

**PLANS LIST
ITEM A**

**Anston House, 137 - 147 Preston Road,
Brighton**

**BH2012/02205
Full planning consent**

24 APRIL 2013

<u>No:</u>	BH2012/02205	<u>Ward:</u>	PRESTON PARK
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Anston House, 137 - 147 Preston Road, Brighton		
<u>Proposal:</u>	Demolition of existing building and erection of a new building ranging from 7no to 15no storeys providing 231 residential units, circa 2,019 sqm of non-residential floor space (including a mix of B1a Office, Retail (A1, A2, A3, A4 and A5 uses) and Community D1 and Leisure D2 floorspace) 158 car parking spaces and 240 cycle spaces, landscaping and other associated works.		
<u>Officer:</u>	Anthony Foster, Tel: 294495	<u>Valid Date:</u>	07/08/2012
<u>Con Area:</u>	Adj Preston Village	<u>Expiry Date:</u>	06/11/2012
<u>Listed Building Grade:</u>	Adj Preston Park		
<u>Agent:</u>	Savills, Lansdowne House, 57 Berkeley Square, London		
<u>Applicant:</u>	Urban Splash & Investec, C/O Savills		

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and that it is **MINDED TO GRANT** planning permission subject to completion of a Section 106 Agreement and the expiry of the publicity period with the receipt of no further objections raising new material planning considerations that are not addressed within this report and the following Conditions and Informatives set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site relates to the existing Anston House building and vacant site adjacent to Anston House. The plot is rectangular in shape and measures approximately 91m x 65m. The existing building Anston House is 9 storeys in height to the road frontage and steps down to 7 storeys to the rear. The property has been vacant for approximately 25 years and is currently in a poor state of repair.
- 2.2 The surrounding area comprises a mix of uses. The site is bounded by Preston Road to the north east with Preston Park beyond. To the south east of the site is Telecom house, a purpose built office block which stands at 10 storeys in height, beyond which is a traditional row of terraced residential properties. To the north west are predominantly office buildings set within generous plots varying between 6 – 10 storeys in height. To the south west are 3-4 storey residential terraced properties which front onto Dyke Road Drive. These properties are generally set at a higher level than the site by more than 5m, with the gardens sloping down to the boundary with the application site. Beyond these terraced properties is the main railway line leading into Brighton Station.

- 2.3 Preston Park is opposite the site (Listed Grade II in the National Register of Historic Parks and Gardens). The Preston Village Conservation Area is to the east of the site. Preston Road is a Principal Traffic Route into the city and is a designated Sustainable Transport Corridor.

3 RELEVANT HISTORY

A s215 Notice has been served Compliance is August 2013.

The site has had a large number of planning applications since being vacant the more notable applications include:

BH2006/03662: Renewal of outline approval BH2003/00226/OA for two linked eight storey office buildings (10,940 sqm gross) with underground parking for 305 cars, landscaping and highway works. Refused 22/02/2007

BH2006/03660: Renewal of outline approval BH2003/00779/OA for demolition of existing building and erection of two linked office blocks (16,690 sq metres) underground parking for 509 cars and 2 surface spaces. Refused 22/02/2007

BH2003/00779/OA: Renewal of outline approval BH1999/02000/OA for demolition of existing building and erection of two linked office blocks (16,690 sq metres) underground parking for 509 cars and 2 surface spaces. Approved 27/10/2003

BH2003/00226/OA: Renewal of outline approval BH1999/01999/OA for two linked eight storey office buildings (10,940 sqm gross) with underground parking for 305 cars, landscaping and highway works. Approved 03/07/2003

BH1999/02000/OA: Outline permission for demolition of existing building and erection of two linked office blocks (16,690 sq metres) underground parking for 509 cars and 2 surface spaces. Approved 08/05/2000

BH1999/01999/OA: Outline permission for two linked eight storey office buildings (10,940 sqm gross) with underground parking for 305 cars, landscaping and highway works. Approved 10/05/2000

4 THE APPLICATION

- 4.1 Planning permission is sought for the demolition of Anston House and the redevelopment of the site to provide 231 residential units, 2,019sqm of non-residential floorspace, 158 car parking spaces, 240 cycle parking space, and associated landscaping. The development would range in height from 7 storeys to 15.

- 4.2 The proposed buildings are to be set on a ground floor podium level which would be partially set down within the site to the rear. This level would provide the commercial floorspace fronting onto Preston Road, with parking set behind on two separate levels. The main servicing requirements, include refuse storage and plant rooms would also be located within this ground floor level. The proposed non-residential floorspace would consist of a mix of B1a office floor space, retail floorspace including A1 retail and A3 coffee shop/restaurant, D1/D2

community floorspace. The non-residential floorspace would be located within to the front of the site at ground and first floor level, providing an active frontage to Preston Road.

- 4.3 The upper floors would be set in a 'C' shape fronting onto Preston Road and Preston Park, with the taller towers set to the front of the site. The residential accommodation would be arranged in 5 distinct blocks:
- Block A to the north of the site would be 15 storeys in height comprising 51 residential units
 - Block B to the south of the site would be 9 storeys in height comprising 39 residential units
 - Block C to the north west corner of the site would range in height from 7-10 storeys comprising 60 residential units
 - Block D to the south west corner of the site would range in height from 7-9 storeys comprising 55 residential units
 - Block E to the south west boundary of the site would be 7 storeys in height comprising 26 residential units.
- 4.4 The scheme proposes a total of 231 residential units, the proposed mix consists of 90no 1 bed units, 127no 2 bed units, and 14no 3+ bed units.
- 4.5 Of the total residential units the scheme provides 70 affordable units which equates to 30% provision of affordable housing across the scheme.
- 4.6 A central landscaped courtyard is proposed. It would be formed above the podium level providing private access to a number of individual residential units at that level and communal entrances the floors above to each of the separate blocks.
- 4.7 The main pedestrian entrance to the site is located centrally with the frontage above which an area of circa 34sqm of dedicated community space is proposed. Vehicular access to the site is located to the northern boundary of the site.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: One hundred and sixty eight (168)** individual letters have been received. The address details are annexed to this report (Appendix 1) objecting to the proposals, a further **113** letters of representation have also been received from undisclosed addresses objecting to the scheme. Their objections are detailed below:
- 5.2 Design
- At 15 storeys the scheme is too tall and oppressive
 - There is not one photo montage showing the impact of the development in close quarters to the properties on Dyke Road Drive
 - The height of the building is out of keeping for the character of the area
 - The building does not follow the existing building line

- The proposed design is unsightly and in time will become an eyesore
- The proposal is far too dense for such a location
- The scheme represents an overdevelopment of the site
- The scheme will overly dominate the park
- The design is not of a high quality
- The setting of the park will be compromised

5.3 Amenity

- Adjoining residents will be impacted in terms of overlooking particularly to the properties on Dyke Road Drive
- The development will be overbearing to adjacent occupiers
- There will be a great loss of light and overshadowing which will occur
- Increase noise and disturbance
- There will be a significant loss of privacy
- Other sites on Preston Road are commercial and as such overlooking generally occurs during weekday working hours the residential use will increase the levels of overlooking significantly
- The massing of the building would reduce the natural airflow which residents currently receive
- There are likely inaccuracies with the daylight assessment as some windows have been placed indicatively
- Potential increase in crime in the area
- The houses on Dyke Road Drive will be hemmed in between the Railway and the proposed development

5.4 Transport

- There will be a considerable increase in traffic movement's generated by the site
- Increased traffic will result in additional noise and disturbance
- Increased levels of pollution
- There will be increase pressure on local parking
- The development will reduce traffic safety for pedestrians, cyclists and car users

5.5 Other

- The potential impact during demolition in terms of noise and dust
- Several trees were illegally cut down it is reasonable to expect suitable replacements
- Trees which are not part of the site are in danger of being lost
- There will be added pressure on local schools
- The levels of employment floorspace proposed is greatly reduced in comparison to the sites allocation
- The application proposes a minimal level of community floorspace which is as yet defined.
- There is the risk of damage due to property and boundary walls due to construction techniques used
- The proposed commercial floor space is likely to remain vacant like the rest of the offices along Preston Road

- Loss of house value
 - The site is not suitable for such a dense residential development
 - The submitted photomontages are distorted by the use of different camera lenses
 - Limited public consultation took place prior to the application being submitted
- 5.6 A petition containing **23 signatories** has been received objecting to the scheme on the following grounds:
- The overall height of the development is too great
 - The setting of Preston Park is compromised
 - Existing views across the park will be obliterated
 - The illustrative evidence is deceptive through the use of different lenses
 - Insufficient parking
 - Potential damage caused to the properties during construction
 - Impact on highways safety
 - Increased levels of pollution
 - Overshadowing, loss of light and loss of air flow
 - Inadequate and unrepresentative public consultation by the applicants prior to submission
- 5.7 **Four (4)** letters of representation have been received from the following addresses **11 Stanford Court Stanford Avenue, 64 and 80 Wellend Villas, 44 Buckingham Road** supporting the application on the following grounds:
- This is a very much needed development
 - The demolition of the existing block and replacement housing is welcomed
- 5.8 **District Valuer: Comment.** A scheme which is compliant with emerging City Plan policy, providing for 40% affordable housing and 3,000sqm of B1a office floorspace would be viable.
- 5.9 **Sussex Police: Comment.** As there is to be a mixture of affordable housing within the development which will attract Secured by Design Part 2 compliance, I direct the applicant's attention to our website at www.securedbydesign.com for details on the SBD award and application process.
- 5.10 The design has produced a mixed commercial and residential development with 5 residential blocks and 3 commercial units together enveloped within one development with each residential block separated from the other, but interlinked by stairwells and elevators within the outer shell of the development. It is clear that implementing and maintaining perimeter security of the development will be essential. To that end, vehicular entry to the underground car park must be controlled in addition to all other entry points into the residential side of the development. Each fob or card could be programmed to only allow access to specific areas of the development that the person has a genuine and legitimate cause to

PLANS LIST – 24 APRIL 2013

access. Any elevators coming from the underground parking area must terminate at the ground level. This will ensure that no unobserved entry into the residential will occur without being observed by reception staff.

- 5.11 Elevators are to have access control measures fitted, ensuring that only authorised access to the residential floors throughout the development is allowed.
- 5.12 The reception desk sited in the super lobby is to be situated in such a way that it has good observation of the main entrance and the stairwell, elevators and lobby. CCTV may be a consideration if there are blind spots or vulnerable areas within the development. A postage room or mail collection point at reception would be essential. This removes the requirement for postal workers gaining access to the individual apartments.
- 5.13 **Southern Gas Networks:** Comment. You will note the presence of our Low/Medium/Intermediate Pressure gas main in the proximity to the site. No mechanical excavations are to take place above or within 0.5m of the Low pressure and medium pressure system and 3metres of the intermediate pressure system. You should where required confirm the position of mains using hand dug trial holes
- 5.14 Safe digging practices, in accordance with HSE publication HSG47 "Avoiding Danger from Underground Services", must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus. In addition please follow the advice given on the gas safety card.
- 5.15 **East Sussex Fire and Rescue:** Comment. The deposited plans do not appear to indicate satisfactory access for fire appliances for fire fighting purposes as will be required by section B5 of the Approved Document to the Building Regulations and Section 35 of the East Sussex Act 1981.
- 5.16 **Southern Water:** Comment. Should the application be approved an informative should be added to seek that the applicant contact Southern Water to ensure that the necessary sewerage infrastructure is in place to service the development. Also a condition requiring full details of foul and surface water disposal should be included.
- 5.17 **Environment Agency:** No comment.
- 5.18 **CAG:** Object. Refusal on the grounds of overdevelopment and considered the height of the proposal, and its proximity to the park, would be detrimental to the Listed park. The group also felt that the choice of colour and, materials was unacceptable and the building line was brought too far forward and would be unsympathetic to the surrounding buildings.

