

On the east side of the scheme facing onto Mighell St, the elevation will benefit from a greater sense of deferral to the buildings in the upper section of this street.

Data Building

Turning to the Service Facility Block (SFB) we support the use of a serrated roof form here as indicated in the DAS . However, while noting the proposed use for this building, this can we believe, be fenestrated to rather better engage the street in its elevations, the gable facing north could adopt the use of narrow vertical glazing elements for example, similarly onto Mighell Street, thereby more appropriate to the proposed master-plan, thus providing a clear acknowledgement of a public street.

It is not clear if the listed former farmhouse in Mighell Street is to be used as part of the project, but we consider the provision of the south side footway connecting the two streets Mighell and White Street is positive. However, this should be more graded and detached from the southern edge of existing buildings, allowing a more visually comfortable space between the two areas. Clarity of the proposed levels in relation to existing, N-S across the site is required. Proposals will appear to change levels adjacent to the listed building and its western approaches. Alterations, including those to the interior of the Listed farmhouse will likely require LB Consent. The proximity of the SFB could mitigate against the future viable use of the Listed Building as the proposal seems to overshadow the scale of the existing, it may also severely restrict light, particularly to the frontage.

The new terrace blocks which will complete the White Street terraces appears to acknowledge the scale of buildings on this street but they should provide sufficient space for clear pedestrian connection access to Mighell Street.

Master Plan and public realm: The main benefit of townscape proposals is perhaps the reinstatement of Mighell Street to the south; however, it is not clear from the plan proposals submitted what the applicant's commitments are to this and, therefore, this should be safeguarded via a planning agreement.

The master-plan shows a rather precinct style layout rather than a 'street' which might create public spaces and reinstate more intimate enclosure. We also encourage the use of existing materials found in Mighell Street, stone sets and kerbs, gutter soles etc should be retained and such material cues taken forward in the future street proposals.

We have indicated above, that the site replacement for the existing Amex House is not clearly set out. We consider that in agreeing the location of the New Amex in the site, parameters should be placed over height and massing in any future development of the existing, and in particular, that it should step down from the New in keeping with the existing land topography. Also, that the street alignment follows the earlier Mighell street route, using perimeter blocks as part of the master- plan.

In conclusion, English Heritage consider the proposals require significant amendments to address the above issues, including an examination of the

roof plant as an opportunity to provide a more varied roof form, and further information to clarify the relationship between the Listed Farmhouse, the Data building and the pedestrian route between. The proposals will currently detract from the views in and across Carlton Hill CA and from longer more skyline views from the areas we set out above. While some of these are background distant, the architecture does not mitigate as is suggested in several of the views that have been indicated in the application's VA.

The adjacent building of the Data building currently impacts negatively upon the context and setting of the listed building when it could be more positive, contributing to the street aspirations set out the DAS master plan.

Recommendation

For the reasons set out above, it is not considered the proposals should move forward positively without improvements to address the concerns we set out above, we must therefore recommend that the current proposals are rejected.

English Heritage Revised comments 15/10/09

Summary

English Heritage consider the amended plans resolve some key areas of our concern but believe further changes should be sought by the City Council in order to retain and improve the areas character. Proposals should not detract from the prevailing character and qualities of the Conservation Areas, However, the townscape roof profile as seen from surrounding Conservation Areas, from the Pavilion gardens, south, sea/front, beach and Pier in particular is adversely affected.

Advice

As indicated earlier (ref 20/7/09), the proposals for the new Amex House are based on a master-plan, this includes for the removal of the existing building at a later date. The visual assessment of impact as supplied by the applicants, are based on the removal of the existing Amex building, or the impact statements and matrix will be otherwise invalid. Thereby the LPA must secure the demolition of the existing via legal agreement before construction of the new or the visual impacts set out should be wholly unacceptable. Even so, some of the matrix and the conclusions can still be questioned. (see below)

The new Data building area and Listed farmhouse

We consider the proposals have improved and now largely address our concerns positively. We consider the proposed improvements to the frontage of the Listed Building and surrounding garden including walls, facing onto Mighell Street should be secured via planning agreement. This includes retention of original street/surface features and using these as cues for the reinstatement proposals in the agreed master -plan for Mighell Street. We consider further thought should be given to the vertical boarding detail and the verges of the Data building gables.

New Amex House

The proposed Mighell Street elevation alterations at first and second floor (projection) helps the proposed address the scale of the street and sit satisfactorily with the new buildings, although a more stepped deferral of the elevation here is desirable. Provided the street continues in this vein, the redevelopment of the corner garage site at a later date needs to skilfully address this scale and that of the Listed Farmhouse. In relation to both the further development of the street and the replacement of the demolished building to the south of the new Amex House, we consider the maximum height of this building should be fixed as part of the master-plan and legal agreement, such that any new building does step down the slope markedly from the new Amex House and does not create a skyline slab view from the west or South/SE.

Key views across the Pavilion gardens

Page 2 of our earlier letter; the use of the plant room as a visual 'highlight' of the vertical elements of the eastern elevation could assist the visual breakdown of the horizontal block at its tallest points in the townscape, including the taller vertical element above the west side circular door entrances. The varied vertical treatment of the blocks glazing in the manner set out in the 'art wall' page 61 of the DAS may also assist. In our view, the Views 12A and 13 remain showing an adverse affect on the prevailing townscape character at the upper two levels and cannot be deemed beneficial overall. The horizontal 'slab like' nature of the upper floors thereby are not yet an improvement over the existing view.

Views from Palace Pier and sea-front, and part of valley gardens south

View 14 shows the effect upon the assemblage of buildings fronting the Conservation Area facing onto the seafront - seen from the pier and walking north; none of the existing tall buildings shown that break into the common horizon can be said to be positive contributors to the character of the Conservation Area. It is accepted that the new in its locational terms changes little from the existing. However, the new proposal is taller than the existing Amex, and here we consider more work is still needed to the scheme to break the horizontal nature of the new, possibly using variable glazing ideas. From Valley Gardens there are more glimpsed views but here too the impression is of a horizontal massing.

Views from St Johns Place, Greek Orthodox Church area:

The views from here on Carlton Hill appear to be improved and the recessing of the floors of the scheme are a positive contribution as we indicated previously, however the views of the upper levels View 4 and 6 and the area around the junction of White Street west ward still appear to remain rather bulky - page 2 of our earlier letter, paragraph 4 refers.

Overall, there are some welcome improvements particularly to the data building, to the Mighell Street side and to street frontage elevations, but we

consider further work is needed to the upper floors to improve the roofscape and seek to resolve the points made earlier.

Recommendation

While several of the issues we raised in our last letter have been resolved, we consider some further work is needed to address the upper floors, such that they are more responsive to the character of the prevailing roofscape in the areas we set out above. We therefore urge you to address the above matters; we do not yet consider the proposal should progress positively.

Environment Agency:

We consider that planning permission should only be granted to the proposed development as submitted if conditions are imposed. Without these conditions, the proposed development on this site poses an unacceptable risk to controlled waters and the environment and we will wish to object to the application.

- 1: Site Investigation
- 2: Use of Sustainable Urban Drainage System infiltration methods including soakaways.
- 3: Piling

Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls.

Where it is proposed to store more than 200 litres (45 gallon drum = 205litres) of any type of oil on site it must be stored in accordance with the Control of Pollution (oil storage) (England) Regulations 2001 in order to protect controlled waters (groundwater).

Contaminated soil that is excavated, recovered or disposed of, is controlled waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation.

Reconsultation: Environment Agency are satisfied that any outstanding concerns on can be dealt with through the conditions already given in their initial response.

Regional Design Panel

Concerned about the size and internal arrangement of the new office but acknowledge that architects have made progress in moderating the impact of the building in long views, changing its profile and improving the relationship with Carlton Hill. Concerned that phasing and decanting programme has forced new building up to upper end of John Street where it contrasts with the modest scale of Carlton Hill. Acknowledge and welcome the work that has been done to reduce the impact of the development by creating a separate

Data Building. This has helped to reshape Building A better to relate better to Carlton Hill. The impact of the building will be offset in views from Pavilion Gardens will be offset by the demolition of AMEX House. Welcome the remodelling of the building breaking down the mass into a complex of layers and sequence of curves which echoes the contours of Carlton Hill. The highest parts are at the southern end where they have the least impact. The treatment of the elevations is interesting and sophisticated but will benefit from emphasising the entrance to the entrances. We acknowledge the very specific client brief but we are disappointed with the deep plan of the building which means that it will be dependant on artificial lighting and ventilation. Doubts about the relationship between the Data Building and the listed Farmhouse and more particularly White Street. More attention needs to be given to the interaction of the old and the new in these areas. Pleased to note the work done to develop a convincing environmental strategy for the building aiming for a BREEAM 'Excellent' rating. The brise soleil are deployed to good practical and aesthetic effect and the use of CHP is supported.

South East England Development Agency (SEEDA)

Brighton is one of the eight 'Diamonds for Investment Growth' identified within the Regional Economic Strategy (RES) with the potential to act as a catalyst to stimulate prosperity, which SEEDA supports.

Priority 4 of RES seeks to 'Ensure that sufficient employment land is provided though the redevelopment of Brownfield land and refurbishment of existing stock, to provide new and flexible employment space.'

On the basis of the proposals in the application, SEEDA considers the proposals to be entirely consistent with the objectives of the RES, and important in ensuring Brighton's position as a key location for business services within the South East region.

SEEDA also welcomes the commitment to achieve high sustainability credentials including a BREEAM rating of 'very good'. This complements RES target 11 (Climate Change and Energy) and the overarching vision of the RES to make the South East a world class region achieving sustainable prosperity. SEEDA fully supports the application.

Reconsultation: Amendments do not affect SEEDA's views above.

South East England Partnership Board

No substantive comments to make. In order to comply with South East Plan the delivery of new and improved infrastructure should be secured in compliance with policies CC7 and CC8a of the SE Plan. Secure the use of sustainable construction methods, in accordance with Policies CC4, H5, W2 and M1 of the SE Plan. Secure the greater use of renewable or low carbon energy and the incorporation of energy efficient measures and renewable energy sources including CHP in accordance with policies CC2, CC3, NRM11 and NRM2 of the SE Plan. Secure the incorporation of measures to achieve

high levels of water efficiency and quality in accordance with policies CC2, CC3, NRM1, NRM2 and NRM4 of the SE Plan. Secure a package of measures to prevent and mitigate against air or noise pollution in accordance with policies SP3, CC6, BE1 and TC2 of the SE Plan. Ensure a high quality public realm in accordance with policies SP3, CC6, BE1 and TC2 of the SE Plan. Secure provision of transport infrastructure to promote alternatives to the car reflecting the principles set out in policies T1, T2 and T5 of the SE Plan.

Sussex Police Crime Prevention Design Adviser

The layout of this proposal is such that there is no secure boundary so the building failure of both buildings becomes the first line of defence.

The key to controlling what occurs within these buildings is to control access both pedestrian and vehicular.

A management decision needs to be made over which type of access control needs to be specified between swipe cards, close proximity tags, or biometrics.

So far as the service yard and basement car park is concerned this will also be vulnerable and needs to be controlled. It could be integrated into the biometrics in the case of staff. Deliveries will obviously be controlled from the security office.

It is important to remember that there should be access control to all the access points off the car park internally.

I note that there are two final exit doors to the South elevation that are 1½ leaf. I can understand the reasons for this, however, they are notoriously difficult to secure and I will prefer a wider single leaf door.

Physical security will be an important element of this scheme and details are provided of the specifications that should be met for doors and windows.

Lighting will be an important element of the scheme. Low pressure sodium should be avoided as it fails to provide any colour reduction.

Reconsultation: No further comments.

East Sussex Fire and Rescue Service

No objections provided that:

- Sufficient means of external access needed to enable fire appliances to be brought near to the building for effective use
- There should be sufficient means of access into and within the building for firefighting personnel to effect search and rescue and fight fire
- The building should provide sufficient internal fire mains and other facilities to assist firefighters in their task
- The building should provide adequate means for venting heat and

smoke from a fire in a basement

- Confirmed satisfied that building provides access for appliances and fire fighting. No additional comments in response to reconsultation.

Southern Water

Request that if the application is approved the following conditions should be applied:

1. Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by the Local Planning Authority in consultation with Southern Water.'
2. The developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to divert the public sewers, prior to the commencement of the development.

Revised plans: Proposed drainage strategy is not clear in demonstrating that there will be no additional flows to the public sewerage system. Applicant should also demonstrate that there is no increase in discharge to the combined sewer. Discharge soakaway for all roof water will be acceptable. Previous comments of 1st July remain valid.

East Sussex County Archaeologist

Acknowledge that there has been a heavy impact by modern development on the site, but some relatively undisturbed pocket should survive. Higher archaeological potential for 19th and early 20th centuries. Geo-technical assessment records brick footings, presumably the remains of the former terraced housing in the area.

Proposal will not impact upon Black Rock raised beach deposits and is too far up the slope to contain colluvial deposits.

In the light of potential archaeological significance on this site, a programme of works is proposed which will enable any archaeological deposits and features disturbed during the works to be adequately recorded.

Reconsultation: No further comments added.

Brighton & Hove Archaeological Society

Unaware of any archaeological implications. It is possible that development may affect limited deposits not eroded by earlier developments. Recommend contacting County Archaeologist.

Brighton Society

Objects and requests that officers negotiate amendments to make the scheme more sympathetic to the Carlton Hill CA, listed buildings and to Carlton Hill School. The new office dominates the Conservation Area by bringing the commercial character right up to the edge of pavement on

Carlton Hill. Should be set back from the road and reduced in height. Will like Data Building removed from curtilage of the Farmhouse and placed underground as it has no human beings going in or out. Farmhouse needs some space around it.

Comments on amended scheme

Objection to building line coming right up to Carlton Hill edge of pavement and regret overshadowing of Carlton Hill School playground. Will like to see S106 money go towards improvements like tree planting or a hard surfacing which is not gimmicky to the front of St John's Church. Formal tree planting is not appropriate to the front of the farmhouse and Brighton Society advise that Saddlescombe Farm near Newtimber Hill is a good example. However, the society are pleased with the facades and roofline which have been made more interesting. Consider the data building is less forbidding and relates better to farmhouse, but will like to see slate roof on the data building. They are pleased to learn that S106 funding to provide a flint wall along Carlton Hill but note that it will be beneficial to acquire the garage site on the corner of Mighell Street and Carlton Hill to enhance open space around the farmhouse.

EDF Energy

No objections.

Southern Gas Networks

Provided information and plan on existing gas pipe network on the site for information.

Conservation Advisory Group

21st July Meeting. - Difficult to comment with uncertainty over AMEX House. Concern expressed over the contrasting scale between the new building and the historic buildings nearby most particularly the Farmhouse. Elevational drawings are misleading in depicting upper floor set back. Requested further drawings and a model to be brought back to another meeting.

14th October Meeting – Welcomed the intended demolition of AMEX House. Views from Pavilion Gardens are no longer a matter of concern. The buildings have been substantially improved.

Dr Des Turner MP Brighton Kemptown

Will like his letter drawn to Planning Committee's attention summarised as follows:

Concern that consultation has been patchy particularly since details of the application have changed. Residents need the fullest opportunity to comment on the proposals. Concerned about impact on the school and routes to school. Wishes to see further work done on this. Concern about levels of noise from plant on residential properties. Assessment needs to take account of the planned demolition of AMEX House. Will like to see conditions to secure new and past pedestrian routes through the site. Will like to see regular resident consultations set up during construction. Conditions needed

to control construction hours and noise pollution. Need to look further at reducing the carbon footprint of both the construction and finished building. Will like to see demolition of AMEX House within 12 months of completion of new office.

Internal:

Economic Development Manager

The economic development team fully supports the application as it provides modern office accommodation for the applicant to consolidate its operations onto one site complimenting the existing provision on site and providing 33,000 m² of B1 office accommodation to meet the needs of the business. This in turn could therefore release some of the sites they occupy currently in the city coming back to the market to allow other businesses to locate to.

As one of the major employers in the city, retaining the presence of Amex is fundamental to the economic well being of the city and the commitment by them to invest in a major development of their site safeguarding their presence is welcomed.

The supporting information provided by the applicant gives detailed information into the social and economic effects of the proposal and these are not contested. Together with the development once completed providing jobs for 3,000+ employees, the construction jobs associated with the proposal are welcomed and supported and it is hoped that local businesses will be sourced to support this development.

Financial and Business Services is the largest single employment sector in the city, employing 30% of workers. American Express is the city's largest single private sector employer and as such the retention and potential future growth of the firm's operations within the city are key to the city economy. American Express have always said that Brighton & Hove is perfect for their staffing needs, with a good supply of well educated university leavers with a good understanding of languages and travel. However, they require a more modern up to date office to help to retain those staff and to ensure they operate in a globally consistent manner.

At 2005 figures, it was estimated that if American Express were to be unable to continue to operate successfully in Brighton & Hove and were to leave the city resulting in the loss of 3000 jobs from the city economy then a minimum of a further 75 FTE jobs will be lost (taking into account multipliers) and that between £113m and £122m will be lost from the economy annually. This will be (at 2005 figures) a 2.5% decrease in employment and a 4% decrease in economic output – a significant impact on the local economy. For this reason it is important that American Express's evolving business needs are able to be catered for in the city, meaning the requirement for a modern up to date sustainable office facility that can become the central point of their estates strategy in South East England.

The Brighton & Hove City Employment and Skills Plan 2007/08- 2010/11 (CESP) is prepared by City Employment and Skills Partnership, of which the City Council is a key partner. It identifies the need to address the issue of restricted amounts and poor quality of employment space in achieving job growth targets. It identifies major development opportunities such as Edward Street as an opportunity to attract inward investment to create high value added jobs. It goes on to state that the limited space means that office accommodation needs to be used wisely to maximise employment. Relevant Strategic Objectives in the CESP action plan include the following actions:
1a(ii) – Protect existing viable employment sites.
1a(iii) – Attract inward investment to secure the development of key economic regeneration projects.
2a(i) Work with large local employers to maintain and consolidate their presence in the city.

Training and Access to Employment

Contributions are usually sought from all major developments to maximise opportunities to develop local skills and business performance. Training contributes to this aim and developer contributions are sought to develop appropriate training and employment provision.

Development in the city should involve supporting local employment and training for the benefit of the construction industry as a whole, and suitably trained individuals are required for construction services for new development.