- 5.19 **The Regency Town House, West Hill Community Association, Montpellier and Clifton Hill Society, Round Hill Society, Brunswick and Adelaide Group, Hove Civic Society, Preston and Patcham Society, Kemp Town Society, North Laine Communtiy Association, Brighton Society** have sent a joint letter expressing concern over the residential space standards as proposed.
- 5.20 **Preston & Patcham Society:** Object. The proposal is too high and too dense which brings forward the established building line. The building has the potential to overshadow the park particularly at its narrowest point. The height of the building would feel as if the boundaries are being brought in. The development will impact upon the properties on Dyke Road Drive in terms of overshadowing and will have an overbearing impact on the houses. Concern is also expressed in relation to the levels of overlooking for which there appears to be little screening. The terra cotta façade would be a serious mistake in terms of town scape. The office floorspace should be removed resulting in a reduction in the overall height of the scheme.
- 5.21 **The Brighton Society:** Object. The visual appearance of the scheme is too boxy and does not relate to the natural environment in terms of its scale, sensitivity or appearance. This is an importantly site in an environmentally sensitive area of the city and as such a building with a high standard of design, sympathetic scale and appearance is required.
- 5.22 The proposed building is too high and should be set further back into the site. The proposal to the rear would have an unacceptable impact upon the amenity of the residents in terms of overshadowing, overlooking and loss of privacy. The building has the potential to overshadow the park particularly at its narrowest point.
- 5.23 The development will interrupt views of the Grade II* Listed London Road railway viaduct and further analysis should be provided in terms of this and also its impact upon the Rotunda and the Rose Garden

Further objection received

- 5.24 Now that the extent of the overshadowing of the Rotunda and the Rose Garden has been clarified, it is evident that from September through to March there will be significant overshadowing of the Preston Park and in particular the Rotunda café, its external seating areas and the Rose Garden.
- 5.25 We think this is unacceptable for the following reasons:
1. Preston Park is a listed park and that gives it a special status and value which requires particular protection from inappropriate developments which could affect its value to the community and users of the park's facilities. The Council's own Tall Buildings Strategy recognises this. Para 7.4.11 states that, "Tall buildings over a certain height can adversely affect the environmental quality of surrounding areas ... through the

overshadowing of adjacent residential buildings including public/private garden spaces....the impact of shadows at different times of the day will need to be assessed.....Individual proposals should seek to create well orientated and lively spaces that contribute positively to the wider public realm.”

2. The Tall Buildings Policy also states (para 8.9.4) “A further planning/urban design study is required to analyse the relationship between any future tall buildings, existing tall development, Preston Park and the London Road shopping centre to ensure a coherent approach to development”.
3. Policy HE3 of the Local City Plan (and in particular para 8.14 of that section relating to historic parks and gardens), discusses Development affecting the settings of listed buildings or parks, and states that, “development will not be permitted where it would have an adverse impact on the setting of a listed building” – and by implication historic parks and gardens too.

The significant overshadowing of the Rotunda, its external seating areas and the Rose Garden now revealed by the corrected overshadowing diagrams will certainly have an adverse impact on that part of the listed Preston Park, and development resulting in that adverse impact should therefore not be permitted.

4. The Rose Garden and the outdoor seating areas associated with the Rotunda café are particularly valuable public amenities, and Savills’ claim that the BRE sunlight guidelines should apply to these areas is quite inappropriate, indeed irresponsible. The guidelines set minimum standards and are not mandatory. They can and should be “interpreted flexibly” to suit particular circumstances.
 - These circumstances include the following important considerations:
 - roses don’t grow or flower without sunlight;
 - the Rotunda café is an important public amenity serving the public in the southern part of Preston Park.
 - people like to sit outside in the sun with their tea or coffee;
 - Preston Park is a listed park and is the main park for central Brighton;
5. Policy HE6 of the City Local Plan states that, “Proposals within or affecting the setting of a Conservation Area should preserve or enhance the character or appearance of the area and should show (para d), the retention and protection of trees, gardens, spaces between buildings and other open areas which contribute to the character or appearance of the area.”

The overshadowing of the Preston Park and the amenities referred to in the preceding paragraphs certainly do not “preserve or enhance the character and appearance of the area,” nor do they show that

...gardens and spaces between buildings are retained and protected. Just the opposite in fact.

6. Section HE11 of the City Local Plan states that, "Planning permission will not be granted for proposals that would harm the historic structure, character, principal components or setting of an area included in the Register of Parks and Gardens of Special Historic Interest in England". Preston Park is included in the English Heritage Register.

Para 8.43 of HE11 states that "Government guidance set out in PPG15 'Planning and the Historic Environment' (1994) advises that that the effect of proposed development on a registered park or garden or its setting is a material consideration in the determination of a planning application. Policy HE11 therefore seeks to protect such areas."

We are of the view that the corrected overshadowing diagrams submitted by the applicant are indeed a material consideration, particularly in the way that they now show that a historic park will be affected in a highly detrimental way.

The proposals therefore must be seriously reviewed in the light of the corrected overshadowing diagrams which now give a true picture of the adverse impact the development will have on the listed and historic Preston Park.

This policy alone indicates to us that the application should be refused on the grounds that the proposals will result in an unacceptably adverse impact on the setting and character of a historic park.

- 5.26 It is vitally important that these arguments, and the interests of the wider community, are taken into account in interpreting the preferred planning policies towards development of the Anston House site.
- 5.27 They must take precedence over proposals which result primarily in benefit to a private developer.
- 5.28 The City's Housing targets, though important, should not over-ride these considerations, particularly as we are convinced that there are other possibilities and alternative designs which could be just as effective in achieving the aim of providing high density housing on that site.
- 5.29 **BRE (Buildings Research Establishment): Comment.** Guidance on shadowing of parks and open spaces is given in the BRE Report 'Site layout planning for daylight and sunlight: a guide to good practice'. This recommends that at least half of such areas should receive at least two hours sunlight on March 21. The letter by Savills correctly quotes the guideline, and gives a diagram showing that all the nearby area of the park would receive at least 2 hours sunlight on this date with the new

development in place. We have not replicated this calculation, but based on the existing and proposed obstructions their results appear entirely reasonable. Accordingly this part of the park as a whole would remain adequately sunlit with the new development in place.

- 5.30 The BRE Report also suggests that for critical areas in public open spaces a more detailed assessment of loss of sunlight could be carried out, by shadow plotting. It suggests the equinox (21 March) as the best date to use, with 21 June and 21 December as possible additional dates. These dates have been used for the transient overshadowing study.
- 5.31 Our own independent calculations based on sun positions for the exact site location gave directions of shadows that were very close (within 1-2 degrees) to those in the transient overshadowing study. However our calculations predicted that the length of the shadows of the new development would be 17% (21 December), 22% (21 June) and 25% (21 March and 21 September) longer than the ones shown in the applicant's shadow study.
- 5.32 We found similar results for the existing buildings on either side. Our calculation gave shadow lengths 18% longer on average than those in the shadow study (our own site measurements confirmed that the height of the existing buildings and site levels agreed with the sections and elevations submitted by the applicant).
- 5.33 The longer shadows do not make a great difference to the conclusions of the study. The part of the park that is nearest the proposed development incorporates a rose garden with a number of paths and benches. Because the proposed development is due south-west of the park, shadows are expected in the afternoon.
- 5.34 A detailed look at the shadow study for each date and time shows that having longer shadows on 21 June and 21 December would not change the impact on that part of the park. On 21 June the sun is high in the sky and the rose garden is expected to be free of shadows until early evening (the shadow of the proposed development falls mainly on Preston Road). The shadows of the proposed buildings are already long enough to reach beyond the rose garden on 21 December. The BRE Report states that even low buildings will cast long shadows on this date.
- 5.35 On 21 March and 21 September, there would be shadows affecting the rose garden area in the afternoon, especially around 4pm. A slightly greater area of the rose garden would be affected by the longer shadows. Because of daylight saving time, the sun is higher in the sky at 4pm on 21 September than on 21 March, and hence the shadows are shorter in September than in March. The impact is however similar, in that portions of the rose garden and some of the benches will be increasingly in shadow towards 4pm and thereafter.

- 5.36 Overall though, the shadowing impact of the new development is assessed as minor. Though there will be some shadowing of the rose garden area, each part of it would only be shadowed for a limited part of the day, and nearby areas would still receive sunlight so that people can still sit in the sun if they want. Loss of sunlight to this part of the park would be well within the guidelines in the BRE Report 'Site layout planning for daylight and sunlight: a guide to good practice'.
- 5.37 **English Heritage** have the following comments in relation to the scheme: The redevelopment of this site is unlikely to cause substantial harm to the setting of designated heritage assets, over and above the harm already caused through the development alongside Preston Road in the late 20th century. We urge the local planning authority to have due regard to our Guidance on tall buildings in assessing the impact of the proposals on the city's skyline, and would expect to see substantial improvements to the public realm and connectivity to Preston Park as part of the development.
- Internal:**
- 5.38 **Planning Policy: Support.** This site has been vacant and undeveloped for 25 years and is very prominent on a main access road to the city. A key policy issue relating to the site is the need to deliver sufficient housing early in the life of the submission City Plan and to comply with the National Planning Policy Framework ("NPPF") which emphasises the need to boost housing supply and deliver regeneration. For these reasons, it is considered that encouraging early redevelopment of this significant site by the granting of a planning permission is a key planning priority. Alongside this the new development will be expected to be of high quality, to meet sustainable building standards and provide a mix of residential and employment uses that accord with the strategic allocation for the site. It should contribute to the regeneration of the area and to the rejuvenation of this important gateway to the city.
- 5.39 Redevelopment of this site within the next 5-7 years is a further challenge given the current economic climate.
- 5.40 The key issues relating to the site are loss of office space and provision of housing and the affordable element of housing as part of the proposed mixed use scheme. Further issues relate to other uses proposed on the site and developer contributions.
- 5.41 Provision of Office Floorspace
The applicant confirms in the design and access statement supporting the application that Anston House has been vacant since 1988. There is a history of applications for office schemes on this site, first granted in the 1990s. In spite of this, the site has remained undeveloped. In February 2006 a further application (BH2006/03660) for the renewal of outline permission for "outline approval BH2003/00779/OA for demolition of existing building and erection of two linked office blocks (16,690 sq metres) underground parking for 509 cars and 2 surface spaces was refused for four reasons including an inadequate tall buildings statement,

excessive parking and poor levels of sustainability in terms of building and waste minimisation.

- 5.42 The current planning application proposes the provision of 2019sqm of net commercial floor space (which includes B1, D1 and A1 – A3 uses). This represents a significant reduction from the quantity proposed in previous outline consents. The applicant is seeking flexibility over the use of the commercial floorspace to allow a range of commercial, supporting and community uses. The applicant makes the case that flexibility will be attractive to the digital/media/creative industries sector (which is the target sector for this type of office space) and other occupiers.
- 5.43 In terms of policy context, policy EM2 in the Local Plan identifies the application site as falling in the allocation for 125-163 Preston Road for high-tech business uses or general office uses (B1a and B1b).
- 5.44 The submission City Plan marks a significant change in approach to the Preston Road offices from the Local Plan. There is a new strategic allocation for the 125-163 Preston Road, in policy DA4 New England Quarter and London Road, which allows for mixed use development (office and residential) seeking retention of a minimum of 14,000sqm of office space across the area and 450 residential units. Specifically, 137-147 Preston Road Anston House site should retain a minimum office floorspace of 3,000 sq m as part of a mixed use scheme. The new approach reflects the status of Preston Road offices as a secondary office location, the need to identify more sites for housing to meet identified housing needs (in accordance with the NPPF) and the priority to renew sites within the Preston Road office area. It is considered that significant weight can be given to the new strategic allocation which is important in delivering the strategy in the City Plan.
- 5.45 The proposal for 2019sqm commercial floorspace falls below the minimum of 3000sqm sought for the site. In addition, the element of office space is likely to fall below 2000sqm given the applicant's request for flexibility in the mix of uses within the commercial element of the scheme. The applicant has acknowledged that the scheme does not meet the 3,000 sq m employment floor space requirement, but makes the case that this level of office floorspace would undermine the ability of the developer to deliver development of the site due to the current challenges in securing finance for large speculative office development. The applicant goes on to make the case that the amount proposed offers a range of employment options and layouts and is designed to meet current employment needs in the city that will be attractive the digital and media sector.
- 5.46 The findings of the recently updated Employment Land Study Review, which underpins the final version of the City Plan Part 1, confirm some of the points made by the applicant. The Study accepts that the site is not in a prime office location especially in comparison with central Brighton and the New England Quarter and confirms that office rents in the area are

currently being offered at reduced rates to attract businesses. It is also acknowledged that financing office developments in secondary locations in the current economic climate is challenging. It remains the case that in the long term, secondary sites, such as the Preston Road sites, are an important resource in meeting requirements for employment floorspace and thus ensuring there are sufficient jobs in the city.

- 5.47 In the case of the application site, which is exceptional as it has been vacant for many years and is required to help meet housing targets, it is considered that the priority to deliver early redevelopment of the site outweighs the requirement to meet the full requirement for 3000sqm of office floorspace. The supporting text of Policy CP3 Employment Land at Paragraph 4.31 supports this approach in s this instance.
- 5.48 However the applicant's request for flexibility in use of the commercial floorspace is not considered acceptable. It is recommended that a minimum of 1500sqm of office floorspace is provided as part of the commercial element of the scheme. The type of high quality flexible office space proposed by the applicant to meet the needs of smaller businesses is welcome.
- 5.49 In addition, early delivery of development on this site will support Brighton & Hove's joint City Deal bid.
- 5.50 Housing Delivery
Government policy in the National Planning Policy Framework seeks a significant boost in housing supply and requires local authorities to plan positively for a supply of housing sites to meet an agreed housing target over the life of the plan (NPPF Section 6). The expected rate of housing delivery is set out in the form of a housing trajectory. Policy CP1 in the submission City Plan, agreed at Council on 31 January 2013, sets the housing trajectory for delivering housing in Brighton & Hove. This is set out in three five year phases over the life of the plan starting from the expected adoption year 2014. The sites identified to deliver each phase of the five year supply are detailed in the Strategic Housing Land Availability Assessment (update 2012). This site is critical to the first five year supply.
- 5.51 Relevant policies on housing delivery are HO1 in the Local Plan, which is now out of date (as it provides for housing requirements up to 2013 based upon the Structure Plan requirements which are out of date), and CP1 in the submission City Plan which sets a target of 11,300 new homes to be delivered by 2030.
- 5.52 The delivery rates of housing in recent years have been adversely affected by the economic recession, particularly in respect to accessing development funding. Consequently the number of commencements and completions of housing developments in the years 2011 and 2012 have been significantly below the average. The development industry continues to be affected by the recession and given this context it has been particularly challenging to demonstrate sufficient housing delivery in

the first five years of the City Plan. Anston House 137-147 Preston Road is one of these sites. It makes up a critical part of the 5 year supply of housing sites identified for completion by 2019 and hence a key priority is to encourage the delivery of development of this site by that date.

5.53 Affordable Housing

Securing affordable housing as part of new housing schemes is important especially given the significant housing needs in the city.

5.54 The application proposes 30 per cent affordable housing, which falls short of the target of 40 per cent set out in policy HO2 in the adopted Local Plan and CP20 in the submission City Plan. The proportion of affordable housing proposed needs to be considered against the five criteria set out in both policies which allow for a flexible application of the policy quota. It is considered that the relevant criteria to the current application are:

- viability and costs of developing the site (iii)
- the extent to which the provision of affordable housing would prejudice the realisation of other planning objectives (iv)
- the need to achieve successful housing development (v).

5.55 In terms of viability (iii), the applicant has provided evidence in support of its case that providing over 30 per cent affordable housing will undermine the viability of the scheme. The assessment of the evidence undertaken by the District Valuer (“DV”) has indicated that this development would be viable with 40% affordable housing. In response, the applicant has made further representations and provided further evidence that the stringent application of a 40% provision of affordable housing would result in an unviable and undeliverable development in current market conditions particularly in relation to the risks and challenges in securing finance for development. Whilst the DV still considers that 40% affordable housing would still be viable, it is considered that, on balance, a rigid application of the target for 40% affordable housing would delay the implementation of development on this site.

5.56 In terms of the second criterion, it is considered that requiring the full target of 40 percent affordable housing to be provided will undermine the key priority for this site which is to positively meet assessed development needs (in accordance with the NPPF) and to seek to deliver development early in the life of the City Plan (see above).

5.57 The third criterion supports the points made above relating to the need to deliver a five year supply of housing for the city.

5.58 For the above reasons, it is considered that 30 per cent affordable housing would be acceptable to be delivered as part of the scheme. This reduction will be partially offset by the willingness of the applicants to explore alternative ways of increasing the proportion of affordable housing by entering into arrangements with the city council as a housing provider and other housing agencies to offer residential units at discounted rates. However there is no certainty that this initiative will result in additional

affordable housing. This will be addressed in more detail in the comments of the Housing Strategy Team.

- 5.59 It remains important that the proposed proportion of 30% affordable homes is secured through a section 106 agreement. In addition, given that a lower than normal amount of affordable housing is considered acceptable (due to current market conditions and the need for early delivery of development), it is recommended that if the development is not built out and if market conditions improve that the proportion of affordable housing is reviewed and increased as part of a renewal of planning application consent (see below – Early Completion). This would be consistent with accepting that the % needs to be reasonable and proportionate and ensure that an unsatisfactory precedent is not set, as the quantum of affordable housing per site will continue to be considered on its merits, having regard to all material considerations pertaining at the appropriate time.
- 5.60 Other Commercial Uses
It is proposed that up to 519sqm of the total of 2019sqm of net commercial floorspace proposed can be used for a range of uses including A1 (retail), A3 (restaurants/cafes), B1 office, D1 community use or D2 (assembly and leisure). This is considered acceptable as the uses will be complementary to the mixed use development and are likely make the office space more attractive. This is subject to the size of the A1 and A3 uses being limited to ensure they will not become an out of town destination.
- 5.61 Developer Contributions
Developer contributions should be sought in accordance with the requirements of policies SU15 Infrastructure and QD28 in the Local Plan and policy CP7 in the submission City Plan.
- 5.62 Early completion
A key priority for this site is for completion of development early in the life of the City Plan. There are a number of ways to achieve this either through a shorter consent period or through a s106 agreement. This will need to be discussed and agreed with the applicant.
- 5.63 **Housing: Support.** Support. Recommend for approval the applicants 'proposed' quantum and mix, as an exception to normal policy, a S.106 affordable housing on-site contribution:
- 5.64 Planning Committee are advised that the Housing Team are agreeing a side letter with the applicant and owner whereby the Council will be given first option on acquisition of homes at a 25% discount of market price including homes for rent, shared ownership and Extra Care Housing.
- 5.65 The applicant is being encouraged to consider ways in which the development and letting of the employment floor space can be enhanced through the City Deal initiative.
- 5.66 Background & Justification

The need for affordable housing in the city remains a pressing matter. We currently have over 12,000 people on the Housing Register waiting for affordable rented housing and 676 people waiting for low cost home ownership.

- 5.67 In respect of this particular development, we believe that the proposed variation in the tenure and mix can be supported in that the development is in an area with the greatest demand for intermediate housing (Affordable Housing Need Report 2012: www.brighton-hove.gov.uk/downloads/bhcc/ldf/Assessment_of_Affordable_Housing_Need.pdf).
- 5.68 Following negotiation the proportion of affordable housing now being offered is below the normal 40% requirement but above the applicant's original offer. The economic viability of the scheme to support a higher quantum of affordable rented accommodation has been debated at some length and has turned on evidence both from the District Valuer (DV) and additional information in response from the applicant. From the valuation information made available to us from the DV and the applicant; information from the Head of Planning & Public Procurement that the DV assessment omits c.£500k of other S.106 obligations; and, benchmarking the marketing costs of other recent residential schemes, we accept that it is difficult to see how this particular scheme could generate the financial capacity for additional affordable housing.
- 5.69 In an effort to explore innovative ways of increasing the proportion of affordable housing, opportunities have been explored with the applicant for the Council or another agency to acquire homes off plan at discount. To acquire homes that could be debt financed and rented at Local Housing Allowances (i.e. current housing benefit levels), was estimated to require a discount by the developer of 40-50%. The developer considers this would render the scheme unviable. A compromise of 25% has been proposed by way of a side letter agreement. This would be outside the determination of the planning application and would also be dependent on the Council or another agency agreeing to finance the acquisition for homes which, if debt financed, would need to be let or sold at close to market rates. This may be attractive to housing services having to access properties to rent from private sector landlords or Adult Social Care seeking Extra Care homes.
- 5.70 If City Deal can help assure delivery of the scheme on such a long standing derelict site, this is to be welcomed in that it will improve the market supply of homes and ease to some extent housing pressures.
- 5.71 **Heritage:** Object. The demolition of the existing office block and the proposed development of this site are very welcome and the proposed mix of uses is considered to be appropriate for the character of the area. The site lies towards the southern end of the tall building corridor identified in the Tall Buildings SPG and in principle tall development is acceptable on this site. In particular it sits within a stretch of existing

medium-rise and tall buildings that face onto Preston Park, with the tallest buildings at both ends, and which visually relate to the crown height of the trees on the western side of the park. However, the tallest part of the proposed building is circa 50m high and is therefore regarded as a very tall building. It would be substantially taller than the undulating tree line. It would be unduly assertive and overly dominant in views from Preston Park in the conservation area. It would also significantly and uncharacteristically break the horizon line in view from Dyke Road Drive and Highcroft Villas.

5.72 The impact of the actual height would be exacerbated by the fact that the building would be set c18m further forward than the prevailing line of the tall buildings, with a further 5 metres forward for the two towers, which would deeply overhang the external space. Consequently this building would be much closer to Preston Park than other tall buildings. Whilst the intention of avoiding the large forecourts, dominated by car parking, of some other tall buildings nearby is recognised and welcomed, the resultant form of the building is very urban in typology and sits uncomfortably with the generally spacious feel of the built form along this corridor.

5.73 The proposed development is in many respects a laudable scheme, of high architectural quality and in a sympathetic and interesting palette of materials with visual interest at street level and carefully integrated landscaping. It is also accepted that the scheme would bring this long-vacant, eyesore site back into use and may bring a number of wider benefits. It is considered that the combination of the very tall height and forward building line would cause significant harm to the setting of the conservation area and the listed park and would harm views towards the conservation area and park from higher ground behind the site. Refusal is therefore recommended unless it is considered that the wider public benefits of the development would outweigh the identified harm.

5.74 **Sustainable Transport: Comment**

General parking

The proposed provision of 136 general spaces for the residential use is well below the SPG4 maximum of 277. This is acceptable provided that policy TR2 concerning displaced parking is complied with and adequate provision is made for sustainable modes. Given that:

- (1) Car ownership locally is around 65% as documented in the TA so some residents would not be expected to own cars
- (2) The application site is well served by sustainable modes and the applicants via a travel plan and S106 contributions would be expected to improve this further
- (3) The vicinity of the site consists of CPZ area and Preston Park, it is considered that the scope for displaced parking is very limited and TR2 is complied with. The sustainable modes issues are discussed below. No exclusive general parking is proposed for the office and commercial uses but for the same reasons as with the residential use this is acceptable.

5.75 *Disabled parking*

Substantial underprovision of disabled parking compared with standards is proposed. The applicants propose to provide 12, 9 and 3 spaces respectively for the residential, office and other commercial elements compared to SPG4 required minima of 23,16 and 6 spaces. This is not justified in the submission. The scope for shared use has been considered by the applicants as requested by officers and the applicants now propose to allow the 9 office disabled bays to be used by residents overnight. This reduces but does not resolve the shortfall. It is proposed that revised plans showing the provision of an additional 10 disabled bays are required for approval by condition and that the use and availability of disabled parking is subsequently monitored as part of the travel plan process and additional provision made if the monitoring shows it to be necessary. These measures allow flexibility while recognising that even the increased levels of disabled parking is below the SPG4 minima. The extra disabled bays should comprise 5 for the residential use, 3 for the offices and 2 for the other commercial uses. The effect of the increase would be to increase the levels of disabled parking from about half of the requirement to three-quarters.

5.76 *Cycle parking*

The number of cycle parking places proposed for residents is consistent with SPG4 but only 12 places are proposed to be provided for the residents' visitors and the offices and other commercial uses combined compared to a combined SPG4 minimum requirement of 91. Again there is some scope for shared use but the shortfall is substantial and unjustified and it is proposed to require by condition for approval revised plans showing an additional 38 cycle parking places and subsequent monitoring through the travel plan process as for disabled parking. This should be required for consistency with policy even if it necessitates the loss of car parking spaces. The nature of the Josta system of cycle parking proposed is acceptable although not ideal and the provision should be accompanied by (1) The display of notices near the provision explaining their use (2) A spring loaded or other mechanism to assist parkers with lifting their bikes to the upper tier. Details of these features should be required by condition.

5.77 *Sustainable modes*

The application site is on a sustainable transport corridor but there is scope for improvements in local provision for sustainable modes. The TA considers the quality of local sustainable modes provision but only in very general terms e.g. presence or absence of dropped kerbs at specific sites is not considered. There is no substantial provision in the application to maximise the use of sustainable modes as required by policy TR1. Given these circumstances contributions towards sustainable modes provision should be required. Application of the standard formula using the trip estimates in the TA is not perfectly straightforward in this case. Allowance has to be made for:

- (1) The trips which would be generated by the lawful use even though the site is currently vacant (These trips have been accepted by Planning officers as material and have been entirely discounted).
- (2) The fact that many (50% has been assumed) of the trips associated with the other commercial uses would be linked to the office/residential use.
- (3) The fact that many of the new trips likely to be generated would be walking trips and these are generally less onerous in terms of infrastructure requirements. These trips have been discounted by 50%.

5.78 Allowing for these reductions suggests that a S106 contribution of £103,350 would be appropriate and this should be required as part of the S106 agreement. A travel plan should also be required by condition and given the scale of the proposal and the fact that the application site has not been used recently this should include a requirement for 'easy win' measures to be implemented 3 months prior to occupation provided such measures can be identified.

5.79 *Traffic impact*

The applicants have demonstrated acceptably that there are no local design related accident problems which may be worsened by the extra traffic which would result from the development. The analysis in the TA indicates that the junction of the site access road with Preston Rd. will work without causing undue congestion and the increase in traffic levels on Preston Rd. itself will be within day to day variation and not require mitigating measures at other junctions. The TA demonstrates that acceptable arrangements for access to and loading from Preston Rd. are achievable and the detailed design and construction arrangements for this should be agreed as part of a S278 agreement which should be required by a clause in the S106 agreement. This should include the reinstatement of the redundant crossover to Preston Rd. from the south of the application site, the dedication of a 2m. strip as highway in a S38 agreement to provide a high quality footway to be protected by posts to prevent unintended parking if possible, the relocation of the northbound bus stop outside the site and the funding by the applicants of all the works and associated costs arising.