The City Council is keen to ensure ongoing developer support for the provision of local training and employment agreements for all major developments. Strategic Objective 2a in the CESP includes the following actions:

- 2a(iv) – Use the construction phase of the major developments to develop local skills and business
- 2a(vi) – Develop training and employment agreements with employers.

Seeking contributions for training coordination benefits all parties by providing employment, training, enabling sustainable development and mitigating the potential for delays to the construction process. An obligation will seek contributions towards the city-wide coordination of training and employment schemes such as the Future's programme which is a city-wide partnership with the common aim of supporting and developing a sector-specific, locally skilled and qualified workforce. The Futures model has been successfully used in the local retail, hospitality, tourism and construction sectors.

On office developments over 500m² the contribution is usually worked out at £10 per m² of development. Allowing for the fact that the new building is a replacement of the old Amex House, meaning the net increase in office space is 5,670m², this figure comes out at £56,700. However, there is acceptance

that the development contributes an economic development benefit in and of itself, so there will be scope for negotiating.

A local workforce will enable easier recruitment and retention and will reduce the environmental impact of a commuting workforce. The advertising of all jobs, which relate to the development, should be accessible to local people through local, approved employment agencies such as Job Centre Plus and its partners. The Section 106 agreement should require American Express to use local methods of recruitment advertising in parallel to any national advertising and officers will be willing to work with the applicant on the appropriate methods of recruitment advertising.

Conservation and Design Manager

(Initial Comments) The development immediately adjoins the southern edge of the Carlton Hill Conservation Area. In the published character statement the existing Amex development is identified as significantly affecting its setting. There are no significant views into the area; distant views over central Brighton enhance its quality. Carlton Hill is a street of particular interest. It is unusual in its urban informality. The street narrows, has irregular pavement lines, high flint walls and tree cover and unexpectedly reveals (i) Tilbury Place, which for the most part is a pleasing short terrace of listed buildings obscured from wider view by self sown tree cover within the school grounds on lower ground along its western edge, and (ii) the church of Holy Trinity (formerly St John the Baptist). This is a stand alone impressive listed landmark building on higher ground to the east, but harmed by the unattractive forecourt parking. It has no formal urban arrangement with surrounding streets or buildings.

In Mighell Street the listed building, nos 34/35, is set well back from the street and visible only from within the street itself. This street now has a very disjointed feel with weak unattractive frontages. The listed dwellings are deserving of their listing; and no 35 (in the ownership of Amex) merits repair and reoccupation as a family dwelling or some other use that preserves its domestic interior, and secures the reinstatement of its front garden. There is no obvious visual evidence internally that 34 and 35 were previously one dwelling, other than inter connections at basement level. The interior, remarkably intact, contributes to the special interest of the building. Previously the adjoining car park site immediately to the south of 35 Mighell Street comprised a range of buildings along the north and east boundaries fronting a courtyard to the south. The cobbled flank walls to no 35 at basement level appear as remnants of this former development. To the north of no 34, lies a modern utilitarian shed on the site of the previous garage business, now in use for commuter car parking, and identified as having scope for redevelopment.

The character statement concludes that the setting of the conservation area is harmed by the existing Amex building, which dominates the skyline from Carlton Hill and beyond. Whilst of a different scale, the bland 1960s building

on the west side of Mighell Street, and the Carlton Hill Primary School and its high timber street boundary fencing to the north are also considered to harm the Conservation Area's immediate setting.

The character statement describes opportunities for enhancement, which include the redevelopment of the adjoining Edward Street quarter (see SPD04) for mixed office and residential use and street improvements, including the reinstatement of the garden and front boundary wall to 34/35 Mighell Street and a high flint faced boundary wall to the Carlton hill frontage of the adjacent primary school, so as to enhance this key approach into the area.

Assessment:

The development of the application site(s) and the demolition of the existing Amex House provide an opportunity to enhance the setting of the Carlton Hill Conservation Area and the listed buildings within it. The reconnection of Mighell Street to Edward Street will be of significant benefit, improving the approach to and from Tilbury Place and potentially improving the Mighell Street frontages and its function.

The proposed Data Building is of an appropriate overall height and form. However by virtue of its external solid appearance, and its height and forward projection relative to 35 Mighell Street, it is likely to bear down on no 35, to the listed building's and in turn the Conservation Area's detriment.

Adjustments to the garden boundary wall treatment and adjacent access and to the height and elevation treatment of the Data Building are recommended to provide a harmonious and sympathetic relationship between it and nos 34/35, and to preserve existing tree and shrub cover. The repair of no 35 and the restoration of its garden, front boundary wall and the adjacent footway surface will be desirable. Currently the Data Building appears over sized and requires adjustments.

The proposed new HQ office building is larger than the blocks suggested in the Edward Street SPD for this part of the quarter. Its northern parts fronting both Carlton Hill and Mighell Street step down in response to the changing scale, but overall the building remains dominant. At street level, and subject to further design development, the design provides interest and a rhythm that has the potential to respond positively to the adjacent streets. The upper floors however revert to a simple smooth glazed elevation treatment. These upper floors are prominent in views from the higher ground along Carlton Hill and Tilbury Place, and merit adjustment to reduce their apparent bulk and horizontality and add a further layer of interest. The extent of roof top plant and its external appearance and lack of coherence with the floors below also remains a major concern.

Clarification is required regarding the detailing of the louvres and glazing, and the elevational treatment proposed to the plant rooms at levels 6-8. The glazing to the northern bays should be curved not faceted. The louvres

should be of a size which read clearly from some distance and give depth and architectural interest to the various smooth glazed facades. The projecting bay opposite 34/35 Mighell Street will also require careful attention to detail, if it is to serve as a strong counterpoint to the blocks overall bulk, and respond positively to the scale of the listed frontage opposite.

Moreover the addition to the model of those blocks illustrated on the aspirational masterplan will be helpful to illustrate the scale of the development in a possible future and more coherent urban context.

Effect on other conservation areas and strategic view points (policies QD4 & HE3 and HE6)

The existing Amex house is a tall octagonal building under pitched roof with strong horizontal layering and uniform appearance. It is viewed as a single stand alone building of a built form, that contrasts with other residential towers nearby, when seen as part of the backdrop to the Valley Gardens and East Cliff Conservation Areas. The replacement building will appear broader in views from the north and south, and from the north and west will be more visible than the existing Amex House. From the south and east it will be less visible. The introduction of the proposed stepped form, subtle variety in architectural treatment, and strong vertical emphasis will help reduce its bulk and visual impact.

The proposed developments are tall buildings as defined in SPGBH15, and their visual impact on the wider historic environment, the city skyline and strategic or other important views requires assessment. Local Plan policy QD4 describes strategic view types and the criteria for assessment. The applicants have undertaken a detailed assessment including representational views of the development in its context. In these views the overall height, form, and silhouette of the development are important planning considerations.

The strategic views tested are from Palace Pier, Whitehawk Hill and Hollingbury Hill.

From Palace Pier the impact on the skyline is similar to that of the existing Amex House. The modelling to the south elevation and varying surface treatments will ensure an appropriately varied silhouette for this replacement tall building and reflect the verticality of the foreground sea front terraces.

Viewed from the Whitehawk Hill open space the development will be seen on lower ground amid other taller buildings and not intrude on other key urban hill side landscapes or the general topography of the city.

From Hollingbury Hill the development will also appear between tall buildings. It will obscure the existing Amex House, appear larger but with a roof form that will be appropriately layered to reduce its bulk.

Conservation Areas

The site and the existing Amex House is clearly visible in a few views along streets in the Preston Park Conservation Area. Typical views from this area indicate the new building as being broad with stepped roof. It will sit in front of and therefore replace rather than add to the existing Amex House and tower block beyond in distant views of the sea. Subject to appropriate modelling no harm is anticipated.

Key landmark sites in the Valley Gardens Conservation Area are St Peters church and The Royal Pavilion Estate; the general character is of mixed scale street frontages and tree planting providing enclosure to the Valley Gardens open space.

Viewed from the Pavilion Estate garden, a highly sensitive location, the development will be seen in the medium distance as a backdrop between the Dome and the Royal Pavilion and above tree canopies. Whilst its visibility in these garden views is unfortunate, the form and silhouette should be clear and the scale of the building is broken down to good effect. It will not intrude directly on the silhouette of either the Royal Pavilion or the Dome. The demolition of Amex house and the reduction in height of development on this site will enhance the backdrop to the Pavilion, and may be judged acceptable mitigation.

Viewed from Marlborough Place, the existing Amex House is invisible. In contrast the proposed development will be rising above the rooflines of the large University building and the adjacent smaller scale parade. Again this is unfortunate. The modelling and upper floor set backs do however help reduce the apparent bulk, which together with the foreground tree cover, help mitigate the intrusion. Removal of visual harm to this moderately sensitive location will require a significant reduction in the height and volume of the new block, more akin to that illustrated in SPD04.

In views along London Road / York Place the development will appear beyond the silhouette of St Peters Church and in association with it. However the busy street activity and street furniture in the foreground diminishes the significance of these views and the development's impact, and the church remains the prime focus. It is however from these views that the development will read as a broad tiered horizontal block and substantially larger than the existing Amex House and despite the distances involved, may loom large above Grand Parade.

As previously discussed, and for the above reason, further testing of impact on the Valley Gardens CA is recommended in the form of a rendered image viewed from the northern end of St Georges Place, from where the development may have significant impact on the roofline of the listed buildings in Grand Parade.

The single key middle distance view from across the valley is from Church

Street in the Montpelier & Clifton Hill and West Hill Conservation Areas, which affords distant views across to the east of the city, albeit dominated by assorted tall tower blocks and screened by a single tree within the grounds of the Brighthelm Centre. The poor quality of the distant cityscape reduces its significance. The long term effect will be to mark a new business district within the city.

The East Cliff Conservation Area to the south will be affected in views along north / south streets between St James's St and Edward Street. Edward Street forms the edge between areas of contrast. East Cliff to the south and the Edward St quarter to the north. There is a clear step change in scale along this edge; the development is of higher design quality than its near neighbours and should the masterplan proposals be delivered then the proposals will improve upon the existing urban context.

Urban Design considerations (policies QD1, QD2, and QD3):

The emerging draft LDF Core Strategy suggests the Eastern Road / Edward Street development area as meriting significant improvement of the built environment, to provide improved public realm and townscape, and additional high quality employment floor space, particularly in the vicinity of the American Express site.

The aim is further described as creating a high quality urban area, which is integrated with, and is not physically distinct from, its surroundings. This is described as requiring the combination of the right mix of uses provided at the optimum scale and density within a redefined and well-designed urban form, and the creation of a sense of place based on a flexible, 'campus' format, which incorporates more open space and routes through the site; and improved permeability through the Quarter.

Assessment:

The land owner, American Express, have advised that the design options illustrated in SPD04, which presume the retention and refurbishment of the existing landmark office block, are not deliverable, and that they require a replacement office building. The development will be physically distinct from the areas to the north and east, but may provide the catalyst for improvements to the adjacent business/academic quarters.

The new masterplan option put forward has the clear benefit of reopening a key route through the site along Mighell Street from Carlton Hill to Edward Street, and creating a good sense of continuity, enclosure and permeability, and appropriate urban scale along Edward Street. In order to maintain business continuity this does mean that a new substantial replacement building is required on the higher northern part of the site.

Built form. The overall design concept is considered appropriate, in terms of the stepping of the main block, so as to read as two lower parts wrapped around a large taller central core. The top 3 floors accommodate mechanical

plant, and further review is required regarding how lighting and finishes might be used to provide the building with the desired quality silhouette, verticality and visual continuity. The introduction of bays, a strong vertical rhythm, louvres and brise soleil, art wall, entrances, and clear glazed 'break out' spaces and coffee shop provide elevational interest and the desired active frontages. Quality will depend upon careful attention to detail to the louvres and glazing.

The Data Building is unsuccessful in this respect, and provides inappropriate frontages to both Mighell Street and White Street. It requires major redesign to secure a building befitting the future status of Mighell Street as the main route through the site. In the case of the White Street frontage, residential or B1 office use or similar will be desirable to provide an appropriate façade to the street.

Addressing the changing urban scale and mixed urban grain and context has proved challenging, and a further design review is recommended which might indicate whether adjustment is appropriate to elevational detail and footprint so as to reduce further the bulk and scale of both blocks, particularly along Mighell Street, and at the prominent north west and south east corners of the main block. Mighell Street is a narrow urban street meriting a more human scale to the frontage developments.

SPD04 requires amenity space and improved public realm. For the office workers some modest external space is provided at roof terrace level. The improvements to Mighell Street and Carlton Hill suggested in the conservation section, together with improvements to John Street are recommended so as to mitigate wider visual or other impacts. Details of the proposed vehicle turntable in Mighell Street should also be requested together with detail of how this might affect the longer term plans for a stepped access / connection into the 'phase 2' development. It is probable that any future through access will require DDA provision, in the form of ramps or lift access, and in this respect it will be helpful to receive plans that indicate the adaptability of the main block connect positively to future redevelopment options for the land to the south.

The creation of a 'Public art' wall to Carlton Hill is welcomed. Together with the green walls, this should provide the desired interest, human scale, and part compensate for loss of existing vegetation.

Conclusion:

The proposal is considered broadly acceptable. However a further review is recommended to address concerns regarding architectural detail, the overall mass of the main building, the appearance of the Data Building and the means by which later phases may be guaranteed. Off site landscape improvements are recommended to mitigate against outstanding harm identified.

Arboriculturist:

The 5 trees (Acers) requiring felling to facilitate development are of varying quality, with only two in good form. Despite their varying quality, they are the only trees in the vicinity of the proposal and it is felt that their loss will be felt by any users of John Street and Carlton Hill.

It is disappointing that there is no capacity for trees within the development, but it is felt that there is room on street for provision of trees.

The Arboriculture Section will not object to the loss of the 5 Acers subject to a landscaping plan being provided which proposes 15 – 20 trees within the region of the building. The Arboriculture Section is happy to provide advice on suitable sizes and species to the applicant.

Comments received 22nd July

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It is disappointing that there is no capacity for trees within the development, but it is felt that there is room on street for provision of trees.

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Ecologist:

The Chapter 12 of the ES (covering biodiversity) is thorough with regards to assessing the current ecological value of the development site. I agree with its conclusions that the existing ecological interest of the development site is low and that no further ecological survey is required.

However the ES is almost completely silent with regards to capitalising on any opportunities this proposal may offer for enhancing or improving biodiversity. The only reference I could find was in paragraph 12.7.5:

“Habitat enhancements in the form of green and brown roofs will be beneficial by increasing the number of plant and animal species on the application (sic) site and thereby meeting the Scoping Option consultation comments. The design of green and brown roofs will be tailored to ensure that the requirements of selected local and UK BAP species are met by the design. A long term management plan will be drawn up to include appropriate management of the green and brown roofs for the target species and implemented in the long term. Green walls will also be provided.”

However aspirations to meet the requirements of BAP species are somewhat undermined by the Design and Access Statement, which states that the green roofs will be vegetated by Sedum, which is a range of species, none of which are mentioned in the local or national BAP. Indeed it is entirely unclear which

BAP species are targeted by the green / brown roofs.

The green/brown roofs occupy a small proportion of the 4th, 5th and 6th floors of the building, and all on the northern side, which will severely limit their use by species requiring natural levels of sunlight. Similarly the small areas of green wall offered are also all on the northern façade, which is probably the least appropriate aspect for encouraging local, urban biodiversity. I could find no other proposals which will have the effect of enhancing biodiversity.

Relevant Planning Policy

Planning Policy Statement 9, key principle (ii) states that planning decisions should aim to maintain and enhance, restore or add to biodiversity and paragraph 14 requires local planning authorities to maximise opportunities for building-in beneficial biodiversity in and around developments.

The draft Supplementary Planning Document 'Nature Conservation and Development' includes a method for calculating the appropriate amount of biodiversity developments should provide and for calculating a commuted sum in cases where the amount of biodiversity provided is inadequate. In the case of this application, I have been unable to find any accurate figures for the areas of green / brown roof and green wall provided and it is therefore not possible to accurately apply the draft SPD. However using the submitted drawings as a guide, there will appear to be a substantial shortfall in the amount of green offered, equating to an approximate commuted sum in the region of £70,000.

Revised comments

I note that the provision of nature conservation features remains quantitatively unchanged, although the change from a Sedum roof to a more ecologically diverse roof is a welcome move.

On the basis of the latest figures, the above application now meets the habitat creation requirements of the draft SPD on nature conservation and development. I understand that these include a biodiverse green roof of 360m², a brown roof of 1,900m² and green walls totalling 323m². It will be important to condition the details of these features, to include cross-sections of the roofs and construction details of the green wall planters, species to be used, etc. to ensure the SPD's requirements are successfully delivered.

Informatives should be attached to any planning approval reminding the applicant of their obligations under the Wildlife and Countryside Act 1981 (with respect to birds) and the Habitats Regulations (with respect to bats).

A condition should be attached requiring the submission prior to commencement of development of a detailed cross-section of the proposed green roofs, together with construction and maintenance methodologies for the green roofs and green walls, to be agreed in writing by the LPA. Construction and maintenance details for the green walls should include provision for plant irrigation.

A condition should be attached requiring the submission prior to commencement of development of proposals to incorporate a minimum of five bird nest boxes into the façades of the new buildings, to compensate for the loss of potential nesting habitat through the clearance of existing landscaping. The boxes should be manufactured of 'woodcrete' or equivalent and aim to create new nesting opportunities for house sparrow and/or starling.

Planning Policy:

Proposal acceptable in principle as long as it does not prejudice comprehensive redevelopment of site and subject also to appropriate developer contributions.

Although comprehensive redevelopment preferred, the applicant has addressed this concern by composing an aspirational masterplan, establishes in the DAS. Removal of the existing Amex House is welcomed as it facilitates the redevelopment of the remaining part of the site and establishes the original street pattern.

Edward Street is identified as a development area (DA5) in the Revised Core Strategy 2008 as it has good accessibility by alternatives to the private car and regeneration potential. It is important that sustainability and efficiency of development is addressed as this reduces pressure on less accessible locations on urban fringe.

The main priority in the area is to improve the public realm to make it more accessible, safe and attractive. Part 7 sets out community infrastructure priorities including open space, measures to improve community safety and improving legibility and should form the basis of developer contribution discussions for the scheme.

Most important areas for improvements to public realm are Edward Street, Dorset Gardens and community benefits for Turner residents.

For employment considerations, retention of American Express within Brighton is welcomed. The proposal complies with EM2 as it provides a net increase of 35,260 sqm of high tech employment floor space. The proposal also seems to satisfy the employment led regeneration principles in the ESQ SPD.

As the site lies within sustainable transport corridor, the development of this kind is welcomed subject to an acceptable balance between parking, travel management and developer contributions towards improving public transport, cycle and on foot.

The scheme is acceptable without residential development although the remainder of the site should include some residential development.

The SWMP is adequate addressing waste generated during excavation, construction and demolition of existing ancillary buildings, although the applicant should clarify why waste insulation and packaging are being sent to landfill.

Amended scheme

Planning Policy state that previous comments still stand and do not wish to make further comment.

Transport Planning Team

The applicants have prepared a TA and a subsequent addendum in response to issues raised by officers. The main points arising are as follows.

General parking

The proposal is to exactly replace the current parking provision of 148 spaces. This number includes disabled parking. SPG4 indicates that the maximum level of general spaces for the existing floorspace of 31,175 sq m should be 104 spaces compared to 148 existing and proposed. The SPG4 maximum for the new proposed floorspace of 33,860 sq m is 112 spaces. Also, all this parking should be operational rather than for commuting. In addition to this AMEX rents off site provision of 187 spaces and although this number varies from month to month it is not proposed to change the number of spaces as a result of this application. The provision is clearly above the recommended maximum. However, this application is largely a one-for one replacement office and the current level of parking has been accepted for many years. Although the implementation of a travel plan and S106 contributions to encourage the use of sustainable modes are appropriate, there can be no doubt that the practical impact of an immediate large reduction/ removal of commuter parking will be to worsen the existing problems of displaced parking, as many staff will be accustomed to commuting by car and/ or will find it very difficult to use other modes. With regard to the problem of displaced parking, consultation is now underway on the possible introduction of a Controlled Parking Zone in the Hanover area. As this is a longstanding problem it is not related to the current application and no contribution can or will be sought from AMEX towards the scheme. In all these circumstances the continuation of the existing level of parking seems to be an acceptable compromise.

Disabled parking

The SPG4 standards require 311 spaces for the existing office and 339 for that proposed. Clearly this cannot be required in practice with this application. However the initially proposed provision of only 4 spaces is unacceptably low. The applicants have provided supplementary information on their means of provision of disabled parking. The parking needs of employees with a disability/ medical condition are assessed by the AMEX occupational health section which advises the car parking management team of their requirements. The needs of such employees take precedence over those of able bodied staff and the number of spaces therefore varies. It is proposed

that the extent and use made of disabled parking will be monitored as part of the travel plan process and the applicants should be required by condition to provide additional disabled parking if in the light of the monitoring the Council regards this as reasonable and proportionate. Car driving disabled visitors are accommodated by prior arrangement with AMEX.

Cycle parking

The SPG4 requirement is for at least 157 sheltered secure and conveniently located spaces. The applicants propose to provide 232 spaces. This amount and the proposed locations are acceptable but the detailed layout and nature of the parking is unclear and the standard condition requiring the submission of revised cycle parking plans for approval should be attached to any consent.

Sustainable modes/ contributions

The TA reviews local capacity for cars and sustainable modes. There are some gaps in the consideration of quality of provision, in particular the standard of bus stops is not comprehensively considered, and in the quality of the provision itself, in particular the poor quality of direct cycle routes to the seafront. This means there is scope for improvements locally. There are also capital projects such as the Coastal Transit Scheme which AMEX staff and customers will travel on (with many others) and a continuing need for maintenance of existing infrastructure. As discussed prior to the application, environmental improvements in Carlton Hill will be desirable. Without any contribution for any of these it is not clear what positive action other than the travel plan is proposed by AMEX to maximise the use of sustainable modes. Although it is basically a like for like replacement the development will generate additional trips as some staff will transfer from other offices. As parking will not increase these trips will necessarily be made by sustainable modes which as discussed above clearly have associated costs. A S106 contribution is therefore appropriate and this should be calculated by the standard formula on the basis of the additional floorspace which in this case will generate a sum of £48,000. A contribution of £14,000 should also be sought to enable the provision of two new Wayfinding maps in the area near the site. These maps are being provided in the City Centre to assist residents and visitors making short walking trips and this contribution will extend the area covered eastwards and assist with compliance by the application with policies TR1 and TR13. In addition, the possibility exists in principle that additional trips could be generated by the use of the existing AMEX house at the same time as the new premises. The applicants now advise that although there will be a 'transient stage' during which the existing office will be used as a 'staging post' this will not involve any additional staff. This should be ensured by condition or through the S106 agreement or further contributions sought.

Amendments to highways adjoining the site

The development requires the stopping up of two small sections of highway. This will not affect highway users, is supported by the Highway Authority, and

should be progressed under the Town and Country Planning Act. It is also proposed to prohibit vehicular access to the southern section of Mighell Street other than for loading and residents' access and this should be sought by a Traffic Regulation Order which the applicants should be required to fund. It is understood that future development plans for the local area provide for a route linking Mighell Street to a square adjoining Edward Street and it will be a good contribution to permeability of the area for this to be available to the public. The applicants also propose a temporary closure (for construction) of the footpath between John Street and Mighell Street and they should be required to fund the costs of this closure including the statutory order making process. Oversailing licenses will also be required to enable parts of the building to project over the highway.

Travel Plan

The submitted document has been considered by the Council's workplace travel planning manager and further work is needed in his view. Approval of a revised travel plan prior to occupation should be required by condition. This should include a process of target setting, monitoring and review, and in particular the provision and use of disabled parking should be reviewed as described above. The applicants have agreed to appoint a full time travel plan co-ordinator for either the first 5 years of the development or until agreed travel plan/ mode share targets are met.

Some clarification will be appropriate on whether the Travel Plan Coordinator will be a full time position or just part of an individual's role. I don't think it will be unreasonable, for the size of the development or the scope of the role, to expect Amex to employ a full time position to run this project for at least 5 years or until the target for reducing sole car use has been reached. The Travel Plan Coordinator will become a member of the Brighton & Hove Travel Plan Partnership.

A Travel Plan Coordinator will ensure that there is senior management buy in to the aims and objectives of the Travel Plan, and a commitment to provide funding for the implementation of Travel Plan measures.

Other points

The applicants have proposed landscaping/ environmental improvements including footway widening to John Street, where the main entrance to new AMEX House will be, and in Mighell Street. They should also be required to provide new crossovers and stop up redundant crossovers to Highway Authority standards. The requirement for these works should be incorporated in a S278 agreement, the need for which should be specified in the S106 agreement. A construction traffic management plan should also be required by a standard condition. AMEX should consider providing temporary parking for disabled staff during the construction period which is nearer to the building than the provision now proposed e.g. by giving them priority use of the remaining underground spaces.

A copy of the employee Travel Information Pack should be forwarded to the Workplace Travel Plan Officer at BHCC prior to occupation of the new building for comment and approval. Travel Plan should cover Car Parking Policy, Public Transport staff benefits. Consideration should be given to purchasing Wayfinding maps for distribution and display in the new building.

I will prefer to see some definite measures highlighted in the Travel Plan document that Amex will implement from the outset to encourage staff to travel sustainably. As it stands there is a short list of considerations, with very few definite commitments that the organisation will roll out the Travel Plan and will promote alternatives to the car. On completion of the annual review, a report should be forwarded to the Workplace Travel Plan Officer at BHCC, this will detail progress made against the targets, and an action plan for the next 12 months detailing measures to be implemented.

Sustainability Manager:

The proposals for Amex House exceed standards for water but even with implementation of considerable passive and energy efficient measures and proposed installation of combined cooling heat and power (CCHP) plant and photovoltaics, do not fully achieve standards expected in energy and carbon reduction. There is an aspiration to meet BREEAM 'excellent' but in practice this is unlikely to be achieved. Standards for sustainable materials could be improved. Green roofs on 1000sq/m of roof will provide some mitigation against urban heat island effect.

The development has inherent challenges in improving energy performance which include; 24hour usage; deep plan space with high electrical consumption for ventilation, cooling and equipment; and the requirement for significant plant installation to meet these demands. These are used by the applicants as reasons why the development will struggle to achieve expected energy performance levels.

The proposals predict achieving a 25-26% reduction in carbon emissions through a combination of passive design, energy efficiency and installed low carbon (CCHP) and zero carbon (photovoltaics) technologies. It will require improvement in passive and energy efficient measures plus further low and zero carbon technologies to fully achieve the standards, but a path to achieving these improvements or why these cannot be met, is not offered by the proposals.

The proposed development is predicted to emit 2,624.8 tonnes of carbon per year. This will represent a net increase from the site until the existing AMEX building is demolished. The city's carbon footprint in the last audited year (2005-6) increased by 9,000 tonnes. The largest increase was from the commercial and industrial sector (@11,000Ctonnes, mitigated slightly by carbon reductions from transport). The footprint for AMEX House equates to over a quarter of the overall city carbon emissions rise in 2005-6. With

increasingly dense use of the site in future, the carbon footprint may increase further. This 2.6 thousand tonnes of carbon increases the city carbon footprint at a time when the city council is endeavouring to achieve 3.5% carbon reduction citywide annually (Sustainable Community Strategy).

BREEAM

The 'sustainability statement' commits to meet BREEAM 'very good' with an aspiration of 'excellent' and presents a case why 'excellent' will be difficult to meet. A BREEAM pre-assessment has been undertaken for the office building but a pre-assessment for 'Building B' was not possible until the BRE have devised a tailored bespoke BREEAM for this building. The Bespoke BREEAM will cover both buildings.

It is possible the BREEAM for Building 'A' will achieve 'excellent' in all other respects than the energy performance of the buildings, but 'Building B' is likely to score lower. The mandatory minimum standards within BREEAM mean that 'excellent' cannot be granted where a building does not achieve 40 or lower in the Energy Performance Certificate (EPC) carbon index (equivalent to EPC rating B).

A pre-assessment for the office building indicated a potential score of 75.78% which is well into the 'excellent' bracket (70-85%). Within this, the score in the energy section is low at 30%, but the water section score is high at 80%. Both sections are expected to achieve 60% through SPD08.

Predicted scores in other sections are as follows. Scoring high are: Management 91%; Health & Wellbeing 66%; Transport 75%; Water 80%; Waste 85%; Land use & ecology 90%; and Pollution 77%. Scoring low are: Energy 26% Materials 25%; and Innovation 11%. This pre-assessment is for 'Building A' only and the predicted scores for 'Building B' are unknown.

Energy

The scheme is predicted to achieve a minimum 25% carbon reduction on Part L Building regulations requirements. This includes a 15% carbon reduction delivered through low and zero carbon technologies (photovoltaics and combined cooling and heat production CCHP).

Although this is a substantial reduction, it does not meet either SPD08 standards of BREEAM 'excellent' (with 60% in the Energy section) or the 40% carbon savings or 15% renewables recommended in SPD04.

The sustainability statement argues that there are inherent difficulties in improving this performance because of the nature and use of the building. With 24 hour use as a call centre coupled with deep plan office space requiring constant mechanical ventilation, the electrical requirements of the development are high, and are reflected in a high carbon footprint for the site. The statement does not discuss how the performance could be improved, only that the council's expected standards are unlikely to be met.

The key challenge in reducing the carbon footprint of this development is its massive electrical consumption. Whilst the heating and cooling loads are relatively small (12% space and water heating [gas] and 13% cooling [electricity]) other electricity consumption is responsible for an estimated 88% of the carbon footprint (office and service facility combined). The energy strategy looks at low and zero carbon technologies to deliver electricity to reduce the carbon footprint of this demand. CCHP has been chosen because of the demand for heat, cooling and power. Cooling is delivered through absorption chiller process and delivered in tandem with CHP.

Energy efficiency and passive solar design

The energy strategy for the scheme indicates improvements on Part L building regulations and reductions in carbon emissions of 14% through energy efficiency and passive design. Energy modelling has been undertaken and measures will be finalised at detailed design stage. The proposed passive design measures being considered to reduce heating, cooling and lighting loads include: optimised glazing proportions to maximise daylighting while reducing heat gains and losses; improved U values of external walls, glazing and roofs; high standards of airtightness; protection against overheating (glazing with solar protection, horizontal shading devices on the southern façade, vertical devices on the east, and on the west a ventilated triple skin façade with interstitial blinds).

Proposed energy efficient measures being considered to increase efficiency during supply and storage of energy include: a servicing strategy that plans a separate facility (Building B); metering and monitoring through a building management system; space and water heating supplied through a gas combined heat and power plant and supplemented through gas boilers; energy efficient lighting, light zoning, passive infra-red (PIR) sensors, daylight controlled dimmers; fan coil ventilation with CO₂ and humidity controls to shut off when not needed; heat recovery throughout the ventilation systems; low energy pumps and fans in ventilation systems; cooling pipe and duct work with insulation; cooling through water cooled chillers; energy efficient computer and other equipment with low heat gains; 'A' or 'A+' white goods.

Renewable energy technologies have been appraised against other low carbon technologies to deliver the greatest carbon savings. The appraisal finds that combined cooling, heating and power plant (300kW) fuelled by gas is the most practical and feasible and delivers greatest carbon reduction (14%) after energy efficiency measures are incorporated. Gas fired CCHP is predicted to reduce carbon emissions by 11.7% against an energy efficient scheme.

Because SPD04 requires a percentage of renewables on site to reduce carbon emission (by a recommended 15%), a proportion of photovoltaics has been proposed to provide an element of renewable energy. Although 250m² is proposed on the north side of the roof, this is only predicted to provide 0.3%

carbon reduction. The argument against increasing this is that the majority of carbon emissions will be met by low carbon not zero carbon technology, and the scheme currently proposed is predicted to deliver an overall 26% carbon reduction.

The scheme is predicted to exceed the standards for water in SPD08 by achieving over 60% in the BREEAM water section (Building A is predicted to achieve 80%). It aims to achieve a 40% reduction in water use saving compared to a standard office (SPD04 recommends reduction of 25%). This will be achieved through a rainwater harvesting system for WC flushing and a combination of water conservation measures.

The BREEAM pre-assessment indicates a very low score in the Materials section (25%). Although the material specifications mentioned are positive, the low Materials score indicated in the BREEAM pre-assessment indicates that the major building components (walls, roof, floor etc) do not score well in the 'BRE Green Guide to Specification'.

On the north side of the building, green roofs covering 1000sq/m are proposed for areas of roof levels 4, 5 and 6 (sedum on 4 and 5 and brown roof proposed for level 6). This will contribute to: minimising urban heat island; improving energy efficiency (through insulation and contribution to preventing overheating); reducing storm water run off; and increasing biodiversity. There will also be green walls planted as living walls on the north elevation and around the Data Building. There will also be planting of shrubs and trees at ground level surrounding the site to contribute greening and urban cooling.

Considerate Constructors scheme

It is indicated this scheme will be signed up to.

Environment Health

The buildings require 24 hour operation which will extend to all plant. The site is bordered by residential properties to the North and East. The application contains a significantly large amount of proposed plant. These are well spread out across the development. The applicants have carried out existing long term and short term noise monitoring to gauge an accurate background of the site, aware of the City Councils intention for plant to operate at 5dB(A) below background levels. Appropriate conditions are necessary for controlling the noise emissions.

The plant conditions will also relate to any emergency plant. I note from the files that the site has the benefit as one might expect of an emergency power supply through external generators. If these are used, I will expect that these are capable of being used without disturbing local residents.

I note that deliveries have been considered as a potential noise source given the 24 hours use and that these will be conducted at a lower ground floor level and thus reduce any disturbance to residents.

I note that the development is a major build over 28 months which is likely to cause considerable disturbance if left unchecked. For this reason the applicant has submitted a draft Construction and Environmental Management Plan as part of the documentation. Rather than condition the CEMP, I will expect that this form a part of the section 106 process which I am happy to input into with regards to technical detail.

Importantly in Chapter 10.2.4, I note that hours for construction site noise and particularly noisy works are listed as 7-7. This is contrary to best practise and the City Councils recommendations. Noisy works should only be carried out between 08:00 to 18:00 hours Monday to Fridays and 09:00 hours to 13:00 hours Saturdays. No works are expected to occur or shall occur Sundays or bank holidays.

References are also made to kitchen extracts and a café on the sixth floor. For this reason, again plant conditions for any flues will apply and will need to include odour abatement.

To protect residential amenity, any lighting scheme proposed shall be conditioned prior to development occurring.

The study into contaminated land identified a low risk of contaminants on the application site, yet despite this propose further site works to both further examine the contaminants issues and also to inform design criteria for build foundations etc. Given that a desktop survey has been carried out and that further works are proposed, a bespoke condition is necessary.

I note also that within the technical summary a recommendation is made for a UXO study for unexploded ordnance.

Recommend approval subject to conditions related to issues set out above.

Revised Comment

I write further to my memorandums dated 17th July 2009 and 9th October 2009. In summary, sufficient works have been undertaken to investigate the site in terms of potentially contaminated land. In my initial comments dated July 2009, I recommended a phased potentially contaminated land condition. I consider that the works which have been carried out to date are what I will have requested via condition. Importantly, the works do not indicate any problems for the site. As a result of the reports no remediation or validation is deemed necessary. I am satisfied that the works carried out are representative of the site in terms of number and targeted accordingly in terms of where best to investigate land conditions. I note also that these are somewhat limited as there are buildings still occupying the site. As a result of the reports no remediation or validation is deemed necessary. I therefore do not need to condition any further land quality assessment, other than to place a discovery strategy condition which will allow for works to stop and investigations to commence should unexpected land conditions be

experienced.

The buildings require 24 hour operation which will extend to all plant. The site is bordered by residential properties to the North and East. The application contains a significantly large amount of proposed plant, including air conditioning, boilers, air handling units, venting of the car park, intake vents, kitchen extracts and lists also tri generation combined heat and power plant. These are well spread out across the development. The applicants have carried out existing long term and short term noise monitoring to gauge an accurate background of the site, aware of the City Councils intention for plant to operate at 5dB(A) below background levels. Appropriate conditions are necessary for controlling the noise emissions.

I note that deliveries have been considered as a potential noise source given the 24 hours use and that these will be conducted at a lower ground floor level and thus reduce any disturbance to residents.

I note that the development is a major build over 28 months which is likely to cause considerable disturbance if left unchecked. For this reason the applicant has submitted a draft Construction and Environmental Management Plan as part of the documentation. This is included in appendix 2.1 of the technical appendices. Rather than condition the CEMP, I will expect that this form a part of the section 106 process which I am happy to input into with regards to technical detail.