5.80 **Design (Head of Planning Strategy):** Support. The aspiration of the city and the developers is to redevelop this important underused site by creating a quality development appropriate to this important route into Brighton and to set a new standard for developments along the Western side of Preston Road for the future.

5.81 The site lies within the tall buildings corridor identified in the Tall Buildings SPG where the principle of taller buildings is accepted in this case the building would be considered very tall. Any building of this scale would have impacts on the adjoining area and some views but in general these impacts are considered acceptable.

- 5.82 The scheme has evolved both as a result of comments made by the regional design panel and through ongoing dialogue with officers. This application is now a much more developed proposition than previously reviewed by the South East Design Panel, and a high level of design investigation has been applied, which this prominent and important site deserved.
- 5.83 Some minor areas of concern remain, which can be controlled through additional information and matters of detail.
- 5.84 **Economic Development:** Comment. The site in its current form has been vacant for some considerable time and previous attempts to bring forward a development scheme for the site have failed. This proposal in principle is welcomed as it brings back into active use a site that has been the subject of a number of planning applications for use as a hotel together with offices which have never been implemented.
- 5.85 There are however a number of comments that the senior economic development officer has to make in respect of the mix of development coming forward in this application.
- 5.86 The applicant states in the supporting Planning Statement (para 2.9 refers) that 'The Local Plan identifies the site for employment use and more specifically for employment led mixed use development'. This is factually incorrect as the site is identified in Policy EM2 of the local plan; Sites identified for high-tech and office uses and specifically as part of the Preston Road (125-163) for Offices and/or high-tech business uses. No reference to employment led mixed use development is made within this policy or the supporting text to the policy.
- 5.87 The City Plan (emerging Core Strategy) identifies Preston Road within DA4 – New England Quarter and London Road under Strategic Allocation 3 as having the potential for mixed use (office and residential) developments and each of the identified development sites have a minimum requirement for the office element in any mixed use proposal coming forward and for this site it specifies that the minimum amount should be 3,000m² of office space. Any reduction in provision will create additional provision burdens on the other identified sites within the Development Area to compensate for this loss to meet the overall required 20,000m² of B1a, B1b floorspace within the Development Area.
- 5.88 The application proposes some 231 residential units together with 1,985m² of 'commercial' space together with 34m² of community space. With regards to the commercial space element of the application, this falls some way short of the specified minimum amount required in DA4 and there is no viability information provided with the application to justify the need for this reduction in space provided. The applicant in para 6.24 state that they consider that the provision of 1,985m² of commercial space is 'appropriate considering demand for offices in this location and the overall

viability of the project', however the viability is not substantiated further to demonstrate this.

- 5.89 Reference is made in the Planning Statement to the flexibility of use of the commercial space (para 6.19 refers) being sought to allow for complementary and ancillary uses (cafes, gyms and crèches) in this location which is not supported in economic development terms as this has the potential to erode the amount of office space provided within the proposal.
- 5.90 In the Design & Access Statement submitted as supporting documentation it is stated in para 6.4 Commercial Space that 'space for commercial enterprises (A,B and D uses) is provided at ground and first floor levels.....' which although allowing flexibility of uses, is again potentially eroding the amount of office accommodation that will be provided with the proposal and does not accord with the requirements of DA4 which stipulates office use.
- 5.91 The applicant has identified the commercial space as being provided to meet the needs of the digital and creative sectors which is welcomed and supported and the scheme has been designed following guidance from Wired Sussex about the needs of the digital sector for start up and 'move on' space.
- 5.92 The applicant has provided no information with regards to potential employment levels that could be generated from the commercial element of the proposal however if the commercial space was purely B1 office accommodation, based on the revised Employment Densities Guide 2nd Edition 2010 of 8.3 jobs per 100m² the space could provide space for 165 jobs which is welcomed in economic development terms.
- 5.93 *Further comment 26/02/2013*
The applicant has provided additional information relating to the commercial element of the scheme which has providing further detailed information about the nature of the commercial space that will be provided in the scheme.
- 5.94 Notwithstanding the fact the proposed space is less than proposed in the emerging City Plan (3,000 sq m) the quality and nature of the commercial space proposed has been designed following consultation with key sector representatives in the city especially Wired Sussex and will provide much needed high quality start up and move on space at a more affordable rental level than the city centre.
- 5.95 Initial concerns were raised by the economic development team on the flexibility of uses between A, B and D Use's however the additional commercial information provided has stated that there will be a minimum of 1,500sq m of B1 office accommodation provided and the remaining 500sq m (circa) will be for a more flexible use within the A,B and D Use Class to provide ancillary alternative employment uses to compliment not

only this development but potentially other occupiers along Preston Road. The applicant has stated that should a B1 occupier come forward wishing to take the whole commercial space then this flexibility will allow for such an occupier.

- 5.96 Flexibility in the range of sizes of units has also been built into the proposal with the largest unit being 967sq m down to 60 sq m therefore allowing for a mix of potential tenant sizes and not just targeting one large occupier. This 'cluster' type proposal is welcomed and fully supported as it will provide the opportunity for businesses of all sizes to relocate to the space.
- 5.97 The economic development team is fully committed to supporting the redevelopment of this long standing vacant site and in this instance are able to support the application as it is considered that the priority to deliver early redevelopment of the site outweighs the requirement to meet the full requirement for 3000sqm B1 office accommodation.
- 5.98 Should the application be approved, the Developer Contributions Interim Technical Guidance, Local Employment and Training provides the supporting information to request a contribution through a S106 agreement to the Local Employment Scheme. The table included within this section of the Guidance sets out the various levels of contributions depending on the proposal. In this instance new commercial development for developments over 500m² the contribution sum of £10 per m² together with the contribution sum of £500 per residential unit. In total this equates to a financial contribution of £135,690
- 5.99 Together with this an Employment and Training Strategy will also be required, with the developer committing to using an agreed percentage of local labour. It is proposed for this development that the percentage be 20% local employment (where appropriate).
- 5.100 **Sustainability:** Support. The applicant has demonstrated that sustainability measures have been considered and incorporated into the design of the proposed scheme, the proposal therefore meets policy SU2 of the Brighton & Hove Local Plan, and Supplementary Planning Document 08 'Sustainable Building Design'.
- 5.101 The standard expected to be met by major development on previously developed land is Code level 4 for residential development and BREEAM 'excellent' with 60% in energy and water sections. Pre-assessment reports have demonstrated the path that must be taken to deliver these standards, and show that these standards are achievable.
- 5.102 Positive aspects of the scheme include: building standards Code level 4 and BREEAM 'excellent'; efficient building fabric delivering good thermal performance; communal heating system delivered by efficient gas boilers with a combined heat and power (CHP) element; a green sedum roof;

communal food growing allotments proposed on the roof; commitment to undertake a rainwater harvesting and greywater feasibility study.

- 5.103 It is disappointing that no renewables are proposed as part of the scheme, as These are expected by the Local Plan and Draft City Plan, but the energy solution which has been proposed delivers a low carbon solution and meets the key building standards required through the Code and BREEAM and therefore meet Brighton & Hove policy.
- 5.104 **Arboriculturalist: Object.** There are three trees on the site itself that will need to be felled to facilitate the development, two of which are covered by Tree Preservation Order (No 3) 1998.
- 5.105 Tree T8 of the Arboricultural report is a Lime. This tree is covered by the TPO. The Arboricultural consultant has rated this tree as a Category A tree and the Arboricultural Section would agree with this rating. It appears to be a tree of high quality with an estimated remaining life expectancy of at least 40 years.
- 5.106 Tree T6 of the Arboricultural report is a Sycamore. This tree is covered by the TPO. The Arboricultural consultant has rated this tree as a Category B tree and the Arboricultural Section would agree with this rating. It appears to be a tree of moderate quality with an estimated remaining life expectancy of at least 20 years.
- 5.107 The remaining tree, T7 of the Arboricultural report is a Lime. This tree is not covered by the TPO but has still been rated as a Category B tree.
- 5.108 These three trees are all situated in the western corner of the site and relatively close to the boundary, therefore it is disappointing to note that they have not been given due consideration.
- 5.109 Further trees adjacent to the site in neighbouring gardens are behind garden walls or are situated on a higher level than the development site and therefore should be unaffected by the development.
- 5.110 Three trees in the neighbouring garden at number 149 Preston Road, including an Elm that has been rated as a Category B tree, may be adversely affected by the development, as the proposed “commercial premises” in this vicinity appears to go right up to the boundary, however, the wall in this area may have held their roots away from the proposed development site. Further information regarding root encroachment in this area should be sought should permission be granted.
- 5.111 Overall, the Arboricultural Section objects to the proposals in this planning application as it will involve the loss of trees covered by Tree Preservation Order (No 3) 1998.
- 5.112 **Ecology: Comment.** Agrees with the overall ecological assessment of the site as existing, submitted by the applicant. However it is notable that

the extended Phase 1 Habitats Survey notes that *'the impact on reptiles is currently undetermined to satisfactory confidence levels.'* and yet a more detailed survey to determine the impact on reptiles has not been submitted. This is contrary to the guidance set out in ODPM Circular 06/2005 (which is still part of current national planning policy) which states:

- 5.113 *'It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.'*
- 5.114 In accordance with this guidance and the requirements of Local Plan policy QD 18, the application should not be determined until a satisfactory survey has been submitted.
- 5.115 Local Plan policy QD 17 requires all development to provide nature conservation enhancements, irrespective of the existing nature conservation value of the development site and Annex 6 of SPD 11 quantifies the amount of new nature conservation features developments are required to provide. Although the plans show that green roofs are included in the design, I could not find in the submission any detail on the area or type of green roofs provided. This, together with any other features, such as wall-mounted nest boxes, should be submitted in order to ensure the requirements of Local Plan policy QD 17 have been adequately addressed.
- 5.116 *Further comment 19/02/2013*
The existing nature conservation value of the site is low. There is a possibility that areas of remaining vegetation on site could be used by nesting birds, which are protected under the Wildlife and Countryside Act 1981, but this can be addressed via an appropriately worded condition. Similarly there is a small possibility that the site is used by common reptiles which are also protected by the same Act, but the possibility is very low and can be appropriately addressed in this case by an informative.
- 5.117 In order to meet planning policy requirements set out in Local Plan policy QD17, the development must incorporate new nature conservation features to enhance the nature conservation value of the site. This is supported by paragraph 118 of the NPPF, which states:
'118. opportunities to incorporate biodiversity in and around developments should be encouraged;'
- 5.118 Annex 6 of SPD 11 quantifies the amount of new nature conservation features developments are expected to provide, based on the area of the development. In this case, 6,000 'nature points' are required (equivalent to 0.6ha).

PLANS LIST – 24 APRIL 2013

- 5.119 Although nature conservation enhancement is not addressed directly by the application, the roof plans show that approximately 890m² of green roof would be provided by the scheme. This is equivalent to over 6,000 nature points and therefore the development would appear to meet planning policy requirements with respect to nature conservation.
- 5.120 **Public Art:** Comment. To make sure the requirements of Policy QD6 are met at implementation stage, it is recommended that an 'artistic component' schedule be included in the section 106 agreement.
- 5.121 **Education:** Comment. In this instance I would be seeking a contribution in respect of primary and secondary education as detailed below.
- 5.122 Since this development contains a mix of affordable and market housing which makes a difference to the numbers of pupils that the development would generate and therefore the level of contribution required to meet the need I will be very reluctant to agree to having the contribution reduced in any other way. I also attach to this email a spreadsheet that shows the numbers of pupils that are likely to be generated by this development.
- 5.123 The proposed development contains a mix of affordable and market housing and therefore the request for £314,589.60.
- 5.124 **Environmental Health:** Comment. Conditions are recommended for glazing; ventilation; plant noise; opening and closing times, delivery and waste collection times and lighting. A CEMP should also be secured for the scheme.
- 5.125 **Accessibility Officer:** Comment. The proposed number of wheelchair accessible units is satisfactory but larger scale plans will be required in due course to confirm that the detailed layouts are satisfactory.
- 5.126 The units currently seem to be split approximately equally between the affordable sector and the market sector. The parking spaces for wheelchair accessible units appear to be on a level where escape in the case of fire in the car park could be achieved without using a lift.
- 5.127 From the plans currently submitted and the discussion at the meeting, the developers seem to have a good understanding of the Lifetime Homes requirements. Detailed layouts should be obtained to at least confirm that those aspects that can be shown on plan are catered for and that sufficient and suitable space will be provided. The other aspects that cannot be shown on plan can then be secured by condition.
- 5.128 Sufficient parking spaces seem to be provided for the wheelchair accessible units but additional adaptable parking space is required to meet the Lifetime Homes Standards. The standards only specifically ask for one additional space but, in a development of this size, it would be hoped that a large number could be provided.