Importantly in Chapter 10.2.4, I note that hours for construction site noise and particularly noisy works are listed as 7-7. This is contrary to best practise and the City Councils recommendations. Noisy works should only be carried out between 08:00 to 18:00 hours Monday to Fridays and 09:00 hours to 13:00 hours Saturdays. No works are expected to occur or shall occur Sundays or bank holidays.

References are also made to kitchen extracts and a café on the sixth floor. For this reason, again plant conditions for any flues will apply and will need to include odour abatement.

To protect residential amenity, any lighting scheme proposed shall be conditioned prior to development occurring.

Air Quality

Recommend approval subject to agreement on chimney height termination relative to any surrounding; roof, structures and access.

Hyder have carried out detailed dispersion modelling using in order to assess emissions from traffic and chimney sources on the surroundings. This work is diligent and thorough. The assessment does not state the hourly-mean Nitrogen Dioxide process contribution from chimney stacks. However based on the result submitted this is not expected to be significant.

The council agrees with Hyder's key conclusions namely that:

- During the time of operation (after brief demolition and construction phase) the development will not have an adverse impact on local air quality and will be in compliance with the Air Quality Strategy (AQS) under par IV of the Environment Act 1995
- The development will not introduce sensitive receptors to an area that is known to have poor air quality there by creating a new breach of the said AQS

For gas fired boilers between 60 Kw and 2 Mw any flue termination must be at least 1000 mm above the roof service.

Chimney height and termination position require approval from the local authority. Flue discharge must not cause hazard to human health which includes scope within the health and safety at work act as well as ambient AQS (mentioned above).

The final chimney height should give a termination position of at least 3000 mm above the level of any adjacent area to which there is general access; such as roof areas, plant room, or adjacent openable windows.

Public Art

The acknowledgement of the relevance of Local Plan Policy QD6 to this development is welcomed.

However, no details as to how public art is to be incorporated into the development are provided. The council's preferred approach is for applicants to consider opportunities to incorporate public art to the development as early as possible in the design process.

In any case, it is suggested that the public art element for this application be to the value of £250k.

6 PLANNING POLICIES

Planning Policy Statements (PPS's), including:

PPS1	Delivering Sustainable Development
PPS4	Planning for Sustainable Economic Development (Draft)
PPS9	Biodiversity and geological conservation
PPS10	Planning for Sustainable Waste Management
PPS12	Local Spatial Planning
PPS15	Planning and the Historic Environment (Draft)
PPS22	Renewable Energy
PPS23	Planning and Pollution Control

Planning Policy Guidance Notes (PPG's), including:

PPG4	Industrial, Commercial Development and small firms
PPG13	Transport
PPG15	Planning and the Historic Environment
PPG16	Archaeology and Planning
PPG24	Planning and Noise

Regional Policy:

South East Plan 2009

CC2	Climate Change
CC3	Resource Use
CC4	Sustainable Construction
CC8a	Urban Focus and Urban Renaissance
CC12	Character of the environment and quality of life
T8	Travel Plans and advice
NRM1	Sustainable Water Resources
NRM4	Conservation and Improvement of Biodiversity
NRM8	Noise
EN6	Development Criteria
BE7	Management of the Historic Environment
SCT3	Management of Existing Employment Sites and premises

Local Policy:

Brighton & Hove Local Plan

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR4	Travel Plans
TR5	Sustainable transport corridors and bus priority measures
TR7	Safe development
TR8	Pedestrian routes
TR11	Safe routes to school and school safety zones
TR12	Helping the independent movement of children
TR13	Pedestrian network
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability.
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU3	Water resources and their quality
SU4	Surface water run-off and flood risk
SU5	Surface water and foul sewage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste.
SU14	Waste management
SU15	Infrastructure
SU16	Production of renewable energy
QD1	Design – quality of development and design statements

- QD2 Design – key principles for neighbourhoods
- QD3 Design – efficient and effective use of sites
- QD4 Design – strategic impact
- QD5 Design – street frontages
- QD6 Public Art
- QD7 Crime prevention through environmental design.
- QD15 Landscape Design
- QD16 Trees and hedgerows
- QD17 Protection and integration of nature conservation features.
- QD18 Species protection
- QD25 External lighting
- QD28 Planning obligations
- EM2 Sites identified for high tech and office uses
- HE3 Development affecting the setting of a listed building
- HE6 Development within or affecting the setting of conservation areas.

Supplementary Planning Documents (SPDs):

- SPD 03 Construction and Demolition Waste
- SPD 04 Edward Street Quarter
- SPD 06 Trees and Development Sites
- SPD 08 Sustainable Building Design
- SPD 09 Nature Conservation and Development (Draft)

Supplementary Planning Guidance Notes (SPGs):

- SPG BH4 Parking Standards
- SPG BH15 Tall Buildings

7 **CONSIDERATIONS**

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states "If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".

In consideration of the application, the main issues are as follows:-

- The Principle of development
- Economic Impact
- Design and Impact on Townscape
- Heritage
- Impact on neighbours, overshadowing, sunlight, microclimate
- Transport – Parking, cycling, travel plan, public transport
- Sustainability
- Ecology
- Landscaping
- Construction and Environmental Management Plan

The Principle of development

The site is allocated in the Brighton & Hove Local Plan 2005 (B&HLP) under policy EM2 for high-tech business uses or general office uses (B1 a and b). The site allocation refers to AMEX House and adjacent land bounded by Mighell St, Carlton Hill, John St and Edward Street and is 1.74 ha. The indicative use is office use.

In preparation for further development of the site, a Supplementary Planning Document was adopted in 2006, on the 'Edward Street Quarter' (SPD04) to supplement policy EM2. The SPD supports a business led regeneration of the site. The SPD covers the same area as the Local Plan allocation. The Vision for the Quarter is that it is developed to become an open, vibrant, quarter based on a flexible 'campus style' format which maximises its employment potential and acts as a model for urban design and sustainability. The Council requires proposals to retain existing employment and provision of further employment. The scheme should improve permeability through the site and create more open space through the site. The SPD did not anticipate that AMEX House will have a limited future and instead indicated two possible developments around it.

The adopted policy position is reinforced by the emerging LDF policy context. The site is within the Eastern Road/Edward Street corridor identified in the emerging Core Strategy under policy DA5. The area extends north of the main road and includes Carlton Hill. The preferred option is to secure significant improvements to the public realm and townscape, making the area more attractive and accessible and draw business investment into the area. This will be done by securing additional high quality employment floorspace in the area.

The proposal is therefore acceptable in principle, subject to it not prejudicing the comprehensive redevelopment of the site and for appropriate developer contributions to be secured. A number of residents objecting to the scheme have described the area as residential in character and not commercial. It is evident however, from inspection, that the application site is already in commercial use and that west of White Street and south of Carlton Hill the character of the area changes very distinctively to a larger scale commercial or public service character.

Economic Impact and Investment in the City

The Local Plan sets out the Council's strategic vision for the City. It states in general terms that the objective is to ensure that the City is economically buoyant, attracting and retaining business investment and rewarding jobs.

The 2006 Employment Land Study suggested that the City needs a higher quality of office accommodation than it currently possesses in order to attract high quality inward investment. Through the LDF, the Council needs to address the potential shortfall of office space in the city post 2016, a shortfall of up to 20,000 sq m. The Core Strategy states that " the City's major developments provide an opportunity to attract significant investment to

create high value jobs”.

Government guidance on the economy is set out in PPG4 – (Industrial, commercial development and small firms). This states that “planning decisions must reconcile necessary development with environmental protection and other development plan policies”. The guidance advises that optimum use should be made of existing underused sites in urban areas, taking into account accessibility by public transport.

The Government has recently consulted on a draft replacement Planning Policy Statement 4 which will replace PPG4 but will also replace PPS6 (Planning for Town Centres) and elements of PPS7 (Sustainable development in rural areas) relating to economic development. PPS4 (Planning for Prosperous economies) – states that:

“Local Authorities should adopt a positive and constructive approach towards planning applications for economic development...”. It adds, “Where a planning application for economic development...is in accordance with the development plan, it should normally be approved.”

The policies in the guidance “require decision makers to weight the economic costs and benefits of proposed developments alongside the social and environmental costs and benefits.”

The guidance also advises on parking standards for non-residential developments. It re-emphasises the need to set maximum parking standards and states that local authorities should take into account:

- The need to encourage access to development for those without a car and promote sustainable transport choices.
- The need to reduce carbon emissions.
- The need to tackle congestion.
- The need of different business sizes and types and major employers.

Brighton is the base for American Express’s European Headquarters as the City can provide a good supply of well educated university graduates with a good variety of language skills and knowledge of travel. The Economic Development Manager fully supports the proposal. The occupation of a new office by AMEX could release other sites they occupy in the City and will enable the remainder of the Edward Street Quarter to be redeveloped in the future. The development will secure the presence of the City’s largest private sector employer, thus securing 3000 jobs in the City. It is notable that it is estimated that AMEX’s presence creates another 75 full time jobs in the City that benefit from its business. In total the presence of these jobs generates between £113m and £122m worth of business in the City. The applicants also predict that 1017 jobs will be created in construction in building the new offices and demolishing AMEX House. The total cost of the project is around £100 million.

The Regional Economic Strategy's (RES) Priority 4 seeks to ensure that sufficient employment land is provided through the redevelopment of brownfield land and refurbishment of existing stock, to provide new and flexible employment space. SEEDA considers that the application is consistent with the objectives of the RES and fully supports the proposal. They also have confirmed that they fully support the revisions to the application. The application is also fully supported by the Economic Development Officer; however he did seek a contribution towards the increasing training opportunities through the Futures scheme run by City College. It is considered that given the obvious benefits of the scheme to the economy, it is difficult to justify an added contribution; however officers have secured an agreement from AMEX to adopt a strategy for using local construction workers to be secured by a S.106 agreement. Under the agreement AMEX will proactively invite tenders from contractors and sub-contractors and will set an agreed target for using local labour wherever possible, which will be monitored. Such an arrangement has previously been agreed by Brighton & Hove Albion FC for the stadium works and has proven successful. The club has exceeded its target of 35% of the workforce being local. This would equate to employment of 387 local people if such a target was achieved on the AMEX scheme.

The economic benefits from the proposal are significant and are a key material consideration in weighing up the merits of the proposal.

Design and Impact on Townscape

Design

A Design and Access statement accompanied the ES visual impact assessment with the application, as well as a Townscape and Heritage Impact Assessment. The assessment was in line with the requirements of SPG15 (Tall Buildings). All documents have been updated where amendments to the scheme have been made.

Policy QD1 seeks to ensure that all new buildings demonstrate a high standard of design and make a positive contribution to the visual quality of the environment. The following design aspects will be taken into account in all new developments: scale and height, architectural detailing, quality of materials, visual interest particularly at street level and appropriate levels of landscaping.

Policy QD2 seeks to ensure that all new development should be designed to emphasise and enhance the positive qualities of the local neighbourhood by taking account the local characteristics. This includes height, scale and bulk and design of existing buildings, the topography and impact on the skyline. The background, natural and built landmarks, layout of streets and spaces, linkages with surrounding areas and the patterns of movement around the site and natural landscaping. The opportunity to minimise the opportunities for crime should also be taken by its integration into the neighbourhood.

Policy QD3 seeks to ensure that new development makes efficient and effective use of sites. To achieve this proposals are expected to incorporate an intensity of development appropriate to the locality or prevailing townscape. Higher development densities will be particularly appropriate where the site has good public transport accessibility, pedestrian and cycle networks. Building A covers the full extent of the site as bounded by the three road frontages and AMEX House itself on the south side. Building B also covers the footprint of the site on the east side of Mighell Street which is currently a car park. The main consideration is whether the scale of the building is appropriate to the locality. The locality exhibits a variety of building styles, character and scale. Opposite the West side of Building A is the large 5 storey headquarters of Sussex Police which is a modern featureless building with no articulation. Adjacent to the south is the existing AMEX House which is also a large modern hexagonal building, 8 storeys in height in the middle of the Edward Street quarter. A two storey extension to it fronts John Street. In the south west corner of the Edward Street Quarter is another functional 4 storey office building accommodating the Employment Centre fronting Edward Street. The northern and western surroundings of the site have a more domestic scale. On the western side of the site is a row of three storey terraced houses, the three storey Farmhouse and the garage. To the north of the site The Curve is 4 storeys in height but Carlton Hill School is two storey and further up Carlton Hill are the 3 storey terraced houses in Tilbury Place and the larger Greek Orthodox Church.

The proposal takes account of this variety in building scales by stepping down to 5 storeys on the northern Carlton Hill side. In the centre of the site, the building steps up and adopts a more imposing scale appropriate for a commercial quarter. Generally it is considered that the scale of the proposals in respect of Building A are appropriate to the scale of the surrounding buildings. The one area where there is more of a contrast is opposite the listed Farmhouse where the building has stepped up and is more imposing. The impact on the Farmhouse is considered later in the report but on balance it is considered that the proposal will comply with policy QD3.

Policy QD4 states that in order to preserve and enhance strategic views, important vistas, the skyline and setting of landmark buildings, all new development should display a high quality of design. The policy lists the following features of strategic importance including, views of the sea or from the sea, views along the coastline, views to and from the Downs, views across valleys, views into and from within conservation areas, the setting of listed buildings, vistas along steeply rising streets.

The location of the site adjacent to a conservation area, a listed building and on a steeply rising road and the scale of the building which will be visible from across Valley Gardens and from the Palace Pier means the impact on these views should be tested.

The Design has taken account of the guidance in SPD 04 as well as the Tall Buildings Strategy and policies in the Local Plan. The SPD comments on the poor quality inactive frontages of the site particularly on John Street, Carlton Hill and the East side of Mighell Street. It calls for a development to create active frontages on these streets. It also seeks a “bookmark” development at the end of the White Street terrace and states that the development should respect the character of the Listed Building, should open up permeability through the site and open up views into the site. The design has been reviewed at great length with officer involvement as well as input from English Heritage and two presentations to the Regional Design Panel during the pre-application stage and post submission. The design needed to accommodate the commercial requirements of AMEX within the constraints of the site and the need for the business to continue functioning during the construction phase and during the decanting operation.

There are two key elements of the proposal: Building A (the offices) and Building B, known as the Data building. Building A will accommodate all of the staff in offices. The internal office layout follows AMEX’s worldwide format and will provide a far superior quality of working environment than is possible in the current building. This is seen as crucial to the need to recruit and retain staff. AMEX have advised that they have spent considerable sums of money refurbishing two of the floors of their present building but this has not brought the benefits required. The present building is 40 years old and is expensive to operate and does not provide an acceptable standard of accommodation for its staff. In the next few years much of the mechanical plant and equipment will be obsolete and will require replacement. The new building will include a staff restaurant, areas for staff to take their breaks and break out areas. There will be access to roof terraces which will be planted with landscaping. The design of the building using brise soleil will prevent overheating from solar gain. At present staff have to work with the blinds closed all day due to the bright sunlight and daylight.

The data building contains all of the computer and data equipment and also needs to contain a back up system so that there are no breaks in service to AMEX’s customers worldwide. It is essential that the two buildings are ready for occupation at the same time as Building A cannot function without the data building. The data building will only have a handful of technical staff in it whilst Building A will contain the majority of office workers. English Heritage’s most recent comments sought the demolition of AMEX House prior to the development but this is not practical since the current staff will all need to be located together with access to the data equipment. Locating all of the staff in temporary facilities in the City is unlikely to be feasible.

Building A Design

Building A has been sited in order not to prejudice the aspirations for the Edward Street Quarter which seeks to open up routes through the site. The applicants have identified an aspiration to re-open the historical route of Mighell Street which used to link up with Edward Street. The applicants will

implement a landscaping scheme on Mighell Street which will subject of an application for a Traffic Regulation Order to be closed to vehicles except for loading and deliveries.

Building A will have two basement floors, a lower ground floor and a ground floor up to eighth floor level. Basement 2 contains plant rooms whilst Basement 1 provides an underground car park with 106 parking spaces including 4 disabled parking bays. There are two rooms on this floor providing showers for use by cyclists etc. The Lower Ground floor is in effect the ground floor on the John Street frontage but becomes subterranean to the back (eastern) as the land rises up Carlton Hill.

The footprint of the building will extend to the back edge of pavement on the three road frontages. On the South side, the building extends up to the existing footpath adjoining AMEX House which links John Street with Mighell Street. This footpath is shown to be retained. The main staff entrance is from John Street as is access to the car park down a ramp. At the back of this floor is an internal loading bay and refuse/recycling where lorries will be able to access from John Street and turn around inside the building. The front of this floor has a reception and lobby and open meeting areas. The middle of the floor provides the lift cores and there are meeting rooms on the Carlton Hill side which are below street level.

From first floor up to the 5th floor are open plan offices for AMEX staff. At fourth floor level however, the north side tapers back away from Carlton Hill in the north east corner. This creates a green roof in the north east corner of the building. On the 5th floor this curve begins in the north west corner such that the whole floor is then set back from the road frontage. The sixth floor is set back further again and is the location for the first level of plant rooms on the north side. On the south side of the building, the remainder of the 6th floor is wholly taken up by the staff restaurant with an outdoor terrace facing south. The 7th floor is solely for plant rooms but they are set back on all sides into the middle southern half of the building. The 8th and top floor of plant recedes further into the front half of the building such that the upper floors of the building taper up and narrow towards the top.

The elevations have undergone a constant process of evaluation and re-modelling both pre-application and again post submission of the application. The North elevation is one of the more sensitive elevations at it faces onto the more domestic scale of development on Carlton Hill. The first, second and third floors face directly onto the street and then the building recedes from the road frontage as it rises through the floors. Therefore, the building will appear as a 5 storey building fronting Carlton Hill from close range. The ground floor will feature an art wall. The north elevation will also be broken up with vertical insets which will incorporate planting to soften the elevation. Each section of glazing will also have different coloured louvres behind the glazing designed to incorporate a sense of fun and introduce colour and vitality particularly in response to its location opposite Carlton Hill Primary School.

The East elevation is the other more sensitive elevation as it faces onto the semi detached, Grade 2 Listed building at No. 34/35 Mighell Street known as the Farmhouse. It is unclear whether No 34 is occupied and no representations have been received from the occupier/owners. No 35 is owned by AMEX and has been vacant for more than a decade. At the corner with Carlton Hill the Building A is 3 storeys and then rises to 5 storey opposite the Farmhouse. At 2nd and 3rd floor level there is a projecting bay opposite the Farmhouse in acknowledgement of its status to give it some additional modelling and to provide an architectural feature. The next section opposite the Data Building rises to 7th floor level and also projects out to provide a vertical break in the elevation and to provide visual interest.