6 MATERIAL CONSIDERATIONS

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “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.”
- 6.2 The development plan is:
- Brighton & Hove Local Plan 2005 (saved policies post 2007);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
 - East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;
 - East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- 6.3 The National Planning Policy Framework (NPPF) was published on 27 March 2012 and is a material consideration which applies with immediate effect.
- 6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.
- 6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR4	Travel Plans
TR7	Safe development
TR14	Cycle access and parking
TR15	Cycle Network
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU4	Surface water run-off and flood risk
SU5	Surface water and foul sewerage disposal infrastructure
SU9	Pollution and nuisance control

PLANS LIST – 24 APRIL 2013

SU10	Noise nuisance
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
SU14	Waste Management
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
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO7	Car free housing
HO13	Accessible housing and lifetime homes
HO21	Provision of community facilities in residential and mixed use schemes
EM2	Sites identified for high-tech and office uses
EM3	Retaining the best sites for industry
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas
HE11	Historic parks and gardens

Supplementary Planning Guidance:

SPGBH4	Parking Standards
SPGBH9	A guide for Residential Developers on the provision of recreational space
SPGBH15	Tall Buildings

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD08	Sustainable Building Design
SPD11	Nature Conservation & Development

Draft City Plan – Part 1

DA4	New England Quarter and London Road Area
CP20	Affordable Housing

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations relating to the determination of this application are as follow:
- i) Principle of development
 - ii) Housing type, size, mix and quality
 - iii) Design, Character and appearance
 - iv) Amenity for adjoining residents
 - v) Trees and biodiversity
 - vi) Transport
 - vii) Sustainability

Principle of Development

- 8.2 The application proposes a mixed use scheme comprising 231 residential units and 2,019sqm of non-residential floorspace. The site is currently allocated under Policy EM2 of the Local Plan which identifies the site for high-tech business uses or general office. The site is allocated within the development area proposals of New England Quarter and London Road DA4, within the emerging City Plan. The Preston Road office area is identified as a secondary office location which provides the opportunity for high quality mixed use development. The strategic allocation outlined in DA4 sets out the requirement for the retention of a minimum of 3,000sqm of office floorspace to be retained on the Anston House site.
- 8.3 The application proposes a reduce level of commercial floorspace in comparison to the aspirations of the emerging City Plan policy. The applicant fully acknowledges this shortfall and has submitted a detailed study in relation to the existing office market conditions within Brighton & Hove. The report also identifies a number of additional factors as to why commercially a fully compliant scheme would not be realised. The additional reasoning includes the requirement for pre-lets when developing a significant amount of commercial floorspace, referring to the fact that there have been no significant pre-lets within the City for many years. The submitted information also makes reference to the fact that within the current economic climate, securing finance for such a large speculative office development would be highly unlikely and would further undermine the deliverability of the site which has been vacant and providing no economic benefit for the City for almost 25 years.
- 8.4 The submitted information also confirms that the site is located in a secondary location and that an identified office space requirement within the city is for smaller flexible office space aimed toward creative/digital/media users. The applicant anticipates the levels of employment that the mix of commercial uses would provide would equate to 140-170 jobs. The application proposes a mix of complimentary commercial uses totalling no more than circa 500sqm and seeks flexibility over these uses which are seen to be servicing the development. Alternative uses sought include a mix of A1/A3 retail use, D1 community use and a small proportion of D2 sports and recreational use. The applicant wishes to have flexibility over the final provision of the no B1a

office floorspace and has provided details of maximum floorspace figures for the mix of uses.

- 8.5 The Councils Economic Development Officer has assessed the application and previously raised concern over the mix of uses proposed. The applicant has submitted further information in relation to the office floorspace proposed which has been designed following consultation with key sector representatives in the city and seeks to provide much needed high quality start up and move on space at a more affordable level.
- 8.6 The applicant has provided a commitment to provide a minimum of 1,500sqm of B1a office floorspace. Both Planning Policy and the Economic Development Team consider that this should be a minimum in order to ensure that a suitable level of B1a office floorspace is retained on the site. The other commercial uses proposed are considered acceptable and may make the proposed office space more attractive to occupiers. A condition is therefore suggested which requires a minimum level of B1a office floorspace provision and further restrictions over the remaining floorspace mix.
- 8.7 The site has been vacant for some considerable time without providing a contribution to the local economy in terms of employment. There is no objection to the principle of redevelopment in accordance with emerging City Plan policy DA4 and CP20

Housing type, size, mix and quality

Affordable Housing

- 8.8 The original application made provision for 26% affordable housing on the site as an overall proportion of the residential units. This represented a shortfall in the levels required by existing Local Plan Policy HO2 and policy CP20 of the emerging City Plan, both of which seek 40% affordable housing provision. The original scheme was assessed by the District Valuer who considered that a scheme providing 40% affordable housing would be viable.
- 8.9 Through negotiations the applicant is now proposing to make provision for a total of 70 affordable residential units which now equates to 30% provision of affordable housing on the site as an overall proportion of the residential units. This level represents a shortfall in the 40% target identified within emerging Policy CP20. However the proportion of affordable housing proposed needs to be considered against the criteria set out in policy and guidance in the City Plan, Housing Implementation Strategy.
- 8.10 Further representations have been made by the applicant which states that the stringent application of the requirement for 40% provision of affordable housing would result in not only an unviable development but also an undeliverable scheme. This is based on the current market conditions particularly in relation to the risks and challenges in securing finance for development.

- 8.11 Planning Policy also consider that requiring the full target of 40 percent affordable housing could undermine the key priority for this site which is to positively meet assessed development needs in accordance with the NPPF and to seek to early delivery of the development.
- 8.12 Notwithstanding the difference of opinion in relation to viability the issue of the key priority for the site is considered to outweigh any consideration on viability.
- 8.13 The Councils Housing Team have closely reviewed the applicants supporting information in reference to the overall provision and mix of affordable housing. The proposed affordable units comprise a mix of 57% 1-bed and 37% 2-bed and 6% 3-bed.
- 8.14 Whilst this is not fully in line with the preferred mix required by the Housing Team, they indicate that a variation in the mix can be supported in that the development is in an area with the greatest demand for intermediate housing. The proposed mix of tenure split for affordable housing is 14.3% affordable rent and 85.7% shared ownership. This is considered to be a reasonable approach that would continue to meet local priorities / housing need and assist in the site coming forward for development.
- 8.15 In terms of size a number of the affordable units fall below the Council's local minimum internal space standards set out in council guidance for affordable housing, and this is also true for a number of private flats. However, policy HO3 is not prescriptive in terms of internal space standards and the minimum unit sizes would be acceptable in terms of both amenity and national affordable housing requirements.

Lifetime Homes

- 8.16 Policy HO13 requires new residential dwellings be built to lifetime home standards with a proportion built to a wheelchair accessible standard. The Planning Statement advises that all units have been designed to meet lifetime home standards and this is apparent on the proposed floorplans.
- 8.17 The application proposes 13 wheelchair accessible units, 6 within affordable 'Block C' and 7 for the private residential units. On this basis the proposal is considered to comply with the overall aims of policy HO13.

Private Amenity Space

- 8.18 Policy HO5 requires the provision of private amenity space where appropriate to the scale and character of the development. The policy does not contain any quantitative standards for private amenity space but the supporting text indicates that balconies would be taken into account.
- 8.19 The scheme makes provision for the majority of units to have access to private garden areas, roof terraces or balconies. Whilst a number of these are relatively small they would be of sufficient size to allow for outdoor seating and potential planting. The residents would also have

access to the communal amenity space including the centrally located landscaped courtyard, rooftop allotment gardens, and an area for toddler play space.

- 8.20 There would be considerable inter-visibility between balconies and roof terraces throughout the scheme. This is not though considered to be unusual for higher density schemes and potential future occupants would be aware of this arrangement. It is therefore considered that the mutual overlooking across the courtyard would not lead to a poor standard of amenity for future occupants.

Outdoor Recreation Space

- 8.21 Policy HO6 requires the provision of suitable outdoor recreation space split between children's equipped play space, casual / informal play space and adult / youth outdoor sports facilities. The policy also states that where it is not practicable or appropriate for all or part of the outdoor recreation space requirements to be provided on site, contributions to their provision on a suitable alternative site may be acceptable.
- 8.22 The proposed development includes an area of children playspace within the centrally located communal space, to ensure that this space is provided a condition is recommended to ensure that this provided.
- 8.23 Despite this provision there is a shortfall in equipped play space, casual / informal play space and youth outdoor sports facilities and it is not feasible for this to be addressed on-site. The applicant proposes to address this shortfall through a contribution towards the improvement and enhancement of existing facilities in the locality of the site. This contribution, based on draft SPGBH9, would amount to £408,344 and would need to be secured through a s106 agreement.
- 8.24 The development would provide a satisfactory standard of accommodation for future occupants and complies with policies HO5 and HO6, and QD27 which seeks to protect residential amenity. The size and mix of housing responds to local housing needs and complies with the aims of policies HO3 and HO4.

Design, Character and Appearance

- 8.25 The prevailing built form of the Preston Road street scene comprises a mix of 6-9 storey blocks of general poor architectural merit. The buildings along Preston Road are generally set back from the road frontage with large spaces to the front occupied principally by private car parking with minimal formal landscaping. Nonetheless some of these spaces retain mature trees which form the background to views within Preston Park.
- 8.26 The proposal involves the construction of a building based in a 'C' shape which opens up onto Preston Park. The building would vary in height from 7 storeys to the south western boundary up to 15 storeys in height fronting onto Preston Road. The Southern section of the development would be lower than the northerly section of the development.

- 8.27 The design of the proposal has been led by the establishment of a number of site constraints relating to the residential properties to the rear, the existing office buildings which flank the site and also the historic building line established further to the south along London Road. These constraints are fully detailed within the comprehensive design and access statement submitted with the application.
- 8.28 The ground floor element of the proposal, which forms the podium, would cover the majority of the site. As the existing land levels slope up toward the south-west the rear section would appear to be built down into the existing slope. The rear building line of the upper floors has been determined by the desire to maintain a minimum of 21m between facing elevations to the residential properties to the rear. This results in the rear building line being set in off the adjoining boundary to the rear by 5m. The flank elevations of the taller blocks adjacent to the south east and north west boundaries are positioned 15m from the shared boundaries.
- 8.29 The design proposes a large single storey plinth which is set back from Preston Road by 9.25m. This street level frontage would extend up to the first floor level providing a large spacious and active frontage within the street scene. This distance of 9.25m is comparable to the historic front building line of the row of residential terraced properties to the south of the site along Preston Road. There are a series of overhangs proposed, initially at first floor level the proposed community space located above the main entrance is set beyond this front building line by 2.5m. The proposed taller towers to the north and south of the frontage also overhang the ground and first floor building line by 5m. These two towers whilst cantilevered would also require structural support in the form of a number of columns which extend down to street level.
- 8.30 Policy QD3 of the Local Plan seeks the more efficient and effective use of sites, however, policies QD1 and QD2 require new developments to take account of their local characteristics with regard to their proposed design.
- 8.31 In particular, policy QD2 requires new developments to be designed in such a way that they emphasise and enhance the positive qualities of the local neighbourhood, by taking into account local characteristics such as height, scale, bulk and design of existing buildings, impact on skyline, natural and built landmarks and layout of streets and spaces.
- 8.32 As well as securing the effective and efficient use of a site, policy QD3 also seeks to ensure that proposals will be expected to incorporate an intensity of development appropriate to the locality and/or prevailing townscape. Higher development densities will be particularly appropriate where the site has good public transport accessibility, pedestrian and cycle networks and is close to a range of services and facilities.
- 8.33 When applying this policy, in order to avoid town cramming, the planning authority will seek to secure the retention of existing and the provision of

new open space, trees, grassed areas, nature conservation features and recreational facilities within the urban area.

- 8.34 Policy QD4 is concerned with the strategic impact of a development, and the preservation and enhancement of strategic views, important vistas, the skyline and the setting of landmark buildings. All new development should display a high quality of design. Development that has a detrimental impact on any of these factors and impairs a view, even briefly, due to its appearance, by wholly obscuring it or being out of context with it, will not be permitted. Views into and from conservation areas and the setting of listed buildings are of particular relevance to this application.
- 8.35 Policy HE6 of the Local Plan requires development within or affecting the setting of conservation areas to preserve and enhance the character and appearance of the area and should show, amongst other things:
- a high standard of design and detailing reflecting the scale, character and appearance of the area, including the layout of the streets, development patterns, building lines and building forms;
 - the use of building materials and finishes which are sympathetic to the area;
 - no harmful impact on the townscape and roofspace of the conservation area; and
 - the retention and protection of trees, gardens, spaces between buildings and any other open areas which contribute to the character and appearance of the area.
- 8.36 Policies HE3 and HE11 will not permit development where it would have an adverse impact on the setting of a listed building or historic parks and gardens through factors such as its siting, height, bulk, scale, materials, layout, design or use.
- 8.37 SPG15 'Tall Buildings', sets out design guidance for considering proposals for tall buildings and to identify strategic areas where there may be opportunities for tall buildings. SPG15 requires that new tall buildings should be in an appropriate location, should be of first class design quality of their own right and should enhance the qualities of their immediate location and setting. The SPG also gives further guidance on the siting of tall buildings to ensure they have minimal visual impact on sensitive historic environments and that they retain and enhance key strategic views.
- 8.38 During pre-application discussions the working scheme was reviewed by the South East Design Panel. The Design Panel were originally presented a slightly different scheme, and their initial comments have informed subsequent design discussions with the applicants.
- 8.39 The demolition of the existing office block and the proposed development of this site are welcome and would bring this long-vacant, site back into use. The Councils Heritage officer considers the scheme to meet the high

architectural quality expected on such an important and sensitive site and the proposed mix of uses is considered to be appropriate to the character of the area. The development would have a distinctive and highly legible main entrance and would provide street level interest which in principle the creation of a new active frontage along Preston Road is welcomed. However, the Heritage Officer does raise concerns which are expressed later in the report.

- 8.40 The development has evolved positively in many ways over the course of pre-application discussions, notably with regard to the massing of the scheme, the spacing and profile of the towers, and the proportions and detailing of the elevations. The proposed pattern of fenestration and elevational treatment seeks to add vertical emphasis to the building in an attempt to reduce the perceived bulk and massing of the scheme. The use of double height deep set balconies helps to break up the massing and to articulate the front elevation. The proposed elevations would be externally clad in a light coloured brick and mathematical tiles, the proposed fenestration would be aluminium and aluminium ventilation screens are also proposed. The proposed palette of materials would provide a subtle mix of colours and textures that makes reference to the local context. A condition is recommended to ensure that the final materials for the development are submitted to and approved by the Local Planning Authority.
- 8.41 In response to the original pre-application comments received from the South East Regional Design Panel the front towers have also been reduced in width and set at different heights. This is an attempt to maintain slender proportions to the elevation fronting onto the park. The blocks to the rear of the front two towers increase in width the further set back they are into the site. This reduction in width and the proposed elevation treatment succeeds in providing the proposal with vertical emphasis.
- 8.42 The proposed building would measure approximately 49 metres in height above Preston Road and 39 metres above Dyke Road Drive at its tallest point. The proposed development is classed as a “tall building” in terms of the definitions provided within SPG15 and it is also tall in comparison to its neighbours, which themselves are of between 6-9 storeys in height. As noted in the Brighton & Hove Tall Buildings Study there is “significant scope along the London Road corridor to strengthen and improve the existing tall buildings”. As such the principle for a tall building in this location is accepted subject to further detailed considerations.
- 8.43 In accordance with SPG15 the application is accompanied by a Tall Building Statement along with further details contained in the submitted design and access statement. The assessment includes a number of strategic views of the site taken from within the park, to the north west of the site and also from longer views from the east and north east of the site. The submitted verified views detail the impact of the scheme on the

surrounding conservation area and listed park within short, medium and longer views of the site.

- 8.44 The Councils Heritage officer has expressed concern over the height of the development and the bringing of the building line beyond that of the terraces to the south of the site. Which he considers would cause significant harm to the setting of the conservation area and the setting of the listed park and would harm views towards the conservation area and park from higher ground behind the site.
- 8.45 Specific design comments have been sought in relation to the proposal and it is felt that the views from the north within the park and along Preston Road will have the greatest impact upon the approach into Brighton. In this view it is felt that the stepping down of the towers as proposed does not quite provide the slender elevation which has been successfully achieved to the front elevation. Nonetheless the composition and articulation of the facades helps to break up the massing and bulk of this flank elevation. The visual division of these flank elevations has been achieved by the careful use of the stepped setbacks and the use of circulation cores to create vertical divisions within the blocks. The proposed fenestration has also been used to give further vertical emphasis.
- 8.46 In closer views across the valley from Highcroft Villas to the north-west the form of the northern most block breaks the skyline in a significant way. A more slender element which breached the skyline would provide a more appropriate solution. However from within medium distance views again from within Highcroft Villas the development sits more comfortable below the horizon line.
- 8.47 In relation to specific views from within the Preston Park and Preston Village Conservation Area the two tallest elements of the scheme would project over the existing tree line. It is considered that the proposal would have some adverse impact upon the setting of the Conservation Area and Listed Park, however it is considered that the size of the park, generous spacing around the park and tree coverage within the park helps to reduce its overall impact.
- 8.48 A shadow study has been submitted to demonstrate the potential impact that the development would have on the adjoining sites in terms of overshadowing and the potential impact upon the character of Preston Park. The submitted report details the potential overshadowing from the development at 4 times during the year, these being 21 December (winter solstice), March 21 (spring equinox), 21 June (summer solstice) and September 21 (autumn equinox). The study demonstrates that greatest amount of additional overshadowing will occur, to the southern part of Preston Park in the winter months when daylight hours are reduced and the sun is lower in the sky. Overshadowing would also occur to a lesser extent during the afternoon in summer months. This increase in overshadowing is mainly due to there being no built form on the northern

section of the existing site and also the increase in height of the proposed buildings.

- 8.49 The submitted study does not include the level of overshadowing which currently exists resulting from the mature trees located along the western boundary of Preston Park. The presence of these trees would result in overshadowing to the southern part of Preston Park and as such the level of additional overshadowing is considered to have a limited impact upon Preston Park.
- 8.50 It is acknowledged that the proposed development will have some adverse impact upon the surrounding character of the area, including views into and from Preston Village Conservation area and Preston Park within the shorter distance. This however alleviates within the medium and longer distance views whereby the development is seen against the back drop of the valley slopes opposite.
- 8.51 In terms of design the proposed development would be of a much higher quality than the existing Anston House and an improvement to the general street scene of Preston Road. The design also seeks to introduce an attractive and active frontage within an area of Brighton which is currently lacking in that regard.

Amenity for adjoining residents

- 8.52 Policy QD27 seeks to prevent development where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health. The rear elevation of the proposal which backs onto the properties on Dyke Road Drive is 7 storeys in height. However due to the change in levels between the sites the rear elevation of the proposal would appear 5 storeys in height set off the boundary by a minimum of 5m.
- 8.53 A Daylight & Sunlight Report has been submitted as part of the application. The report is based on guidance in the Building Research Establishment (BRE) publication 'Site Layout Planning for daylight and sunlight: a guide to good practice'. The guidance states "*privacy of houses and gardens is a major issue in domestic site layout. Overlooking from public roads and paths and from other dwellings needs to be considered. The way in which privacy is received will have a major impact on the natural lighting of a layout. One way is by remoteness; by arranging for enough distance between buildings, especially where two sets of windows face each other. Recommended privacy distances in this situation vary widely, typically from 18m to 35m*". The recommended separation distances are likely to vary and in most city centre locations be reduced depending on what is characteristic for the development surrounding the application site.
- 8.54 There currently exists a distance of between approximately 21 and 24 metres between the properties on the southern side of Dyke Road Drive and the rear elevation of the proposal. The Daylight & Sunlight Report

assesses the impact of the development on the levels of light to nos. 24-43 Dyke Road Drive. These 20 properties form a continuous terrace of residential properties. The properties range in height from 2 to 4 storeys and are in an elevated location when compared to the proposed ground floor level of the development.

- 8.55 The report indicates that the majority of windows to these properties would continue to receive daylight in excess of that recommended by the BRE, and in instances where light levels are already below that recommended by the BRE the impact from the development would not be noticeable.
- 8.56 In relation to sunlight the submitted report finds that there would be a minimal impact from the proposed development upon the occupiers to the west and as such the overall level of harm is not considered to be significant in this location, particularly given the findings in respect of daylight.

Overlooking:

- 8.57 The development would result in a significantly higher number of window openings and balconies which would increase the potential for overlooking to rear of the properties on Dyke Road Drive. Amended plans have been received which reduces the total number of balconies to the south western elevation. The plans now show balconies to the first and second floors only. This was in response concerns raised by officers due to the potential for overlooking resulting from these balconies. The amendment also includes the removal of the glazed walkway to the seventh floor level and its replacement with an obscured screen, due to concerns of the use of this walkway as a further balcony.
- 8.58 It is acknowledged that there would be an increased perception of overlooking from properties on Dyke Road Drive given the number of windows. The separation distance of 21m between facing elevations is considered acceptable to stop inter-looking between habitable windows.
- 8.59 Due to the way in which the land slopes down from Dyke Road Drive a significant level of mutual overlooking into adjoining private amenity space exists. The proposal has the potential for additional overlooking into the private amenity space of the properties fronting onto Dyke Road Drive. The applicant has sought to minimise this by the removal of a number of balconies proposed to the rear to a minimum. It is also considered appropriate for a condition to obscurely glaze the upper floor windows of the south west elevation to ensure that persistent and continued overlooking does not occur.
- 8.60 Balconies and roof terraces are also provided to the taller blocks of the scheme, however these are located further toward the middle of the site. The views from these balconies down into the properties on Dyke Road Drive would be obscured by the rear block forcing the users eye above the properties on Dyke Road Drive.

Outlook:

- 8.61 The development would reduce the open aspect that the properties at Dyke Road Drive currently enjoy over the application site. Many of the residents identify that the site itself is in need of development given its history. The rear block of the development would appear as a five storey building at the boundary with the properties on Dyke Road Drive due to the changes in levels between the sites.
- 8.62 The proposed built form would have the perception of a loss of outlook from the adjoining properties, this would always be the case given that the site has been unused and undeveloped for a period of 25 years. In terms of outlook the relationship of the proposed development is comparable to that to the existing Anston House and also the adjoining office blocks to either side of the site. The separation distances between the built form and the existing fenestration to the rear of Dyke Road Drive are considered acceptable in terms of providing a level of outlook from the residential properties particularly given that Dyke Road Drive is at an elevated level in relation to the application site.

Overshadowing:

- 8.63 The applicant has submitted an amended shadow study in relation to the site given concerns expressed in relation to the validity and methodology used for the previously submitted shadow diagrams. The Building Research Establishment (BRE) has undertaken an independent assessment of the submitted diagrams. The findings of the assessment suggest that whilst the sun positions used within the applicant's model were very close with the BRE's findings the predicted length of shadows were however different, by up to 25% during the spring and autumn equinox (21 March and 21 September). This was also the case with the existing shadowing with the independent results differing by up to 18%.
- 8.64 The properties which front onto Dyke Road Drive are located to the west and south west of the proposed development. The study shows that the development has the potential to overshadow the amenity space of the adjoining residential occupiers in the early mornings during the winter months. This level of overshadowing is comparable to that of the existing conditions and as such is considered acceptable.
- 8.65 The BRE findings concluded that despite the difference in relation to the shadow lengths the longer shadows do not make a great difference to the conclusions of the study. The part of the park that is nearest the proposed development incorporates a rose garden with a number of paths and benches. This is because the proposed development is due south-west of the park, and as such shadows are expected in the afternoon.
- 8.66 Overall it is considered that the overshadowing impact of the new development is assessed as minor. There will be some shadowing of the rose garden area however each part of it would only be shadowed for a limited part of the day, and nearby areas would still receive sunlight to the benefit of the users of the park. The loss of sunlight to this part of the park

falls within the guidelines in the BRE Report 'Site layout planning for daylight and sunlight: a guide to good practice'.

Trees/Biodiversity

Trees

- 8.67 The scheme proposes a central courtyard measuring 35m x 40m which is to be landscaped. The indicative landscape scheme for the podium level has taken inspiration from the existing rockery along Preston Road to the north-west. The planting scheme seeks to use locally appropriate species which reflect the Sussex/coastal environment. Also proposed as part of the scheme is street planting to the front of the site, a living roof on top of the main entrance lobby, communal food allotments positioned on the roof terraces, food gardens to the residential units at ground floor level, and biodiverse roofs to the residential blocks.
- 8.68 The scheme proposes the loss of three trees on the site two of which are covered by a TPO. The Council's Arboriculturalist objects to the loss of these trees to facilitate the development. The application seeks to provide a minimum of 9 trees on the site. It is acknowledged that a number of trees were illegally felled at the site some years ago. In this instance the provision of a minimum of 9 trees within the site including a number of trees to the street frontage is considered acceptable. A condition has been suggested to ensure that a detailed landscape plan is submitted to include full details of the replacement trees and street planting to be provided. A condition is also recommended to ensure that the trees which are in close proximity to the site are protected during the development.