The South East corner then drops down to 5 floors again viewed from Mighell Street because the south elevation curves away. The 5th floor provides part of the outdoor roof terrace for the staff restaurant.

The East elevation will have a variety of architectural features to provide interest with some vertical lines and some horizontal lines provided by brise soleil. The corner with Carlton Hill will continue the coloured louvres theme as will the projecting bay opposite the Farmhouse.

On the South elevation, the corner with John Street rises to third floor level and then at fourth floor level is an outdoor terrace. The remainder of the elevation features a gentle curve which recedes from the front to the eastern end at fourth and fifth floor levels. The elevation retreats at the sides approximately 6 metres leaving a projecting central section and this repeated at 7th floor level which comprises plant rooms only behind a screen of glazing. At 6th floor level, there will be a staff restaurant with outdoor seating at the eastern and western wings. At 8th floor level, there is a smaller glass screened plant room which is again set back approximately 6 metres from the front. There may be a boardroom at this level instead of being all plant. This is currently being discussed with the applicants. The elevations will have horizontal louvres at the upper floors until the 6th and 7th floors where the elevational treatment will change to vertical louvres and white glazing enclosing the restaurant and plant rooms above.

On the West elevation the ground up to fourth floors extends along the full frontage of John Street. Above the main entrance, the elevation has a very subtle projection to break up the elevation and to 'signpost' the entrance below. At fourth floor level, the south eastern corner features a roof terrace which wraps around to the south elevation (see South elevation description above). The section above the office entrance rises to 7 storeys but at 6th floor level the elevations will be set back 8 metres from the frontage. At the northern end, the building drops to 5 storeys in height where it wraps around to the lower Carlton Hill frontage. The elevations feature horizontal louvres above ground floor level which are broken up by areas of clear glazing where the staff breakout areas are located. The clear glazing provides visual interest

together with the variety in storey heights helps to break up the uniform appearance of the elevation.

Overall it is considered that Building A displays a very high standard of design with high quality materials and architectural detailing and in time, the building will become distinctive and as recognisable as the current octagonal shaped AMEX House. Each elevation has different features and variety in its scale, its detailing, colours and other unique features such that it will be possible to instantly identify which elevation is being viewed from a perspective. This will add to the building's character depending on where the observer is located in the City. The Conservation and Design Manager and English Heritage have acknowledged the quality of the design and the Regional Design Panel refer to its interesting and sophisticated design. The Council's Conservation and Design Manager considers the overall design concept appropriate which are two lower parts wrapped around a taller central core and the elevational details are considered to provide interest and active frontages. He also considers that the detailed design has developed well and has been shaped and modified to address concerns over the bulk of the building and its impact on the wider historic context. Subject to further care at the detailed design stage, regarding the modelling, finishes and external detail of the development, he is confident that a high quality design solution will be achieved. He remains concerned about the treatment of the upper floors, which primarily enclose or screen mechanical plant. He will urge the design team to explore further the possibility of office space or at least a viewing gallery on the top floor to add interest to the roofscape, when seen in long views, and suggest such a requirement be made a condition of any planning consent. English Heritage has raised similar concerns about the upper floors in their revised comments particularly in views from Pavilion Gardens. The applicants are preparing some minor changes to the top floors in consultation with English Heritage to attempt to overcome their design concerns. Officers will report on these changes to the Planning Committee and will display some new images which demonstrate these alterations.

The building is considered to respond to the character of the location on all 4 sides so that for example on its northern and eastern sides it pays some respect to the domestic scale of buildings opposite such as the school and the Farmhouse. On the southern and western sides, the character is a more bold and commercial character for example the 5 storey Police Station on the opposite side of John Street and of course AMEX House itself on its southern boundary. I consider that the development complies with policy QD1.

For similar reasons above, it is considered that the proposal meets some of the criteria in policy QD2. The opening of a new route from Carlton Hill to Edward Street in the masterplan is welcomed. The architects have attempted to address the scale of its surroundings albeit under the terms of a very difficult client brief. The proposal is undoubtedly a large building which whilst this is not out of character with the commercial sides of the site, it does offer contrasting scales in a mixed character area but this is not unusual in a city centre where commercial developments sit cheek by jowl with more domestic

scaled properties. A great deal of care has been taken to reflect the character of the area, for example the curve of the north elevation follows the curve of Carlton Hill. A great deal of attention has also been paid to how the building will look from key viewing points around the City and the impact of these views has been re-assessed to take account of the intended demolition of AMEX House.

Townscape and Views (Building A and AMEX House)

Officers took the early view that the impact of the proposed office together with AMEX House will have an unacceptable impact on the townscape particularly where the topography highlighted the scale of two buildings together. In views from the South, West and East in particular, the two buildings will be seen together and will have an adverse and dominating effect on the skyline and above the roofscape.

Officers sought the agreement of AMEX to commit to an agreement that the Council could secure the demolition of AMEX House when it is no longer was required at the latest within 6 years of the commencement of development if approved. For commercial reasons, AMEX will require the Council to serve notice on it requiring the complete demolition of AMEX House to be carried out. This has been agreed and will form part of a S.106 agreement. Some objectors have raised concern about the length of that AMEX House will still remain in place after completion of the new office. AMEX have requested a flexible approach as they have to accommodate a nationwide strategy involving staff movements into the city and the existing building provides a staging post for staff and will enable other premises to be released. This could mean that the two buildings could be seen together for a maximum 3 year period before demolition commenced. The Conservation and Design Manager has pointed out that the character statement for the Carlton Hill Conservation Area refers to the harm done by the existing AMEX House and other features of the area. Its removal and replacement by a building with a much more sophisticated design will therefore be a significant benefit. He has welcomed AMEX's intention to demolish AMEX House which will enhance the setting of the conservation area and the listed buildings. He does however recommend a review of SPD04 in the light of this intention.

The revised analysis of townscape views which formed part of the Addendum to the Environmental Assessment illustrates that from most viewpoints, the demolition of AMEX House following the building of Building A will overall have a beneficial effect on the townscape compared to the impact of AMEX House. In views from Pavilion Gardens, the new building is not seen in the context of the spires of the Royal Pavilion unlike AMEX House which clutters the view of the spires. From the south, for example the view from the Palace Pier, the building will be visible above the roofline of seafront buildings. The new office will be approximately 12 metres wider than AMEX House but as it will be set back at the northern end of the site and it will have a high glazing content instead of concrete, it is considered that its visual impact will not be any more harmful than now. A shorter viewpoint of the new office from Dorset

Gardens demonstrates that the new office will enhance the setting of the park following demolition of AMEX House. From this view, the proposed office will appear to be lower in height than AMEX House and again due to the glazing content and the design, it is considered that the proposal will enhance this view. In longer City wide views taken from the racecourse and Hollingbury Golf Course, the new building will not have a demonstrable impact on the skyline compared to the existing building although its superior design could be said to enhance the townscape.

In certain views such as from the top end of Church Street, the new office will be less visible than AMEX House due to the natural screening of trees. The new office will appear marginally higher on the horizon than AMEX House in the context of St Peter's Church when viewed from London Road. However this will be mitigated again by the larger glazing content which will distinguish it from the stone construction of the church.

The Conservation and Design Manager's analysis of the viewpoints is that in most cases the views of the new office will be acceptable and are mitigated particularly when considering this building as a replacement for AMEX House. English Heritage have raised concerns about certain views in particular the view from Pavilion Gardens and the Palace Pier. The applicants have produced 23 viewpoints across the city from short and long range and it is considered that in a number of these views, the effect on the townscape is neutral and in other views, the townscape will have a minor enhancement. It is therefore considered that overall, the new office building will preserve and in some cases will enhance strategic views, important vistas, the skyline and the setting of landmark buildings. The proposal displays a high quality of design and will on balance comply with policy QD4 in this respect.

Heritage (Building A and Data Building)

The site lies adjacent to the Carlton Hill Conservation Area which includes the Listed Farmhouse (34/35 Mighell Street), the Greek Orthodox Church on Carlton Hill and the terrace of Listed dwellings in Tilbury Place. The greatest impact of the new office building will be felt at closer quarters in particular when viewed from the top of Carlton Hill and from Tilbury Place and other points within the Carlton Hill Conservation Area. Viewed westwards down Carlton Hill, the new office will be seen in the context of two storey houses on the south side of Carlton Hill. Building A will step down to the road frontage in an attempt to blend it into the street scene although it will obscure the existing view across Valley Gardens. Viewed from Tilbury Place, the building will be quite dominant as the rising street will afford a view of the upper floors of the new office. This will be partially mitigated by the demolition of AMEX House. The view from the car park of the Greek Orthodox Church in Carlton Hill will be enhanced however as the new office will be obscured by existing mature trees. The setting and townscape of the southern end of the Conservation Area is not seen from many locations in the area and is hidden by the topography and by existing modern buildings in the vicinity. The approach up

Carlton Hill is dominated by AMEX's ancillary buildings, The Curve flats and the mid 20th century school buildings. Whilst the new office is a large building its quality of design and the variety in storey heights does pay respect to the character of the area. The applicants will be providing a quality landscape scheme to the surrounding streets which will enhance the current street scene which suffers from disjointed boundary treatments and street surfaces and a poor quality environment for pedestrians. New paving, wider pavements, planting and a new entrance with flint wall for the school will enhance the setting of the Conservation Area in compliance with Policy HE6 of the Local Plan.

The setting of dwellings in Tilbury Place will not be affected by the proposal since the existing buildings on the application site obscure any views of Tilbury Place.

The main consideration in terms of impact on heritage is the effect of the proposal on the Listed three storey Farmhouse fronting Mighell Street. The eastern elevation of Building A will be opposite the Farmhouse and rises to 5 storeys with a set back at 6th floor level. The Farmhouse is set back 17 metres from the road frontage and is already obscured from the north by the non-descript garage building at the corner of Carlton Hill and Mighell Street. The front of the Farmhouse is not visible from the rest of the Conservation Area except for the north gable end which appears above the boundary wall on Carlton Hill. The demolition of AMEX House will enhance this glimpse of the Farmhouse which will no longer dominate the background to it.

It is only when standing opposite the Farmhouse that the context of the new office will become apparent. The applicants have made design features in the main building opposite the Farmhouse to acknowledge its presence and to try and pay some deference to it. For example, at 2nd and 3rd floor levels, there is a projecting bay of glazing which is seen from Carlton Hill which invites curiosity to the pedestrian. English Heritage are now satisfied that the modifications to the area around the Farmhouse respond positively to their comments and will not have a harmful impact on the Farmhouse as confirmed in their revised comments. This opinion is also shared by the Conservation and Design Manager. The Regional Design Panel did not raise any concerns about the impact of the scheme on the Farmhouse either. Mighell Street itself will be repaved temporarily and thereafter a permanent landscaping scheme to make it a shared space will be introduced when it becomes a through route.

The Data Building (or Building B) will be built on the existing car park and extends forward to Mighell Street. The front of the data building will be 14 metres in front of the Farmhouse and there will be a 2.5 metre gap separating the two buildings which will enable a pedestrian access to be created to Building B from Mighell Street. The Data Building will have an effect on the setting of the Farmhouse however it is considered that the resultant development will create a hidden 'square' which is a feature of high density

city centres in which large scale and small scale buildings sit side by side. A well designed redevelopment proposal on the garage site in the future will complete the enhancement of this street scene which at present is unattractive and soulless. Following negotiations, the Data Building has been reduced in height from four to three storeys by excavating into the basement. The eaves level is now at the same height as the Farmhouse and following revisions, it now has a reasonable glazing content compared to the first submission which presented a wholly blank frontage to the street scene. The materials to the elevations have been modified as well so that the main building is timber clad but the more prominent front will be white painted brickwork. In mitigation for some of the impact on the heritage in this part of the site, the applicants have agreed to re-instate the front boundary wall of No. 35 Mighell Street to restore it to its original appearance. Negotiations have also ensured the retention of the original side wall to the Farmhouse and the trees in the front garden. It is considered therefore that whilst the development could be said to close in on the Listed Farmhouse, it will frame it with high quality designed buildings and will provide a greater sense of place and creates opportunities for serendipity that are associated with old historic city centres.

Particular concerns were raised by the Conservation and Design Manager and English Heritage about the data building and in particular its relationship with the street scene on both road frontages. These have now been addressed by the substantial changes to the scheme which now blend the new building into the White Street terraced street scene and provide more glazing and a break in the frontage to the Mighell Street frontage. English Heritage are now satisfied with the Data Building as is the Conservation and Design Manager.

It is considered that the current setting of the Listed Farmhouse is very poor evidenced by the AMEX car park on one side with a high retaining wall which screens it and the garage on the other side used as car storage and car wash and the non descript brick buildings opposite on the AMEX site. The setting of the building will be enhanced by a building with a high quality of design and will not conflict with policy HE3. Policy HE4 will be complied with by the restoration of the boundary wall to the Farmhouse.

The applicants have agreed to provide a new flint wall on Carlton Hill as well as reinstatement of the front boundary wall to No.35 Mighell Street. They will also be providing a landscaping scheme along Mighell Street to enhance the setting of the farmhouse all requested by as requested by the Conservation and Design Manager.

Transport

Policy TR1 requires development proposals to provide for the demand for travel that they create and maximise the use of public transport, walking and cycling. A Transport Assessment has been submitted with the application. Policy TR19 requires developments to meet the parking standards set out in

SPG04. The proposed building will be capable of accommodating 3000 staff. This compares to the existing building which has a capacity of 2655 but currently only accommodates 2097. AMEX House has 31,175 sq m and the new building will be 33,860 sq m. The site currently provides 106 open parking spaces accessed from Mighell Street and there are 42 underground spaces underneath AMEX House. AMEX also rent up to 187 off site parking spaces within walking distance of the office. The Controlled Parking Zone extends west and east of the site but to the north, there is no controlled parking north of Sussex Street extending east to Queens Park Road. The parking bays near to the site are limited to 2 or 4 hours maximum so they do not allow all day parking.

The proposed development will provide the same number of parking spaces at Basement Level 1 as currently exist on the site i.e. 106. The 42 basement spaces in AMEX House will also be available until it is demolished. The applicants have suggested that following demolition and prior to any redevelopment of the site, these spaces could be provided on the site together with the landscaping and planting but this does not form part of this proposal and will require a separate planning application.

In an area of controlled parking such as this site, there should be no non-operational parking on site. Operational parking for a development of this size will require 104 parking spaces on site. There will be a need for operational parking on site particularly for staff working late or night shifts. This amounts to a peak of approximately 150 staff who work after 7pm who could reasonably need parking spaces. The Principal Highway Engineer notes however that the current level of parking has been accepted for many years and there is a likelihood in his opinion that a sudden reduction in on site parking will lead to displacement parking elsewhere.

The number of disabled parking bays proposed is 4 which is below the standards required. AMEX state that they currently only have 2 members of staff who need wider bays. AMEX currently allocate spaces according to need with health grounds as a top priority. There are also currently 61 members of staff who are given parking permits on site for health and mobility reasons. They state that these numbers are regularly reviewed based upon need. There are a dozen other spaces on the ends of rows which could, if needed, be adapted to disabled bays. It is considered that since the company already provides spaces on the basis of need, then this should be allowed to continue and should be a feature of the Travel Plan. The provision of 4 disabled parking bays is sufficient at present.

There is a concern about the impact on parking during the “interim” stage when both buildings may be partially occupied. The applicants have asked the Council to allow retention of AMEX House until staff are decanted into it but there will be staff also who are transferred from off site and who are temporarily accommodated in AMEX House. The details of the decanting of staff are not yet known and are dependant on wider strategic plans for the

rest of Sussex and the South East. AMEX have therefore asked for some flexibility however it may be considered necessary to place a ceiling on the total numbers of staff occupying both buildings before AMEX House is demolished. AMEX have agreed to provide a Decanting Strategy for approval and review by the Council which will cover the transition of staff on and off the site and the transfer of staff into the new building or into AMEX House which may be used as a staging post in the interim period. This strategy will be secured by a S.106 agreement. The Transport Assessment in its analysis of the traffic impacts used a worst case scenario for the interim period whereby AMEX House was 50% occupied when the new office was also occupied. This will seem to be reflective of a possible worst case scenario for occupation of both buildings in the interim.

Concerns from residents have been expressed about the impact on parking in the surrounding streets. Complaints about AMEX staff parking in Hanover all day have been on going for many years. The applicants Transport Assessment claims that parking in Hanover is due to all Town Centre employees and cannot be attributed to AMEX in particular. There is no evidence either way to verify this but given that AMEX is the largest private sector employer in the City located close to AMEX, it is a reasonable assumption that a significant proportion of cars parked in Hanover belong to AMEX employees. The TA also shows that parking surveys show that there were still a few free on street spaces in Hanover in the day time but they were at the northern edge near to Elm Grove. Those residents who live near the site still find it very difficult to park in their own street in the daytime. However, the Council is planning to introduce a resident parking scheme in Hanover in the next two years which may ease the problems. This could be up and running by the time the new office was ready for occupation. The resident scheme had been planned before this application was conceived. The revisions to the proposal including the intended demolition of AMEX House in the future will negate the possibility of a doubling of numbers of employees working on the site as feared by many residents. Given that the commuter parking on street is an existing problem, it is difficult to justify seeking reparations from the applicants as it is unlikely that this proposal will exacerbate the on street parking situation.

There are currently 130 cycle spaces on the site, 100 of these are in front of AMEX House and will remain. The other 30 are on the car park where the data building will go so these will be lost. The proposal will provide a further 132 cycle spaces on the site. Cycle parking should be provided at 1 secure cycle space plus 1 space per 200 sq m. This will equate to 157 cycle spaces. The proposal will therefore comfortably exceed the standards by providing 232 cycle spaces. The new cycle spaces will be provided in the data building accessed from White Street and 32 will be located in front of the data building at the back edge of Mighell Street. The Principal Traffic Engineer is not satisfied with the details of the cycle storage facilities. Further clarification will be required on the exact location and type of cycle storage proposed but details can be secured by condition. The original proposal to have open bike

storage on the flat roof of the data building adjacent to No.31 White Street has been withdrawn following objections and concerns from officers about amenity of residents and the practicality of bicycle storage which could discourage use of the storage and hence of cycling.

Policy TR1 states that developments should provide for the demand that they create and maximise the use of public transport, walking and cycling. TR2 states that developments should assess their level of accessibility by public transport and TR4 requires major development to produce a Travel Plan. The TA demonstrates that the site is in a good location for public transport accessibility. There are 20 bus routes which serve bus stops within 400 metres of the site. Brighton Station is also located 1km from the site.

The applicants have agreed to provide the full contribution sought by officers towards public transport improvements related to the net overall increase in floorspace on site. The contribution will be £48000. The applicants have also agreed to produce a Travel Plan and to appoint a Travel Plan Coordinator for a period of 5 years. They have also committed to achieving an 8% modal shift away from car use by its employees. The Travel Plan Coordinator will have an extensive number of responsibilities for producing the Travel Plan, promoting its implementation and for negotiating and securing travel benefits for AMEX staff to encourage travel by sustainable modes of transport for example discounted bus tickets, bike loans etc.

The applicants have agreed to make a contribution to provide two new Wayfinding Maps for East Brighton in the vicinity of the site. These are large maps erected on posts in the street providing information on the location of the main attractions and transport nodes by foot with information on distance and walking times. They will cost about £7000 each to provide.

The proposal will feature the first phase of increasing the permeability of the site by turning Mighell Street into a shared surface with the intention of it eventually linking up with Edward Street. The applicants will be applying to close the lower part of the road opposite their site to vehicular traffic. The applicants also propose landscaping improvements which will enhance the pavements around the site and as part of the school improvements, there will be a new boundary treatment which will enable a wider pavement to be provided outside the school gate. These works are supported by the Conservation and Design Manager and will enhance the setting of the Conservation Area and the Listed Building. They also comply with the Edward Quarter SPD. The existing footpath which runs from John Street to Mighell Street alongside the existing AMEX will be retained after construction which responds to a concern raised by some residents. This will accord with Policies TR7 (Safe Development) TR8 (Pedestrian Routes), TR11 (Safe routes to school and school safety zones) and TR13 (Pedestrian Network).

It is considered that all of these measures will go towards meeting Policies TR1 TR2 (Public Transport accessibility and parking) and TR4 (Travel Plans)

TR14 (Cycle access and parking) and TR19 (parking standards) as they are providing a balance of parking provision and contributions towards sustainable transport improvements.

Sustainability

Central Government guidance and local plan policies seek to ensure that all forthcoming developments have given full consideration in achieving environmentally sustainable buildings.

The main policy considerations in evaluating the environmentally sustainable success of this application are PPS1, Policy SU2 of the Local Plan, SPD04 and SPD08.

The scheme incorporates a number of positive sustainable measures which include:

- A 40% reduction in water use compared to a target of 25% as expected in SPD04
- Over 1000 sqm of green roof space to mitigate against urban heat island effect
- 25 – 26% reduction in carbon emissions through a combination of passive design, energy efficiency and installed low carbon (Combined Cooling Heat and Power - CCHP) and zero carbon (photovoltaic) technologies.
- Relatively low space/water heating (12%) and cooling (13%) of total energy consumption
- Passive design measures such as external vertical and horizontal solar shading (brise soleil) on the southern elevation in addition to internal solar control blinds (interstitial) between glazing facades on the western and eastern facades to protect against overheating and maximise daylight
- High standards of airtightness to prevent against heat loss
- Energy efficient measures such as CCHP, energy efficient lighting, light zoning, daylight controlled dimmers, heat recovery throughout the ventilation systems, cooling through water cooled chillers and energy efficient computers and equipment

The proposal scores well against the standards set for water consumption as specified in SPD08 and SPD04. Similarly the office building (Building A) is likely to score BREEAM 'excellent' in all respects other than in the Energy Performance Certificate (EPC) section. The EPC contributes to the overall BREEAM rating awarded for the building. The requirement for a BREEAM bespoke assessment for the data building and the relatively low EPC score anticipated for both buildings is likely to make achieving an overall BREEAM 'excellent' rating challenging. Reasons why these standards cannot be met and detail the improvements required to meet the standards as set in SPD04, SPD08 and policy SU2 of the Local Plan are explained below.

BREEAM

The Sustainability Statement submitted with the application commits to achieving BREEAM 'very good' and clarifies that BREEAM 'excellent' is unlikely to be achieved for both buildings due to the relatively low score in the EPC. The EPC score required to achieve BREEAM 'excellent' is 40 whereas the scheme is likely to achieve 56 at best.

A BREEAM pre-assessment has been carried out for Building A demonstrating a potential score of 75.78%, which is well within the BREEAM 'excellent' threshold but doesn't account for the EPC. Building A scores highly in sections of the BREEAM pre-assessment such as management, health and wellbeing, transport and water.

The data building will require a bespoke BREEAM assessment but is also likely to score low in the EPC section. The data building will accommodate most of the data and technical equipment required to service Building A and is presented with two key challenges: Firstly it is a 24 hour operation and secondly the high energy demands for cooling and ventilation of electrical equipment within the building. The sustainability statement makes reference to these practical limitations in overcoming the barriers to obtaining an EPC rating below 40.

The 'materials' section in the BREEAM pre-assessment achieves a relatively low score. The sustainability statement aims to maximise BRE guidance on 'A' rated materials such as the use of low VOC (volatile organic compound) paints and FSC (Forest Stewardship Council) timber. Whilst this approach is commendable, the materials score in the relevant section of the BREEAM assessment remains low, indicating that the main building components (i.e. floors, walls, roof.) will be comprised of raw materials that have a low sustainability value.

Energy

Although the scheme is expected to achieve a minimum of 26% carbon reduction on Part L of Building Regulations, this does not meet the standards for achieving BREEAM 'excellent' set out within SPD08. Nor does the scheme achieve the anticipated energy efficiency through a 40% carbon reduction or 15% from renewable technologies as recommended in SPD04.

As outlined in the BREEAM section, the two main reasons the scheme has a high energy demand are the deep floor plan of the office building and 24 hour usage with the requirement for constant mechanical ventilation, particularly in the data building. This was a criticism of the Regional Design Panel. Electricity use for space/water heating and cooling account for a relatively low percentage of the total energy consumption. Whereas, other electricity consumption is responsible for 88% of the carbon footprint for the combined scheme. Low carbon technologies have been explored and proposed to deliver electricity and thereby reduce the overall carbon footprint. However, zero carbon technologies such as photovoltaics are unable to provide the amount of energy required that can be delivered by a Combined Cooling

Heating and Power (CCHP) system.

To mitigate against the failure to meet the 40% carbon reduction target, consideration has been given to the exploration of a number of off-site options which will contribute to carbon reductions. A number of options are being explored and considered at the time of writing and will be reported verbally to committee.

Renewable and low carbon technologies

CCHP fuelled by gas is considered to deliver the greatest carbon efficient savings and is predicted to reduce carbon emissions by 11.7% against an energy efficient scheme.

SPD04 requires a proportion (15%) of renewable technologies on site to contribute towards reducing carbon emissions. However, the 250m² of photovoltaic panels on the north side of the building is predicted to provide only 0.3% of the carbon reduction target. The applicant has proposed that a carbon reduction of 26% is expected through low carbon, principally CCHP, rather than zero carbon technologies.

In conclusion, whilst the overall scheme is on target to achieve a BREEAM score of 'excellent' the resulting rating incorporating the EPC is likely to only achieve BREEAM 'very good'. In order to obtain a BREEAM 'excellent' certificate, a substantial redesign of the building will be required which is likely to involve the applicant revisiting the brief for the entire scheme. The design of the office building is based on minimum floor space requirements to accommodate a similar number of work stations as currently exists in Amex House. To provide a building that was less reliant on electricity from the grid and mains gas supply will require a redesign involving less dense usage allowing passive lighting and ventilation measures to be incorporated into the design. Passive design measures and a less dense configuration of work stations will require a larger floor area resulting in a larger footprint, which the selected site does not allow, or an increase in height which is likely to be unacceptable in townscape terms.

Microclimate - Daylight, sunlight, overshadowing and solar glare

SPGBH15 Tall Buildings refers to the impact of tall buildings on neighbouring properties in relation to overshadowing and loss of daylight/sunlight. Similarly, Local Plan Policy QD27 seeks to ensure that adjacent residential properties are not adversely affected by changes in daylight and sunlight.

Daylight/sunlight

To assess the impacts on residential amenity through the loss of daylight, sunlight and overshadowing, the applicant refers to the BRE (Building Research Establishment) Handbook 'Site layout planning for daylight and sunlight: a guide to good practice' which is used widely by Local Planning Authorities and consultants alike.

To assist in the assessment of the sunlight, daylight and overshadowing assessment of the application, B&HCC have commissioned the BRE to evaluate the Microclimate chapters of the ES.

The scheme has been analysed in the context of the existing Amex House remaining as stated in the original ES. Subsequently, the applicant has submitted an addendum to the ES which assessed two scenarios. The first is an interim scenario illustrating the existing Amex House remaining alongside the proposed development for a limited amount of time. The second scenario assesses the impact of changes in daylight, sunlight and overshadowing in the context of the existing Amex House being demolished.

The ES predominantly uses both Average Daylight Factor (ADF) and Vertical Sky Component (VSC) to measure the amount of daylight entering windows in adjacent properties. ADF requires an internal inspection of individual rooms not undertaken by the applicant, with the exception of 35 Mighell Street, currently unoccupied and owned by American Express. Therefore, the BRE suggest that VSC be relied upon as the assessment method to measure the amount of daylight reaching a window of an existing building.

The BRE guidelines recommend that less consideration be given to loss of daylight and sunlight to non-residential properties, such as the Police Station on John Street. The concerns from the Sussex Police Authority (SPA) have been taken into account but given that the building is a non-residential building, it is less reliant on a high degree of natural daylighting. The new office will be opposite part of the Police Station whilst the southern end of the Police Station will benefit when AMEX House was demolished. The concerns about loss of privacy/operational security are not considered to be significant material planning consideration. Greater weight has been given to residential properties and sensitive adjacent uses such as school uses.

The BRE have verified the applicant's approach to assessing daylight, sunlight and overshadowing but makes a number of observations, expressing some concerns regarding individual properties, particularly specific windows.

A number of existing properties adjacent to the proposed office building and data building sites were assessed by the applicant. It is acknowledged that some nearby residential properties will experience a change in light levels and experience some loss of daylight.

The Curve building is a residential building to the north of the proposed main office site and faces south. It will experience a loss of daylight to 4 south facing windows, which appear to light living areas, on the southeast corner of the building at ground, first and third floors. These windows are marginally outside (26.5%) of the BRE guidelines for receiving 27% VSC with the new development in place. The BRE guidance states that if the VSC with the new development in place is both less than 27% and less than 0.8 times its former value, then the area lit by the window is likely to appear gloomier and artificial

lighting will be needed more of the time. However, an external survey shows that the rooms affected have secondary windows on the east elevation that will continue to meet the BRE guidelines.

Windows on the ground floor of Kingswood Flats to the northwest of the site will also experience loss of daylight resulting in a loss of between 5-10% VSC bringing them below the BRE guideline of 27%. These windows are currently assessed as already receiving less than 27% VSC in the existing context. However, light to these windows is also impaired by the access deck which overhangs them. In addition, these windows appear not to serve habitable rooms such as bedrooms or living rooms, therefore the applicant's assessment of negligible daylight and sunlight impact is considered appropriate.

The approach to mitigation for the potential loss of daylight to properties to the north of the application site has been undertaken as part of the design process in an attempt to minimise the impacts. By stepping back the upper floors of the main office building away from Carlton Hill, the overall design has resulted in a significant reduction of the potential impacts on neighbouring properties.

The rear of numbers 9 – 31 White Street (odd numbers only) adjoins the east of the existing Amex House site. Numbers 9 – 23 will remain largely unaffected by the new office proposal as they are significantly far away. Indeed, it is likely that they will experience an increase in daylight when the existing Amex House is demolished.

However, numbers 25 – 31 White Street will experience a range of impacts in daylight in accordance with the BRE guidelines with both the existing Amex House and proposed scheme in place. Loss of daylight at 25 White Street has been assessed as minor, although this property will experience a net gain in daylight with the existing Amex House demolished. The interim scenario of both buildings existing side by side has been assessed as moderate for numbers 27 and 29 White Street. A large window to the ground floor of number 29 will lose about a third of its current light when considered against the interim scenario. However, if the existing building is removed, 29 White Street will experience an overall net gain in daylight. Should a new building Amex House, daylight levels to the windows of this property will be within the BRE guidelines.

Number 31 White Street is at the end of the row of terraces and adjoins what is currently a car park used by American Express staff. There is a 7 metre change in levels between the White Street ground level and Mighell Street at the rear. The ground floor lounge of the dwelling therefore overlooks the car park at present whilst in the rear basement is a kitchen and small dining area leading to a small rear garden which is still four metres above the car park level. The car park is the site of the proposed data building designed to accommodate data equipment, security offices and some bicycle storage. The

third floor of the data building will abut the existing party wall on the north side of 31 White Street at its ground floor level and will extend across the rear of the property. There are no windows on the north flank wall of No. 31, however, an internal inspection by planning officers noted that the rooms in the basement or garden have a single window providing light to a breakfast room and a side window to the kitchen, whilst front and rear windows on the first floor provide light to a living room and on the second floor rear extension, there are windows providing light to bedrooms.

The data building which abuts 31 White Street is comprised of three principle parts. Outwardly the part of the data building fronting White Street will be residential in appearance and scale and this section will correspond with the rear building line of the existing terrace. The middle section of the data building will extend adjacent to and beyond the patio garden of 31 White Street and the second floor will extend up to 5.2 metres in height above the rear patio garden of 31 White Street. This will bring it up level with the top of the ground floor lounge rear window of the dwelling. As a result, with or without the existing Amex House, the windows on the ground floor of 31 White Street which light the kitchen/diner will lose a significant proportion of daylight that will be well outside the BRE guidelines. However, whilst it is acknowledged that the space is used as a small breakfast room, it is not a key habitable room in the property. Loss of light to the window on the rear ground floor will be within the BRE guidelines if the existing Amex House is removed.

The design of the data building and the impact that it is likely to have on adjacent residential properties has prompted revisions to the original design, addressing particularly the relationship with both 31 White Street and 34/35 Mighell Street.

Principally, in relation to 31 White Street, three important changes have been made to the data building to address loss of light to the rear windows. The overall height of the data building has been reduced by one storey. In addition the north flank wall has been pulled away from the boundary with No.31 by 3 metres at first and second floor level and the east flank wall facing directly onto the rear of Nos 29 and 31 White Street has been pulled away so it is 11 metres from the nearest window. The third floor of the data building will be 20 metres away from the nearest window. This will allow a greater sense of openness and therefore provide an opportunity for No.31 to receive more light. Whilst the overall loss of light to the rear of 31 White Street has been assessed as significant, consideration must be given to the fact that the living room is double aspect and that there are no obstructions affecting VSC to the front of the property. It has been acknowledged by the BRE that further design revisions to the data building, such as a small cutback, will only provide limited mitigation for the most severely affected windows on the ground floor, where the kitchen/diner is located. It should be considered that if an identical terraced house with rear addition was to be built next to No.31, the rear addition will cause some overshadowing to the adjoining rear windows.

The impact of the data building and the main office building upon 34/35 Mighell Street (the farmhouse) has also been assessed in terms of potential loss of daylight. 34/35 Mighell Street are residential properties. No. 35 is in the ownership of American Express and is currently unoccupied. The front windows to both properties will lose about a third of their VSC as a result of the main office building and for number 34 the impact can justifiably be described as moderate adverse rather than minor adverse as reported in the Environmental Statement. Removing a significant proportion of the proposed office building will be the only way to improve this situation thereby requiring substantial revisions to the design.

35 Mighell Street is currently unoccupied therefore any future occupants will be more concerned about adequate daylight rather than the loss of daylight which has occurred in the past. As this was the only residential property to be accessed internally, an accurate assessment has been made by the applicants demonstrating that all the front rooms will receive light above the recommended BRE minimum of 1.5% ADF. The windows to the side of 35 Mighell Street looking out over the data building are considered to be less significant due to the fact that they either light circulation spaces or a kitchen, therefore the impact of the data building on 35 Mighell Street has been assessed as minor adverse and is not considered to represent a significant impact.

A number of residents have objected on grounds of loss of light but No.31 is the one property that will be most affected by overshadowing by the proposed development. A handful of other properties will suffer a modest loss but has been found not to be below acceptable levels. It is considered that on balance, the degree of impacts are acceptable in the context of the scheme as a whole.

Sunlight to outdoor spaces and overshadowing

The applicants have usefully carried out an assessment of the shadow cast by the proposed development at different times of the day on March 21st, June 21st and December 21st. The shadow plots show that from early afternoon on 21st March the southern portion of the Carlton Hill Primary School playground adjacent to Carlton Hill will be in shadow caused by the proposed office block. Between the hours of 10am and 3pm the proposed office building will cast a shadow over the school playground. All three break times throughout the school day fall between 10am and 3pm resulting in limited access to winter sunlight on the main play area. During the summer months, the angle of the sun will be such that the building will cast no shadow over the play areas during school hours. Approximately half of the representations from residents received have objected on the single issue of the loss of sunlight to the school playground in winter.

The applicants acknowledge that the most notable impact of the shadow cast by the proposed office building will be felt on the school. It should be noted that the applicants have correctly assessed the impact as minor adverse given the proportion of the school that will experience loss of sunlight.

However, the times of the day where overshadowing occurs are predominantly during school hours which casts a shadow on the main hard surfaced play area. The hard play area is particularly important during the winter months when grassed areas are unsuitable for play activities. Given the intensity of use by the school on this part of the school's site, the real impacts are likely to be far more adverse than the assessment criteria allows.

The BRE evaluation of the overshadowing assessment concludes that a possible approach to mitigate against loss of sunlight to the school's main play areas might be to resite the play area. This is an approach that has already been considered and pursued by officers. Negotiations between officers, the school and the applicants have secured contributions towards improvements to the outdoor play areas.

To mitigate against the loss of sunlight during the winter months, the applicants have drawn up a scheme which proposes an additional north hard play area and improvements to the northern vehicular entrance, a new access footpath from the south leading from a new resited pedestrian entrance on Carlton Hill to be incorporated into the new flint wall previously referred to. A new courtyard within the school is also proposed. The applicants have also proposed the refurbishment of the existing play area adjacent to Carlton Hill as a multi-use games area (MUGA) measuring 20m x 13.5m. The applicants have provided an indicative pricing schedule for the cost of the works and will make a financial contribution to cover the full cost which will be secured through a S106 agreement. The school and its governors are satisfied with the proposals and can see an opportunity to enhance the access, appearance and facilities at the school.