Biodiversity

- 8.69 Policies QD17 and QD18 relate to protection and integration of nature conservation features and species protection, features should be integrated into the scheme at the design stage to ensure they are appropriately located and fully integrated. The Ecologist has considered the ecological report ('Extended Phase 1 Ecological Assessment') submitted in support of the application and agrees with the overall assessment.
- 8.70 A walkover was carried out in order to complete the submitted ecology report which concluded that a further targeted bat survey would be required, which has been completed. The reports conclude that the potential impact on protected species and risks of adverse impacts are generally assessed to be negligible.
- 8.71 Nevertheless an informative is recommended to remind the applicant of their obligations to protect reptiles and bats during demolition / building works, and specifically that if these species are found then works should stop immediately and advice sought from Natural England.
- 8.72 The application also proposes biodiverse roofs to be located on the roofs of the Super Lobby and the roofs of the residential blocks. The provision of circa 900sqm of biodiverse roofs would be equivalent to the required

nature points contained within SPD11. As such the application is considered to be acceptable in terms of its impact on ecology and biodiversity. However no information has been submitted in relation to the proposed roof as such a condition is recommended to ensure that these details are submitted to ensure that the roofs are of a suitable mix and standard.

Sustainable Transport:

- 8.73 Policy TR1 of the Local Plan requires development proposals to provide for the demand for travel which they create and maximise the use of public transport, walking and cycling. Policy TR7 will permit developments that would not increase the danger to users of adjacent pavement, cycle routes and roads. An updated transport assessment has been submitted responding to a number of queries which the Sustainable Transport officer had raised.

Car parking:

- 8.74 The application proposes 136 spaces for use by both the proposed commercial and residential use which falls below the SPG4 maximum. The submitted TA indicates that car ownership is 65% in the locality, and as such some residents would not be expected to own cars. The application site is well served by sustainable transport modes and through the use of a green travel plan use of such sustainable modes would be expected to rise. The site is located in a controlled parking zone, and on this basis the proposed provision of on-site parking is not expected to cause problems of displaced parking for existing residents. A car park management plan has been submitted as part of the application which indicates indicative management arrangements including allocation of spaces, visitors parking, access control, and enforcement of parking rights. The contents of the plan are considered acceptable in principle however as it is an indicative plan it is considered that a more detailed plan should be secured by a suitably worded condition.

- 8.75 Disabled parking is provided within the scheme which equates to 24 spaces. This figure represents an under provision when compared to the SPG4 minimum. The applicant has provided a car park management plan which seeks to share 9 of disabled spaces allocated or offices to be shared with the residents overnight. This reduces the shortfall the provision, however the Sustainable Transport officer seeks an additional 10 disabled bays which has be secured via condition. The use and availability of disabled parking should also subsequently monitored as part of the travel plan process and additional provision made if the monitoring deems it to be necessary.

Cycle Parking:

- 8.76 Policy TR19 requires development to meet the maximum parking levels set out within Supplementary Planning Guidance Note 4 'Parking Standards'. The application proposes a total of 240 cycle spaces for the whole development. There is the opportunity for the shared use of these cycle parking spaces between residential and non-residential users. Of

those the applicant proposes 12 visitor cycle parking spaces, which falls below the level required by SPG4. Whilst there is scope for shared use the shortfall has not been fully justified and as such a condition requiring an additional 38 cycle parking spaces is suggested.

- 8.77 The applicants are proposing to use Josta two tiered cycle stands and it is recommended that a condition be imposed which ensures that the system installed is spring loaded and that a notice is erected with the instructions of use to assist usability and encourage full uptake of the stands.

Traffic impact:

- 8.78 As noted by the Sustainable Transport Officer, the application site is on a sustainable transport corridor but there is scope for improvements in local provision for sustainable modes. The submitted Transport Assessment considers the quality of local sustainable modes provision but only in very general terms. The required contribution towards improving sustainable modes of transport within the vicinity of the development equates to £103,350.

- 8.79 The submitted TA demonstrates that there are no local design related accident problems which may be worsened by the additional traffic which would result from the development. Analysis of the proposed junction suggests that the access will work without causing undue congestion and that the increase in traffic levels would fall within day to day variations as such no further mitigation measures are required to other junctions.

- 8.80 The application proposes two loading bays onto Preston Road the Transport Assessment demonstrates that these arrangements can be safely achieved. The detailed design of which can be secured as part of a legal agreement

Travel Plan:

- 8.81 A travel plan has not been submitted along with the application given the proposed development it would be expected that a Travel Plan is secured by s106 agreement. The travel plan would be expected to include consideration of provision for monitoring the level of disabled parking, the provision of travel packs to first occupants, commitment to engage with the Brighton & Hove Bus Company and promotion of 'key' smartcards for bus and rail travel, and the feasibility of measures to encourage the use of car clubs by occupants.

Sustainability:

- 8.82 Policy SU2 seeks to ensure that development proposals are efficient in the use of energy, water and materials. Proposals are required to demonstrate that issues such as the use of materials and methods to minimise overall energy use have been incorporated into siting, layout and design.

- 8.83 The Council Sustainability Officer has assessed the information submitted and considers that the application demonstrates an appropriate level of

sustainability. As a major scheme, the development is expected to meet standards set out in SPD08 of BREEAM 'excellent' and to achieve a minimum of 60% score in energy & water sections and Code Level 4 of the Code for Sustainable Homes. The submitted pre-assessments for confirms that these will be achieved.

- 8.84 The sustainability officer expresses some concern that the scheme does not propose renewable forms of energy, however the energy solution which has been proposed delivers a low carbon solution which has the potential to be upgraded at a later date through the use of renewable fuel. The application seeks to achieve the key building standards require by the Code for Sustainable Homes and BREEAM and as such is considered acceptable.
- 8.85 There is an intention to build the commercial element to Shell & Core, and securing the 'Fit Out' to BREEAM excellent can be secured via a Green Lease arrangement which is recommended to be secured via the s106 agreement. The Officer also notes positive aspects of the scheme which include the proposed communal heating system, extensive sedum roofs, potential for rain water harvesting and grey water recycling, a building fabric built to standards which are in advance of building regulations and a food growing area to the roof.

Other Considerations:

Environmental Health

- 8.86 A preliminary contamination risk assessment was undertaken which concluded that there was a very low risk of there being a significant contaminant linkage at this site. The Councils Environmental Health team are in broad agreement with the finding of the report. Due to the presence of made ground, fly tipped material and the electricity substation, it is recommended that a contaminated land discovery condition is applied to this application, to cover those eventualities when previously unsuspected contamination is found on site. In such instances, work must stop and the suspect
- 8.87 Policy SU10 requires new development to minimise the impact of noise on future occupants. The applicant has submitted an assessment which recommends a number of measures to reduce potential noise disturbance and if necessary further details could be secured through condition. On this basis there are no apparent reasons why the development could not incorporate adequate noise attenuation measures. The Environmental Health Team has no objection on air quality grounds.

Public Art

- 8.88 The applicant states that there is significant potential for the inclusion of public art in the proposals as the exact detail of the features in the public realm are yet to be identified and it is envisaged that during the detailed design process an element of public art can be incorporated to comply with the requirements of Policy QD6. A contribution of £136,000 would be sought in this case towards the provision of public art. The applicant sees

the architectural and landscape features at ground floor street level as the perfect opportunity to incorporate artistic/design features and the landscape elements. It is therefore considered appropriate to secure public art to the equivalent of the required contribution to be incorporated into the scheme.

Education

- 8.89 A contribution towards the provision of education infrastructure in the City has been requested. This is in recognition that there is no capacity for additional pupils at existing primary and secondary facilities both in the vicinity of the site and within a 2km radius. A development of this scale has potential to appreciably increase the demand for school places and it is therefore considered necessary and appropriate to request a contribution towards primary and secondary education.

9 CONCLUSION

- 9.1 The development provides for the key elements of employment and residential uses. There is 30% which is below the policy target and an additional 231 residential units in total. The proposed mix of uses is considered acceptable subject to conditions relating to the proposed floorspace. The site lies within the tall buildings corridor identified in the Tall Buildings SPG where the principle of taller buildings is accepted, in this case the building would be considered very tall. The proposed development does have the potential to impact on the adjoining area and within some views but in general these impacts are considered acceptable. The site has been vacant and undeveloped for almost 25 years and the development is considered to provide a scheme of high quality design and mix of uses which is acceptable for its location.
- 9.2 Given the shortfall in provision of affordable housing and the priority to see early delivery of a development on this site, a shorter than normal consent period and early payment of contributions is considered appropriate in order to achieve commencement and implementation of this scheme.

10 EQUALITIES

- 10.1 The development should be designed to be fully accessible for residents and visitors alike.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 Section 106 Agreement

- £408,000 Sport, Recreation and open space contribution for off site improvement works.
- Training and Employment Strategy using 20% local labour during the construction phase.
- £135,690 - contribution towards Local Employment scheme.
- 30% affordable housing

PLANS LIST – 24 APRIL 2013

- £314,000 towards improvements to education infrastructure in the City.
- Requirement for details in relation to the provision of an artistic component within the site with an equivalent value of £136,000
- A Travel Plan - which should monitor the demand for disabled parking and if necessary make provision of further spaces within the development The Travel Plan should also monitor the uptake and demand for cycle parking and where necessary make provision for more cycle parking.
- S278 Agreement to secure the highway works and public realm works to Preston Road
- Contribution of £103,000 for improvements for sustainable transport
- Green Lease Agreement - BREEAM Retail 'excellent' and at least 60% in energy and water is to be achieved at 'Fit-Out' stage.
- Construction Environmental Management Plan (CEMP)
- Commercial floorspace shall be completed to a shell and core basis and available for use/tenant fitout prior to first occupation of the residential accommodation.

11.2 Regulatory Conditions:

- 1) The development hereby permitted shall be commenced before the expiration of two 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 permitted shall be carried out in accordance with the approved drawings listed below.
Reason: For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Site Location Plan	001	P01	16 July 2012
Existing Block Plan	002	P01	16 July 2012
Proposed Block Plan	012	P01	16 July 2012
Demolition plan	013	P01	16 July 2012
L-01 Proposed Lower Ground Floor Plan	110	P01	16 July 2012
L00 Proposed Ground Floor Plan	111	P01	16 July 2012
L01 Proposed First Floor Plan	112	P01	16 July 2012
L02 Proposed Second Floor Plan	113	P01	16 July 2012
L03 Third Floor Plan	114	P02	28 January 2013
L04 Fourth Floor Plan	115	P02	28 January 2013
L05 Fifth Floor Plan	116	P02	28 January 2013
L06 Sixth Floor Plan	117	P02	28 January 2013
L07 Seventh Floor Plan	118	P01	16 July 2012
L08 Eight Floor Plan	119	P01	16 July 2012
L09 Ninth Floor Plan	120	P01	16 July 2012
L10 Tenth Floor Plan	121	P01	16 July 2012
L11 Eleventh Floor Plan	122	P01	16 July 2012
L12 Twelfth Floor Plan	123	P01	16 July 2012
L13 Thirteenth Floor Plan	124	P01	16 July 2012

PLANS LIST – 24 APRIL 2013

L14 Fourteenth Floor Plan	125	P01	16 July 2012
Roof Plan	126	P01	16 July 2012
Mix of Accommodation	151	P01	16 July 2012
North East + North West Existing Contextual Elevation	201	P01	16 July 2012
North East + North West Proposed Contextual Elevation	211	P01	16 July 2012
Proposed North East Elevation	213	P01	16 July 2012
Proposed South East Elevation	214	P01	16 July 2012
Proposed South West Elevation	215	P02	28 January 2013
Proposed North West Elevation	216	P01	16 July 2012
North East Proposed Courtyard Elevation	217	P01	16 July 2012
South East Proposed Courtyard Elevation	218	P01	16 July 2012
North West Proposed Courtyard Elevation	219	P01	16 July 2012
Existing Section AA	301	P01	16 July 2012
Existing Section BB	302	P01	16 July 2012
Proposed Section AA	311	P02	28 January 2013
Proposed Section BB	312	P01	16 July 2012
Bay Study Proposed Super Lobby Elevation	411	P01	16 July 2012
Bay Study Proposed Commercial Elevation	412	P01	16 July 2012
Bay Study Proposed Residential Elevation	413	P01	16 July 2012
Bay Study Proposed Residential Side Elevation	414	P01	16 July 2012
Bay Study Proposed Residential Elevation Block E	415	P01	16 July 2012

3. The development hereby approved shall provide a minimum of 1,500 sqm of B1a office floorspace, a maximum of 200sqm in any single and 400sqm in total of A1, A2 or A3 retail unit, and a maximum of 450sqm of D1 or D2 use.
Reason: To ensure that the commercial floorspace is office lead and to ensure appropriate mix of uses on the site. In accordance with policies
4. The proposed windows within the south west elevation of blocks C, D and E at third, fourth, fifth and sixth storey levels, shall not be glazed otherwise than with obscured glass up to half of the height of the window and shall open inwards and thereafter permanently retained as such.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policy and QD27 of the Brighton & Hove Local Plan.
5. If, during development, contamination not previously identified is found to be present at the site then no further development (unless

otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a method statement to identify, risk assess and address the unidentified contaminants.

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

- 6 The commercial use hereby permitted shall not be open to customers except between the hours of 07:00 and 22:00 on Mondays to Saturdays and 10:00 and 16:00 on Sundays and Bank/Public Holidays.