Loss of sunlight to gardens and other outdoor spaces in neighbouring properties will be within the BRE guidelines, including the school playground. However, as the school has specific play equipment and a play area where the majority of overshadowing will occur, mitigations measures can be justified.

Solar Glare

Solar glare or dazzle can occur when a building reflects sunlight to road users or to people in nearby buildings, particularly where a high proportion of glazing or reflective glass is used as a cladding material. Generally this occurs when the sun is at a low angle.

The applicants have modelled the scheme based on a series of viewpoints taken at different times of the day on the 21st of each month. The viewpoints cover a range of approaches that will afford drivers a view of the main office building where solar reflection could be possible.

The Environmental Statement (ES) has identified some scenarios where there is potential to encounter solar glare. On the driving approach to the junction of John Street and Carlton Hill heading south, the ES identifies the potential to

experience solar glare in the early afternoon throughout the months of November, December and January. This is when the sun is at a lower angle and reflection will occur on lower parts of the façade. However, the ES correctly identifies that this unwanted effect could be mitigated by a range of design measures at the detailed design stage which could be made the subject of a condition.

Similarly, there is the potential for unwanted solar glare reflecting off the west side of the proposed office building into the Police Station in the late afternoon. However, the cladding materials have the potential to be refined at the detailed design stage and could be made the subject of a condition.

In conclusion, the approach to the assessment of daylight, sunlight, overshadowing and solar glare has been thorough. Loss of daylight to all properties, with the exception of 31 White Street and 34/35 Mighell Street, will be within acceptable limits, particularly when the existing Amex House is demolished. However, the relative loss of daylight to the above three properties is not considered substantial given the proportional size of the rooms affected or their use as non-habitable rooms.

Microclimate - Wind related impacts

SPGBH15 Tall Buildings requires applicants to consider how their proposals will affect surrounding climatic conditions. There is a chapter in the ES which addresses wind impacts. This addresses issues such as the diversion of high winds speeds to ground level and undertaking mitigating measures to minimise any adverse effects thereby ensuring pedestrian safety and comfort at ground level are not affected by high wind speeds. The applicants have assessed two scenarios in addition to the existing conditions, which include wind conditions with the proposal and existing Amex House in place and an interim scenario which shows Amex House removed.

To assist in the assessment of the wind microclimate chapter in the ES, B&HCC have commissioned the Building Research Establishment (BRE). The BRE has been appointed to verify and evaluate the findings of the wind tunnel testing undertaken by the applicant.

In assessing the application, consideration has been given to impact of wind related effects on pedestrian comfort and safety at ground level. The applicants have conducted wind tunnel testing using a scale model which simulates the turbulence properties and wind speeds.

The applicant has used the London Docklands comfort criteria, devised specifically for the London Docklands, which the BRE consider to be less onerous in defining the suitability of given locations for specific activities, particularly for actions such as long-term sitting and entrances. The BRE evaluation makes the observation that the significance criteria and the impacts linked to this is likely to be greater than reported in the ES. The London Docklands comfort criteria as applied to the wind tunnel testing

data was not the methodology agreed in the ES Scoping Opinion and has not been accepted by B&HCC previously. However, whilst there remains a difference in professional opinion over the methodology used, the BRE consultant is satisfied that in terms of significance criteria, the impacts can be mitigated and secured by condition.

Proposal and existing Amex House

From the wind tunnel model assessment, several locations are identified where wind speeds will increase as a result of the proposed development in place with the existing Amex House. These are predominantly located on the north side of the existing Amex House, on the south west corner of the proposed office building, on the west side of John Street adjacent to the Police Station and on the north east side of Mighell Street. With the exception of the last location, these areas are considered suitable for most pedestrian activities.

However, the location on the north east side of Mighell Street will require mitigation to provide opportunities to make this environment more pleasant and suitable for the activities intended at this location. The applicant has proposed soft landscaping to alleviate accelerated wind speeds around the northeast corner of the Building A and along the south east side of Mighell Street and it is considered that the details of the mitigating measures will require further development.

Removal of existing Amex House

With the existing Amex House removed, and without mitigation, wind conditions in several thoroughfare locations are considered unsuitable for the general public around the site. Pedestrian conditions, particularly during winter months, at these locations are considered to be uncomfortable for all pedestrian activities and unsuitable for pedestrian thoroughfare and it is considered that a detailed mitigation scheme will be required to make these locations more suitable for their intended activity.

The preliminary soft landscaping and mitigation scheme proposed by the applicant is comprised of the following:

- 4m high deciduous trees distributed as follows: across the south of the site; the west of the passage between the proposed office and the car park; south of the steps between the proposed office and the data building; along the south of Mighell Street.
- A 3m high 50% porous barrier located as follows: along the car park to the southwest of the site; at the south east corner of the proposed office; at the west corner of the data building and between the proposed office and data building. The barrier will require a separate planning application.

Conditions surrounding the remainder of the site are considered to be suitable for fast business walking during at least winter, although mitigation and enhancement measures proposed are considered adequate to alleviate the

effect of increased wind speeds to deem the open spaces around the site suitable for recreational activities and leisurely walking. However, conditions along Mighell Street adjacent to the data building and around the south west corner of the Building A are considered to remain unsuitable for any activity other than fast business walking, even with a soft landscaping scheme in place.

Further mitigating measures such as the introduction of a canopy along the south elevation of Building A has been suggested by the applicants although this does not form part of the suggested scheme of mitigation and enhancement measures described in the ES. The applicant has been requested to provide details regarding the feasibility of implementing a canopy as a mitigating measure and it is acknowledged that this is likely to have design implications. However, it should be noted that the interim scenario assessed the proposal without the existing Amex House and that subsequent development is likely to make ground level wind conditions more tolerable.

The BRE evaluation also considers the wind impact assessment to be unclear in its conclusions about the impact of the proposed development on Carlton Hill School playground. However, consideration needs to be given to the likely event that the school playground will be subject to a range of measures to mitigate the impacts of overshadowing and the likelihood that this process will provide alternative play areas.

The applicant's wind tunnel study also shows that the removal of the existing Amex House will render a number of locations around Building A unsuitable for entrances. Application of the Lawson Criteria to the wind tunnel test results will have reveal the impact on conditions at entrances which has been requested from the applicant. Nevertheless, the applicant will need to consider additional mitigation measures, subject to appropriate conditions, to ensure entrances are suitable for that purpose.

Overall, the interim scenario demonstrates that the proposed development is unlikely to have significant adverse effects on surrounding spaces and properties with the exception of the south west corner of Building A, the north east of Mighell Street and the south west corner of the data building. However, the BRE consultant expert believes that there is additional scope for mitigation and is satisfied that in terms of significance criteria, the impacts on ground level pedestrian conditions can be mitigated and secured by condition.

Environmental Assessment

An Addendum to the Environmental Statement to reflect changes in the application was submitted with the revised plans on 14th September 2009. This is intended to be read alongside the main ES and draws attention to changes to the ES as a result of the changes to the application in particular the intended demolition of AMEX House.

A summary of the findings in chapters of the ES not already covered in this

report is set out below:

Alternatives

This section identified all of the design alternatives for development of this site. Refurbishment of the existing AMEX House was considered but due to the age of the building, condition and layout was discounted and was not a sustainable option in the long term. AMEX also considered locations outside of Brighton but this was not actively pursued because the company wish to retain a presence in Brighton. It was logical to develop the site adjacent to AMEX House which was in their ownership and available and is underdeveloped at present.

The Design has evolved over months of review and discussion with the Council. The design started out as a cube shaped structure but has been shaped partly in response to its surroundings but also to provide variety and interest in the elevations with the introductions of set backs, changes in levels and curved elevations. The scale of the building has been significantly reduced from its inception mainly by locating the data equipment in a separate building adjacent to the Farmhouse.

Scoping and consultation

A scoping report was prepared by the applicants in 2008 and the Council issued a Scoping report on 31st December 2008 which set out the scope of issues to be covered in the ES. The Council's xx manager has confirmed that the ES and its Addendum have covered the required the required topics extensively and is robust.

Soils and Contamination

The Environmental Health Officer is satisfied that there is little risk of contaminated land being uncovered following the investigations carried out already but has requested a condition requiring investigation be carried out if discoveries are made of contaminated land. The development itself will have a very low risk of contamination of the soil or the chalk aquifer. The Environment Agency has confirmed that the conditions that they have requested which will be applied will ensure that there is little risk of contamination of the site.

Hydrology and Hydrogeology

The ES found that the drainage strategy will not result in an increase in surface run off and the impacts on surface flood water will be negligible. Southern Water and the Environment Agency have no objections subjects to conditions to ensure that there is no additional run off and appropriate measures taken to prevent contamination of water resources. The Environment Agency require a Sustainable Urban Drainage System (SUDS) to be installed and investigations of ground conditions prior to construction commencing as a condition of any consent. The Surface Water Drainage Strategy has been updated since the application was submitted. The provision of a green roof as well as additional planting together with rain water

harvesting should ensure that there will be no increase in surface water run off from this site.

Noise and Vibration

The two aspects of the proposal that have the potential to generate noise are the construction phase and following the completion, the operation of plant and equipment. The Council's Environment Health Officer is satisfied that conditions will ensure that no plant will be audible above background noise levels during any 24 hour period. Details of all plant and equipment will be required by condition to ensure that all plant is sound proofed. Noise from traffic will not increase significantly as it not anticipated that the development will result in a significant increase in traffic as confirmed by the Council's Principal Traffic Engineer. Deliveries will be made to John Street inside the building away from residential occupiers so this will be a benefit from the existing situation. The existing open car parks will also be moved away from the residential properties overlooking Mighell Street which will be a further benefit to residents.

Noise during construction will be limited by controlling working hours and by adopting good practice in line with the Construction and Environmental Management Plan which will be required by the Council as part of the S.106. The applicants have agreed to reduce the construction hours to between 8am-6pm weekdays and 9-1pm Saturdays and none on Sundays or Bank Holidays. The applicants will be required to set up a residents liaison group through the S.106 so that any problems and issues arising during construction can be addressed and advance notice given of works that may affect residents. This measure responds to the request by the constituency MP and should also reassure residents concerns that noise and disruption will be minimised and that the applicants will be accountable to the residents. The demolition of AMEX House is anticipated to take 20 working weeks. This is the one significant change from the original application. It is inevitable that this will result in some noise and disturbance particularly for residents at home on weekdays but the longer term benefits in terms of improved outlook and reduced overshadowing for residents of White Street should not be underestimated.

Air Quality

The assessment of air quality has been found to be very thorough by the Council's Environmental Health Officer. The main effects on air quality are potentially felt during construction and demolition. The concentrations of Nitrogen Dioxide emanating from the CCHP chimney were found to be very small. The applicants have satisfied the Council on a number of queries relating to the heights of nearby tall buildings as receptors. The council agrees with Hyder's key conclusions namely that:

During the time of operation (after brief demolition and construction phase) the development will not have an adverse impact on local air quality and will be in compliance with the Air Quality Strategy (AQS) under par IV of the

Environment Act 1995

The development will not introduce sensitive receptors to an area that is known to have poor air quality there by creating a new breach of the said AQS

The Environmental Health Officer is satisfied that provided that the external flues are provided to meet the minimum height requirements then there will be no detrimental impact. The height of the flue should be no more than a metre above the highest part of the roof provided that roof plant can be maintained from within the plant. The applicants have confirmed that this is the case.

Ecology and Nature Conservation.

The ES found little evidence of existing ecological features on the site. There is some amenity grass and a few sycamore trees. There were considered to be very few features on the site that could support wildlife. In line with PPS9, the Council this year consulted on a draft SPD on Ecology which requires new developments to enhance the biodiversity of the site. The draft SPD includes a calculator for assessing how much biodiversity features new developments should provide.

Building A will provide green roofs on the 4th and 6th floors and a brown roof on the 5th floor. The north elevation will also feature green walls at recessed spaces between sections of the elevation. The data building will also feature a green wall facing the rear of dwellings in White Street partly in compensation for the loss of a mature sycamore tree at the rear of 31 White Street. The total area of green/brown roofs and green walls provided has been calculated to generate sufficient points that will comfortably exceed the standards in the SPD for a site of this size. The Council's Ecologist has now confirmed this further to his initial comments and it is considered that the proposal will comply with policy QD17 of the Local Plan. After demolition of AMEX House takes place, the applicants intend to grass over the remainder of the site (not used for parking) and plant some trees for a temporary period pending any future site development. A separate planning application will be required for the landscaping and surface treatment of the land post demolition.

Waste

Waste policy is set out in the East Sussex and Brighton & Hove Waste Local Plan. Policies WLP 11 and 12 set out the requirement to minimise, re-use and recycle waste generated during construction and demolition as well as minimising waste during the operation of the new building. Policies SU13 and SU14 of the Local Plan also cover these issues. A Site Waste Management Plan has been submitted with the application. The construction will produce approximately 45000 sq m of cut and fill material due to the excavation. The demolition of AMEX House will also add a significant volume of construction waste to the overall amount but there will be no change to the waste arisings anticipated, nor to the procedures that the applicant will be required to follow for disposal under licence. The applicants have responded to the comments of the LDF team and the Environment Agency in respect of packaging waste

and hazardous materials from the building's operation and amended the SWMP accordingly.

It is considered that the proposal will comply with the policies above.

Archaeology

A detailed archaeological desk based assessment has been carried out. The site has been heavily developed in the past and therefore the opportunities for finding items of archaeological interest pre-19th Century are limited. The County Archaeologist has requested a condition requiring an on site investigation prior to development commencing. This will meet the requirements of policy HE12 of the Local Plan. The excavation into the basement for the data building and the demolition of AMEX House will not have any further impact on archaeological interests.

Interrelationships and Cumulative Effects

This chapter considered three main areas for cumulative effects:

1. New AMEX House with the masterplan
2. New AMEX House with other local developments
3. In combination effects of New AMEX House on specific receptors.

The assessment considered the development in conjunction with the demolition of AMEX House and the redevelopment of the site. It was considered that it will have a beneficial effect by stimulating further investment and could also have a positive effect on the landscape and employment. The assessment considered the Marina Outer Harbour Scheme and the Eastern Breakwater development. The latter was subsequently refused planning permission. Due to the distance between the sites, the only possible cumulative impact could be on traffic generation. It was found that the cumulative impact will not be adverse however.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

This is a significant development in the City concerning the City's biggest private sector employers. The development will meet the primary employment policy objective in the Local Plan. This is not a speculative development but one in which the applicants will also be the occupiers of the new building and development of the new building is not dependant on the current economic climate. If permission is granted, construction will start in the early part of 2010 and will be one of two major developments taking place in the City. The other is Falmer Stadium. American Express have given a strong commitment to staying in Brighton for reasons set out in the report. The proposal has raised a number of policy issues, townscape and design concerns as well as a number of logistical problems. The employer requirements have been challenging and has led to a proposal which will have an impact on its immediate environment and across the City. AMEX's business must be able to continue whilst construction takes place and they wish to provide new modern offices which will enable the company to consolidate its presence in Brighton & Hove. The site does have some sensitivities being adjacent to the Carlton Hill Conservation Area and a Listed Building as well as being in close

proximity to high densities of residential dwellings in an urban setting. Balancing up all of these objectives has been challenging and it is not possible to completely satisfy all of the policy requirements. The design of the new offices has evolved over considerable time and do reflect some of the character of the area and provide interest. It is considered that the quality of the materials and variations in profile, height and the curved elevations will create a development which will be just as distinctive as AMEX House currently is. The new building together with the landscaping around will regenerate and re-invigorate this part of Brighton that is part of the Edward Street Quarter. For these reasons, it is considered that the design meets the policy requirements set out in QD1, QD2 and QD3.

The impact of the development on the townscape has been a key consideration. The size of the development and the topography, has meant that the building has a presence in immediate and longer views but the quality of the design mitigates against some of the concerns about its visibility. The agreement that AMEX House will be demolished at the Council's request is a key consideration in the townscape impact as it will enhance views across to this location from certain locations. There will be views where the scale of the building will be felt more and the impact could be said to be minor adverse but part of the equation must be the damage to the townscape, the Carlton Hill Conservation Area and neighbouring dwellings that is caused by the existing AMEX House. It is considered therefore that on balance, the benefits in townscape terms outweigh the negatives and that policy QD4 is satisfied. For the same reasons, it is considered that the development pays sufficient attention to the interests of conservation and historic character and taking account of the new landscaping and restorative features will on balance not be damaging to the setting of the conservation area nor listed buildings and meets the policy requirements of HE3, HE4 and HE6. English Heritage do not disagree with this conclusion.

The other main considerations have been the impact on residential amenity as well as the school and included in that will be the effect of construction, demolition and traffic. Residents have objected to the overshadowing and loss of daylight but the studies have demonstrated that in most cases the impact will not result in daylight levels below recommended levels. Only one dwelling will be significantly affected in White Street (No.31) and the amendments to the data building have removed the worst effects of this. The impact on the school playground, a key concern for many residents and parents has been mitigated by the contribution of the applicants to new play facilities which the school are supportive of. These minor harmful effects are outweighed by the considerable benefits in terms of improved outlook and daylighting by the demolition of AMEX House. In all respects the amenity impacts have been tested. The degree of impacts are acceptable in the context of the scheme as a whole.

The construction impacts will be controlled. The impact of traffic has been a key concern. The demolition of AMEX will ensure that the overall increase in

floorspace and staff capacity is limited thus there will not be a noticeable effect on traffic generation and parking demands. The applicants have ensured that there is no decrease in the amount of on-street parking compared to now although this will mean that provision will exceed the Council's maximum standards. This will be mitigated by the contribution towards sustainable transport and the appointment of a Travel Plan coordinator. The proposals not be wholly compliant with policy TR1 but there is a practical consideration of not causing further on street parking difficulties for residents by reducing parking on site and therefore in the circumstances, the parking provision is accepted.

The final main consideration has been the sustainability of the new buildings. The applicants have tried to meet all of the Council standards but the unique nature of the business and its technical requirements as a 24 hour operation with huge amounts of technical equipment mean that it is struggling to meet the BREEAM excellent rating due to the high energy consumption. The building will exceed the standards on reducing water consumption. In further mitigation, the new building will be significantly more sustainable than the current building. The applicants are considering mitigating measures to off set this which will be reported to the Committee verbally.