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

- 7 No deliveries to or from the retail development hereby approved, shall occur except between the hours of 07.00 and 21.00 Monday to Saturday, and between 10.00 and 16.00 Sundays, Bank or Public Holidays. All deliveries to the larger retail units which front onto London Road shall be made from the loading by on London Road and not to the rear of the development.

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

- 8 Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest noise sensitive premises, shall not exceed a level 5dB below the existing LA₉₀ background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997. In addition, there should be no significant low frequency tones present. The methodology of the background noise survey shall be agreed with the local planning authority prior to commencement.

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.

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

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

PLANS LIST – 24 APRIL 2013

10. Unless otherwise agreed in writing by the Local Planning Authority, the new residential units hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.
Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.
11. No cables, wires, aerials, pipework, meter boxes or flues shall be fixed to any elevation facing a highway.
Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies QD1 and QD27 of the Brighton & Hove Local Plan.
12. The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles belonging to the occupants 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 & Hove Local Plan.

11.3 Pre-Commencement Conditions:

13. No development shall commence until details of a mitigation strategy to ensure nesting birds are not disturbed during the demolition and construction phases of the development hereby approved, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be carried out in strict accordance with the approved details.
Reason: To safeguard these protected species from the impact of the development and ensure appropriate integration of new nature conservation and enhancement features in accordance with policy QD17 and QD18 of the Brighton & Hove Local Plan.
14. Construction of the development shall not take place until sample elevations and sections at a 1:20 scale of the windows, balconies and ventilation panels have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details and be maintained as such thereafter.
Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1, QD2 and HE6 of the Brighton & Hove Local Plan.
15. Prior to construction samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
16. Unless otherwise agreed in writing by the Local Planning Authority, construction of the commercial element of the scheme shall not commence until:

- a) evidence that the development is registered with the Building Research Establishment (BRE) under BREEAM Office Shell and Core and a Design Stage Assessment Report showing that the office development will achieve a BREEAM rating of 60% in energy and 60% in water sections of relevant BREEAM assessment within overall 'Excellent' for the development have been submitted to the Local Planning Authority; and
- b) a BRE issued Design Stage Certificate demonstrating that the development has achieved a BREEAM rating of 60% in energy and 60% in water sections of relevant BREEAM assessment within overall 'Excellent' for the commercial development has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

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

17. Unless otherwise agreed in writing by the Local Planning Authority, construction of the residential development shall not commence until:
- (a) evidence that the development is registered with an accreditation body under the Code for Sustainable Homes and a Design Stage/Interim Report showing that the development will achieve Code level 4 for all residential units have been submitted to the Local Planning Authority; and
 - (b) a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code level 4 for all residential units has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

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

18. Construction of the biodiversity roofs and living roofs shall not be commenced until full details of the proposed roofs have been submitted to and approved in writing by the Local Planning Authority. The details shall include a cross section, construction method statement, irrigation and the proposed seed mix. The scheme shall then be carried out in accordance with the approved details.

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

19. Construction of the development shall not take place until full details of external lighting have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and thereby retained as such unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority.

- Reason:** To safeguard the amenities of the occupiers of adjoining properties and to comply with policies QD25 and QD27 of the Brighton & Hove Local Plan.
20. Construction of the development shall not take place until a written scheme for the soundproofing between the residential units and the non-residential uses has been submitted to and approved by the Local Authority so that the party walls, floors and ceilings exceed Approved Document E for airborne sound insulation and impact sound transmission.
- 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.
21. Construction of the development shall not take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, 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 interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.
22. 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 within the areas enclosed by such fences.
- Reason:** To protect the trees which are to be retained on the site in the interest of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.
23. Construction of the development shall not take place until a scheme detailing the provision of 10 additional disabled visitor parking spaces shall be submitted to and approved by the Local Planning Authority unless otherwise agreed in writing. The scheme shall be carried out prior to occupation of the development in strict accordance with the approved details and be retained as such thereafter.
- Reason:** To ensure that adequate parking provision is retained and to comply with policy TR19 of the Brighton & Hove Local Plan.
24. Construction of the development shall not commence until a scheme to enhance the nature conservation interest of the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in full prior to the occupation of the development hereby approved.
- Reason:** To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy QD17 of the Brighton & Hove Local Plan.
25. Construction of the development shall not commence until a scheme for the provision of foul and surface water drainage works has been submitted to and approved in writing by the Local Planning Authority.

The drainage works shall be completed in strict accordance with the approved details and timetable agreed.

Reason: To prevent the increased risk of flooding and to prevent the pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with policy SU3 of the Brighton & Hove City Plan.

26. Construction of the development shall not commence until full details of the equipment and layout of the proposed child's play area which is to be located within the centrally landscaped courtyard. The equipment shall be made available prior to first occupation of the residential development.

Reason: To ensure the appropriate provision of child play space in accordance with policy HO6 of the Brighton & Hove Local Plan.

27. Construction of the development shall not commence until details of the spring loaded or similar mechanism for the Josta cycle parking facilities and proposed signage with instructs for use (to be erected in the cycle parking store) to provide a total of xxx spaces, have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

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

28. Construction of the development shall not commence until full details of the proposed screen as detailed on drawing no. 215 P02 to the sixth floor southwest elevation have been submitted to and approved in writing by the Local Planning Authority. The screen shall be installed prior to first occupation of the residential development and retained as such thereafter.

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

29. Construction of the development shall not take place until full details of proposed rooftop allotments as shown on drawing no. 126 P01 have been submitted to and approved in writing by the Local Planning Authority. The raised planting boxes shall be installed in accordance with the approved details and thereby retained as such unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority.

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

30. Construction of the development shall not commence until a written scheme for the ventilation of the residential units has been submitted to and approved by the Local Authority so that all the residential units meet the internal 'good' noise level standards of BS8233:1999 and World Health Organisation for living rooms and bedrooms and internal

individual noise events do not exceed 45dB L_{Amax} as per BS8233:1999.

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.

31. Construction of the development shall not commence until a written scheme for the soundproofing of the residential units has been submitted to and approved by the Local Authority so that all the residential units meet the internal 'good' noise level standards of BS8233:1999 and World Health Organisation for living rooms and bedrooms and internal individual noise events do not exceed 45dB L_{Amax} as per BS8233:1999.

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.

11.4 Pre-Occupation Conditions:

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

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

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

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

34. Prior to the occupation of the development details of the car parking management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan should include details of allocation of spaces, visitors parking, access control, and enforcement of parking rights. The approved scheme shall then be implemented in accordance with the approved details.

Reason: In order to discourage the use of private motor vehicle In order to discourage the use of private motor vehicle and to comply with policies TR1 and TR2 of the Brighton & Hove Local Plan.

11.5 Informatives:

1. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including

Supplementary Planning Guidance and Supplementary Planning Documents:

(Please see section 7 of the report for the full list); and

- (ii) for the following reasons:-
- The development provides for the key elements of employment and residential uses. There is 30% which is below the policy target and an additional 231 residential units in total. The proposed mix of uses is considered acceptable subject to conditions relating to the proposed floorspace. The site lies within the tall buildings corridor identified in the Tall Buildings SPG where the principle of taller buildings is accepted, in this case the building would be considered very tall. The proposed development does have the potential to impact on the adjoining area and within some views but in general these impacts are considered acceptable. The site has been vacant and undeveloped for almost 25 years and the development is considered to provide a scheme of high quality design and mix of uses which is acceptable for its location.

Given the shortfall in provision of affordable housing and the priority to see early delivery of a development on this site, a shorter than normal consent period and early payment of contributions is considered appropriate in order to achieve commencement and implementation of this scheme.

2. A formal application for connection to the water supply is required in order to service this development. The applicant is advised to contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (tel 01962 858688), or www.southernwater.co.uk.
3. The applicant is advised that the details of external lighting required by the condition above should comply with the recommendations of the Institution of Lighting Engineers (ILE) 'Guidance Notes for the Reduction of Light Pollution (1995)' 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) should be submitted with the details. Please contact the council's Pollution Team for further details. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP (telephone 01273 294490 email: ehlpollution@brighton-hove.gov.uk website: www.brighton-hove.gov.uk).
4. The applicant is advised that a formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (tel 01962 858688), or www.southernwater.co.uk.

PLANS LIST – 24 APRIL 2013

5. The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting birds must not occur and the applicant must comply with all relevant legislation. Nesting season is from March – September inclusive, any nest found on the site should be protected until such time as they have fledged and left the nest.

6. In accordance with the National Planning Policy Framework the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

APPENDIX 1

List of Objectors

41 Argyle Road	17D Claremont Terrace
5 Ashley Close	24 Claremont Terrace
55 Balfour Road	38 Clermont Terrace
178 Balfour Road	4 Clermont Terrace
4 Bavant Road	6 Compton Avenue
5 Beaconsfield Villas	5 Cornwall Gardens
34 Beaconsfield Villas	12 Dagmar Street, Shaldon
42 Beaconsfield Villas	Flat 11, 49 Denmark Villas
77 Beaconsfield Villas	14 Draxmont Way
108 Beaconsfield Villas	21 Dyke Road
113 Beaconsfield Villas	Flat 2 176 Dyke Road
29 Beechwood Close	8 Dyke Road Drive
GFF, 17 Bigwood Avenue	11 Dyke Road Drive
28 Brangwyn Drive	14 Dyke Road Drive
22 Brigden Street	16 Dyke Road Drive
57 Centurion Road	19 Dyke Road Drive
5 Chanctonbury Road	20 Dyke Road Drive
1 Milland Cottage, Church Lane	21 Dyke Road Drive
1 The Village Barn, Church Road	22 Dyke Road Drive
7 Cissbury Road	23 Dyke Road Drive
10 Claremont Road	24 Dyke Road Drive
13 Clermont Terrace	27 Dyke Road Drive

PLANS LIST – 24 APRIL 2013

28 Dyke Road Drive	63 Florence Road
29 Dyke Road Drive	1 Gloucester Mews
30 Dyke Road Drive	1 Grosvenor Court Varndean Road
31a Dyke Road Drive	16 Guildford Street
35 Dyke Road Drive	33 Hamilton Road
Basement Flat 36 Dyke Road Drive	34 Hamilton Road
40 Dyke Road Drive	36 Hamilton Road
Flat 2 40 Dyke Road Drive	42 Hamilton Road
Flat 3 40 Dyke Road Drive	43 Hamilton Road
41 Dyke Road Drive	5 Hampstead Road
42 Dyke Road Drive	109 Havelock Road
42a Dyke Road Drive	19 Herbert Road
43 Dyke Road Drive	27 Highdown Road
44a Dyke Road Drive	47 Highdown Road
45b Dyke Road Drive	90 Highdown Road
54 Edburton Avenue	3 Home Road
13 Florence Road	92 Hollingdean terrace
17 Florence Road	21 Islingword Street
20 Florence Road	36 Kensington Place
21 Florence Road	2 Knoyle Road
28 Florence Road	10 Lauriston Road
37 Florence Road	29 Lauriston Road

PLANS LIST – 24 APRIL 2013

30 Lauriston Road	25 Preston Mansions
16 Loder Road	26 Preston Mansions
Flat 22 Withdean Court London Road	27 Preston Mansions
1 Lovers Walk	2A Preston Park Avenue
4 Lovers Walk Cottages	3 Preston Park Avenue
12 Marine Square	Flat 2, 5 Preston Park Avenue
21 Monterey Court Varndean Drive	9 Preston Park Avenue
38 North Gardens	Flat 7, 23 Preston Park Avenue
43 North Road	113 Preston Road
47 Old Shoreham Road	125-135 Preston Road
38 Osborne Road	210 Preston Road
72 Osbourne Road	43 Princes Road
7 Parkmore Terrace	55 Princes Road
10 Parkmore Terrace	18 Robert Street
11 Parkmore Terrace	11 Robertson Road
17 Parkmore Terrace	24 Robertson Road
4a Park View Terrace	56A Robertson Road
11 Preston Mansions	2 Rugby Road
12 Preston Mansions	42 Rugby Road
18 Preston Mansions	52 Rugby Road
19 Preston Mansions	59 Rugby Road
20 Preston Mansions	98 Rugby Road

PLANS LIST – 24 APRIL 2013

5 Southdown Avenue	26 Whittingehame Gardens
6 Southdown Avenue	12 Windmill View
8 Southdown Avenue	19 Withdean Crescent
25 Southdown Avenue	6 Wolstonbury Road
84 Southdown Avenue	2 Woodside Avenue
37 South Street, Crewkerne	14 York Villas
43 Springfield Road	14B York Villas
Garden Flat, 162a Springfield Road	
48 Stafford Road	
11 Stanford Court, Stanford Avenue	
65 Stanford Avenue	
10 Sunnydale Close	
33 Surrenden Park	
42 Surrenden Park	
29 Surrenden Road	
53 Surrenden Road	
Flat 5 13 Sussex Square	
44 Wellend Villas	
64 Wellend Villas	
84 Wellend Villas	
122 Wellend Villas	
Flat 3, 21 Wilbury Avenue	