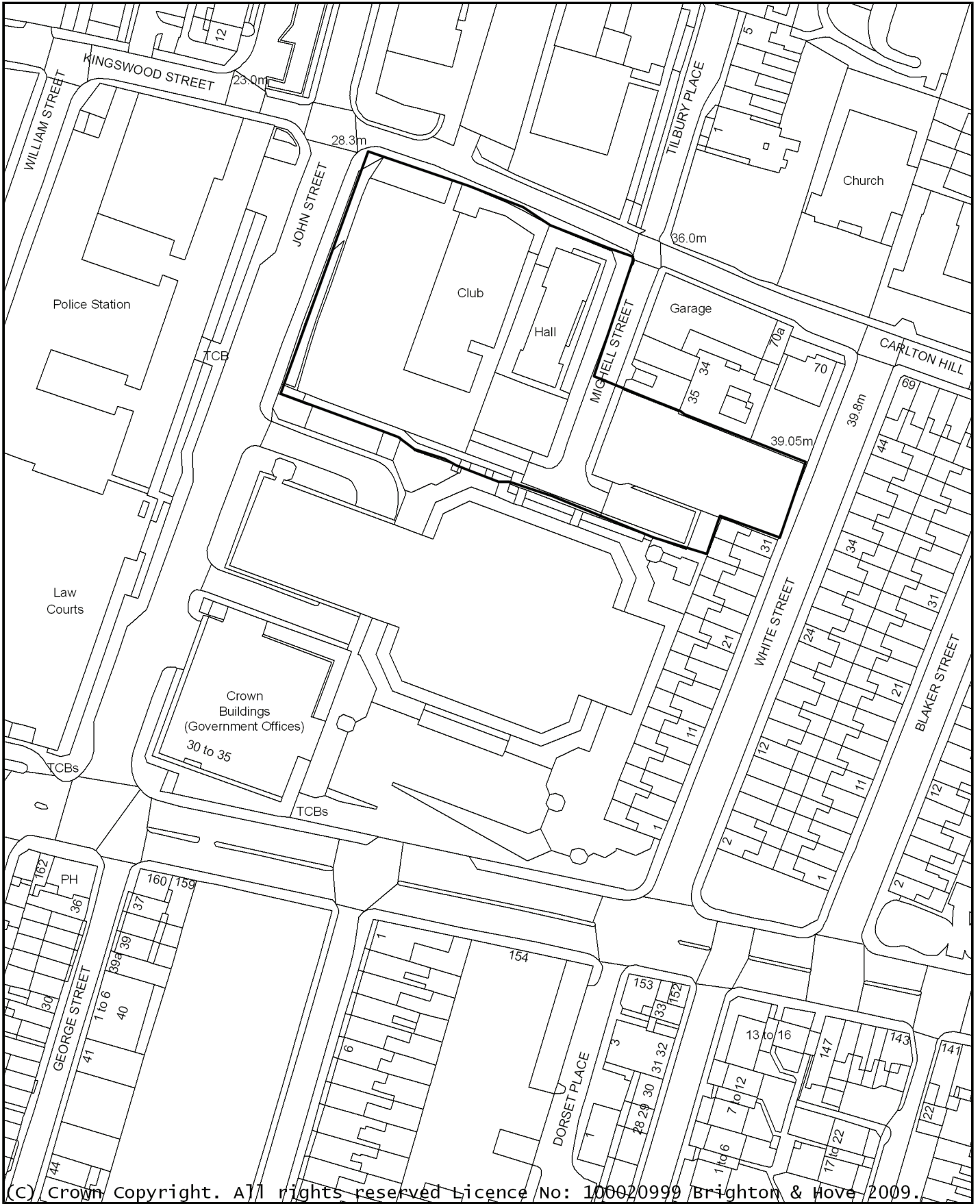
In assessing the ES, it is considered that the document is complete and that the mitigating measures identified are acceptable.

It is considered that on balance the proposal will bring significant benefits in respect of the local economy, design, townscape, enhancement of the site and its surroundings, whilst also producing impacts against which where appropriate mitigation measures are proposed.

9 EQUALITIES IMPLICATIONS

The new buildings will be fully DDA compliant. Account must also be taken of benefits to surrounding pedestrian movements that will be provided by widening pavements and the closure of Mighell Street to traffic, which will enable easier access to all. The applicant's policies on accessibility ensure that those staff with mobility difficulties are prioritised for off street parking spaces.

BH2009/01477 Land Adj to Amex House fronting John St, Carlton Hill, Mighell St & land adj to 31 White Street



Date: 19/10/2009 02:24:17

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Objection neighbours

House/flat number	street address	location	postcode
68	Albion Hill	Brighton	BN2 9NX
79	Albion Hill	Brighton	BN2 9NX
20	Blaker Street	Brighton	BN2 0JJ
21	Blaker Street	Brighton	BN2 9JJ
38	Blaker Street	Brighton	
43	Blaker Street	Brighton	BN2 0JJ
43	Blaker Street	Brighton	BN2 0JJ
64	Carlton Hill	Brighton	BN2 OGW
66	Carlton Hill	Brighton	BN2 OGW
67	Carlton Hill	Brighton	BN2 OGW
68	Carlton Hill	Brighton	BN2 OGW
24	Coomb Road	Brighton	
11	Courcels, Arundel Street	Brighton	
35	Courtlands, Ashton Rise	Brighton	BN2 9QQ
6	Dawson Terrace	Brighton	BN3 3BQ
34	Firle Road	Brighton	BN2 9YH
39	Goldstone house	Hove	BN3 3WY
6	Grove Hill	Brighton	BN2 9NF
58	Hallett Road	Brighton	
91	Hanover Street	Brighton	BN2 9SS
4	Heyshott Lodge	Brighton	BN2 5HJ
367	Highbrook Close	Brighton	BN2 4HL
39	Highleigh	Brighton	BN2 9NL
16	Holland Street	Brighton	BN2 9WB
50	Holland Street	Brighton	BN2 9WB
30	Jersey Street	Brighton	BN2 9NG
28	Kings Wood Flats	Brighton	BN2 UGR
215	Kingsway	Brighton	BN3 4FT
4	Lowther Road	Brighton	BN1 6LF
11	Marine Square	Brighton	BN2 1DL
12	Plaistow Close	Brighton	BN2 5HR
9	Queens Park Road,	Brighton	BN2 9YA
14	Queens Park Road,	Brighton	BN2 OGL
9	Queens Park Terrace	Brighton	BN2 5NL
30	Regency Square	Brighton	BN1 2FH
8	South Lodge Findon Road	Brighton	BN2 5NN
16	Southover Street	Brighton	
1	St John's Place	Brighton	BN2 OGR
13	St John's Place	Brighton	BN2 OGR
13	St John's Place	Brighton	BN2 OGR
48	Sussex Street	Brighton	BN2 9QW
65	Sussex Street	Brighton	BN2 OGQ
66	Sussex Street	Brighton	BN2 OGQ
36	Sussex Terrace, John Street	Brighton	BN2 9QJ
39	Sussex Terrace, John Street	Brighton	BN2 9QJ
25	The Curve, Carlton Hill	Brighton	BN2 0GX
1	Tilbury Place	Brighton	BN2 0RQ
3	Torcross Close	Brighton	BN3 3BQ
22	Upper Rock Gardens	Brighton	BN2 1QE
26	Wellend Villas	Brighton	BN1 6BY
7	White Street	Brighton	BN2 OJH
18	White Street	Brighton	BN2 9JH
22	White Street	Brighton	BN2 OJQ

26	White Street	Brighton	BN2 0JH
28	White Street	Brighton	BN2 0JH
30	White Street	Brighton	BN2 0JH
31	White Street	Brighton	BN2 0JH
36	White Street	Brighton	BN2 0JH
40	White Street	Brighton	BN2 0JH
5	Windmill Street	Brighton	BN2 0GN
6	Windmill Street	Brighton	BN2 0GN
7	Windmill Street	Brighton	BN2 0GN
8	Windmill Street	Brighton	BN2 0GN
40	Windmill Street	Brighton	BN2 0GN
55	Windmill Street	Brighton	BN2 0GN

Comment

House/flat no	street address	location	postcode
9	1-2 Clarendon Place	Hove	
11	2, Blenheim Place	Brighton	BN1 4AE
106	Auckland Drive	Brighton	BN2 4TG
83	Birdham Road	Brighton	BN2 4RY
66	Carlton Hill	Brighton	
	Carlton Hill Primary School	Brighton	BN2 9HS
26	Chadborne Close	Brighton	BN2 5DH
10	Channel View Road	Brighton	BN2 6DS
45	Clannings, 215 Kingsway	Hove	BN3 4FG
23	Claydon Road	Brighton	BN2 9ZP
10	Clermont Road (mailto:rachel.fryer@br	Brighton	BN1 6SG
11	Courcels, Arundel St	Brighton	BN2 5UB
24	Courtlands, Ashton Rise	Brighton	
32	Courtlands, Ashton Rise	Brighton	BN2 9QQ
6	Dawson Terrace	Brighton	BN2 0EL
25	Ecclesden, Grove Hill	Brighton	
45	Ecclesden, Grove Hill	Brighton	BN2 9NG
31	Egremont Place	Brighton	BN2 0GA
18	Findon Road	Brighton	BN2 5NL
12	Firle Road	Brighton	BN2 9TH
36	George St	Brighton	BN2 1HE
15	Gloucester Street	Brighton	BN1 4EW
39	Goldstone house	Hove	BN3 3WY
6	GroveBank/Hill	Brighton	BN2 9NF
55	Hankenbury Way	Lewes	BN7 1LT
54	Hendon Street	Brighton	BN2 0EJ
16	Hendon Street	Brighton	BN2 0EG
367	Highbrook Close	Brighton	BN2 4HL
27	King George Avenue	Lieston, Suffolk	IP6 4JX
54	Malthouse Court, Lavender Street	Brighton	BN1 2AK
11	Marine Square	Brighton	BN2 1DL
3	Newhaven Street	Brighton	
34	Phoenix Rise	Brighton	BN2 9WR
3	Pinefold close	Brighton	BN2 6WG
12	Plaistow Close	Brighton	BN2 5HR
35	Queens Park Road	Brighton	BN2 0GJ
211	Queens Park Road	Brighton	BN2 9ZA
27	Queens Road (flat B)	Brighton	BN1 3XA
44	Queensway	Brighton	BN2 0FB
109	Saunders Park View	Brighton	BN2 4EX
13	St John's Place	Brighton	
27	Sussex Terrace	Brighton	
39	Sussex Terrace	Brighton	BN2 9QJ
18	Tarner Road	Brighton	BN2 9QT
23	The Curve, Carlton Hill	Brighton	BN2 0GX
3	The Curve, Carlton Hill	Brighton	BN2 0GX
18	The Deco Building, Coombe Road	Brighton	BN2 4EQ
6	Tilsmore, Findon Road	Brighton	BN2 5NW
3	Torcross Close	Brighton	BN2 4ND
10	West Hill Street	Brighton	BN1 3RR
30	White Street	Brighton	
7	Windmill Street	Brighton	BN2 0GN
233	Wiston Road	Brighton	BN2 5PT

Objection groups & amenity societies

Name of group	street address	location	postcode
Sussex Deaf Association	info@sussexdeaf.com	1273671899	BN2 0GW
Brighton Society	info@brighton-society.org.uk	10 Clermont Road	BN1 6SG

Objection businesses

Name of business	Street address	location	postcode
Hamson Partnership (on behalf of Sussex Police Authority)	Hayworthe House Market Place	Haywards Heath	RH16 1DB

Objections email addresses only

email address

Sarmouncer@o2.co.uk

saramouncer@o2.co.uk

ssimonon@hotmail.com

caroleh1@freeuk.com

Objections Councillors

Name of Councillor

Rachel Fryer

Ward

Queens Park

Address

Community Room, St.James House, High St

Support Neighbours

House/flat number
5c

street address
Tilbury Place

location
Brighton

postcode
BN2 0GY



Brighton & Hove City Council

PLANS LIST – 4 NOVEMBER 2009

COUNCILLOR REPRESENTATION

From: Rachel Fryer [mailto:Rachel.Fryer@brighton-hove.gov.uk]

Sent: 19 July 2009 02:06

To: Mick Anson

Cc: Ben Duncan; Paul Steedman

Subject: Planning Application BH2009/01477 - Amex

Please find below objections to the above application which I hope you will be able to consider.

This is a significant application for the area. American Express has many positive things to offer the city. However it is the development that must be judged and not the applicant's credentials, particularly as it is possible that the building will have a longer life than Amex in this location. It should be noted that this school is in the most deprived area of Brighton & Hove with the highest rates of mental health problems in the country. Whilst it is hoped that local residents may potentially benefit from employment it has been said that a relatively low proportion of them would have the qualifications, skills and experience to get a job here.

Issues have been raised by local residents with Amex over the existing building including the noise pollution coming from the existing generators and visual overlooking. Despite these complaints being raised, they have never been addressed or rectified by the company.

Whilst there are many good environmental credentials about this development it will only reach a 'very good' standard and yet Brighton & Hove has said that it must reach 'excellent'. When we asked why this was we were told it was because there would not be natural ventilation in the building due to its density. Developments of this scale are possible with natural ventilation and, whilst IT equipment does emit heat, up to date equipment can emit very little heat. It is precisely because this is such a large development which is likely to have a long life that the 'excellent' standard is met.

The density of the development is an issue. A twelve storey building overlooking a conservation area and a narrow street where there is only room for one lane of traffic is judged by many people to be not in keeping with the area. Whilst it may not have a detrimental impact on views from some viewpoints such as John Street (see 11.0) there are many other viewpoints where it will in many people's opinion have a detrimental impact, including George St (2), Lennox St (4), St. John's Place (5) and the Greek church (6). Whilst the height is staggered this will clearly be an imposing building which will dominate a very narrow and relatively quiet street. As it is overlooking a conservation area it should 'significantly enhance the appearance and character of the area and its setting'.



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Transport has been raised by many people. Some people think there should be less parking, some think there should be more. What unites these views is that it will not be appropriate to have a high volume of traffic and congestion in this residential area. Despite the company's efforts to reduce car travel to work, many employees currently park in neighbouring residential streets, sometimes in an organised manner – there are reports of clusters of car drivers transferring to a minibus to complete the final leg of their journey, or residents boxing each other in to small areas of unrestricted parking. There are plans at a further stage to bring more parking onto the site. With the best will in the world it is hard to imagine that congestion therefore will get anything other than worse.

There have been a few stages of this consultation. However, many local residents, whilst they attended these consultations, do not feel that their opinion was taken into account and the proposed development does not fulfill the promises that was made about it. In particular parents of children who attend Carlton Hill School have serious concerns about the loss of daylight to the school and despite many many requests to meet to discuss this with Amex, only one meeting has so far happened. This meeting took place just a couple of weeks before the application was submitted and yet apparently even at this stage no information was available about the sunlight impact. A loss of daylight to the children will have a significant impact. At the same meeting we made clear strong requests for a meeting on site when the sunlight report was available so that parents could understand 'on the ground' what the impact would be. Whilst we have been told this meeting will happen no date has been given as yet.

Appendix 16.3 (Volume 2 Technical Appendices) shows the extent of the shadow impact. The report acknowledges a shadow on the school playground in March at 11am which continues throughout the day. This presumably means that this shadow is also there for the 6 months leading up to this date. Diagrams show that in December there will be no sunlight at all on the school playground. Whilst there is generally not much sun at this time of year this makes the times when there is sun very precious. If there is only sun on weekdays, children at the school will not experience sunshine at all. Not only is September-March a significant proportion of the year, it is much more than 50% of the school year due to the summer break. The diagrams also show in March that there will be a significant loss of sunlight for the residents of White Street late afternoon, precisely the time that most people come home from work.

QD27 *Protection of Amenity* therefore would be breached by this development.

There is the additional issue of overlooking. Whilst we have been assured that there will be blinds throughout the building to prevent this it is hard to imagine that



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COUNCILLOR REPRESENTATION

there will not be some overlooking issues both for the children at the school and the residents of White St, Blaker St and Carlton Hill.

Other things to note:

The South East Regional Design Panel says that the application should 'respect and better relate to the listed farmhouse' and 'consider the sequence of phasing and allow for the separate ownership of the buildings on the corner of Edward and John Street'.

SPD04 Edward Street Quarter (2006) says that a new development should be:

- * A scheme that complements, but does not dominate, the listed building at 34/35 Mighell Street and the residential terrace on White Street.
- * Sustainable development – (this) means ensuring a better quality of life for everyone in the present, and for future generations. The Council will expect that any proposals for the employment led regeneration of Edward Street will provide long-lasting, rather than temporary solutions.
- * White Street is almost entirely residential in character and development proposals would have to demonstrate no adverse impact on the residential amenities enjoyed by their occupiers.

Draft diagrams show buildings with a maximum number of storeys being 7

Conclusion

We have attempted to raise many of these issues throughout the process of this application but have usually only be able to correspond with the 'Midnight Communications' and not with Amex managers or representatives. We were told this is because they are in America and that they have already been pushed as far as they would go in terms of meeting residents' concerns over design and sustainability

It is possible that American Express will demolish its existing offices and rebuild on the existing site at a later date. Whilst this would take time local residents feel that this is what should happen as this development would be much more appropriate facing onto Edward Street that onto Carlton Hill. Staff could be housed in temporary accommodation and in the existing annexes while this happened and this would mean that the residents aren't stuck with a building which could be great in a non-residential area but is not appropriate here.

Councillor Rachel Fryer
Green Party, Queens Park ward



Brighton & Hove City Council

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COUNCILLOR REPRESENTATION

From: Rachel Fryer [mailto:Rachel.Fryer@brighton-hove.gov.uk]
Sent: 13 October 2009 07:19
To: Mick Anson
Subject: Amex comments

Hi Mick

I would be grateful if the following points could be added to my comments

Extra comments

If the panel is minded to grant this application it is essential that very strict conditions are put on this application, in particular:

Funding, via Section 106 money, to fully cover the costs of reconstructing the school playground at an alternative area of the school which does enjoy sunlight throughout the year.

In order to minimise the negative impact of the building work and demolition of the existing building (which I now understand to be a likely condition) this should happen as quickly as possible. There need to be conditions so that the new building is constructed within two years of granting permission. They have suggested that the demolition of the existing building could take until 2016. This is not acceptable to the local area. If a new building can be constructed in two years then it should not take more than one year to demolish the existing one and therefore the entire development including demolition should be complete at the latest by 2013.

Best wishes

Councillor Rachel Fryer
Green Party, Queens Park ward